



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1852

Introduced 2/5/2025, by Sen. Willie Preston

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-7-2

from Ch. 38, par. 1003-7-2

Amends the Unified Code of Corrections. Provides that all institutions and facilities of the Department of Corrections shall permit every committed person to receive the original, physical copy of any mail addressed to the committed person that the committed person is entitled and allowed to receive. Provides that any exceptions to the requirements of this provision must be based on evidence that complying with the requirements of this provision present a clear and present danger to the health and safety of the correctional employees or committed persons in the correctional institution or facility. Provides that the evidence must include evidence of contraband being sent through the mail, data on the number of mail items containing contraband, test results of mail tested due to suspicion of mail containing drugs, data on where inside a correctional institution or facility contraband has been found, and the method of entry of contraband into the correctional institution or facility. Provides that the data and evidence must be made publicly available monthly on the Department's website but no later than 60 days after the use of the exception to the requirements. Provides that no committed person shall be denied, or have communications limited, with an outside support person, whether by phone, mail, video, or in person visitation, as a result of a change in the committed person's grade level or housing status or as a disciplinary sanction. Provides that committed persons may contact outside supports via phone, mail, or electronic message free of charge. Defines "original, physical copy".

LRB104 06496 RLC 20839 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-7-2 as follows:

6 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

7 Sec. 3-7-2. Facilities.

8 (a) All institutions and facilities of the Department
9 shall provide every committed person with access to toilet
10 facilities, barber facilities, bathing facilities at least
11 once each week, a library of legal materials and published
12 materials including newspapers and magazines approved by the
13 Director. A committed person may not receive any materials
14 that the Director deems pornographic.

15 (b) (Blank).

16 (c) All institutions and facilities of the Department
17 shall provide facilities for every committed person to leave
18 his cell for at least one hour each day unless the chief
19 administrative officer determines that it would be harmful or
20 dangerous to the security or safety of the institution or
21 facility.

22 (d) All institutions and facilities of the Department
23 shall provide every committed person with a wholesome and

1 nutritional diet at regularly scheduled hours, drinking water,
2 clothing adequate for the season, including underwear,
3 bedding, soap, ~~and~~ towels, and medical and dental care.
4 Underwear provided to each committed person in all
5 institutions and facilities of the Department shall be free of
6 charge and shall be provided at any time upon request,
7 including multiple requests, of the committed person or as
8 needed by the committed person.

9 (e) All institutions and facilities of the Department
10 shall permit every committed person to send and receive an
11 unlimited number of uncensored letters, provided, however,
12 that the Director may order that mail be inspected and read for
13 reasons of the security, safety, or morale of the institution
14 or facility.

15 (e-1) (1) All institutions and facilities of the Department
16 shall permit every committed person to receive the original,
17 physical copy of any mail addressed to the committed person
18 that the committed person is entitled and allowed to receive.

19 (2) Any exceptions to the requirements of this subsection
20 must be based on evidence that complying with the requirements
21 of this subsection present a clear and present danger to the
22 health and safety of the correctional employees or committed
23 persons in the correctional institution or facility. The
24 evidence must include evidence of contraband being sent
25 through the mail, data on the number of mail items containing
26 contraband, test results of mail tested due to suspicion of

1 mail containing drugs, data on where inside a correctional
2 institution or facility contraband has been found, and the
3 method of entry of contraband into the correctional
4 institution or facility. The data and evidence must be made
5 publicly available monthly on the Department's website but no
6 later than 60 days after the use of the exception to the
7 requirements of this subsection.

8 (3) No committed person shall be denied, or have
9 communications limited, with an outside support person,
10 whether by phone, mail, video, or in person visitation, as a
11 result of a change in the committed person's grade level or
12 housing status or as a disciplinary sanction.

13 (4) In this subsection (e-1), "original, physical copy"
14 means a letter, card, or other document delivered to the
15 correctional institution or facility by the United States
16 Postal Service or other delivery service. "Original, physical
17 copy" does not include mail that is scanned, photocopied, or
18 otherwise duplicated by the correctional institution or
19 facility or any entity contracted by the correctional
20 institution or facility to provide such a service.

21 (e-2) Committed persons may contact outside supports via
22 phone, mail, or electronic message free of charge.

23 (f) All of the institutions and facilities of the
24 Department shall permit every committed person to receive
25 in-person visitors and video contact, if available, except in
26 case of abuse of the visiting privilege or when the chief

1 administrative officer determines that such visiting would be
2 harmful or dangerous to the security, safety or morale of the
3 institution or facility. Each committed person is entitled to
4 7 visits per month. Every committed person may submit a list of
5 at least 30 persons to the Department that are authorized to
6 visit the committed person. The list shall be kept in an
7 electronic format by the Department beginning on August 1,
8 2019, as well as available in paper form for Department
9 employees. The chief administrative officer shall have the
10 right to restrict visitation to non-contact visits, video, or
11 other forms of non-contact visits for reasons of safety,
12 security, and order, including, but not limited to,
13 restricting contact visits for committed persons engaged in
14 gang activity. No committed person in a super maximum security
15 facility or on disciplinary segregation is allowed contact
16 visits. Any committed person found in possession of illegal
17 drugs or who fails a drug test shall not be permitted contact
18 visits for a period of at least 6 months. Any committed person
19 involved in gang activities or found guilty of assault
20 committed against a Department employee shall not be permitted
21 contact visits for a period of at least 6 months. The
22 Department shall offer every visitor appropriate written
23 information concerning HIV and AIDS, including information
24 concerning how to contact the Illinois Department of Public
25 Health for counseling information. The Department shall
26 develop the written materials in consultation with the

1 Department of Public Health. The Department shall ensure that
2 all such information and materials are culturally sensitive
3 and reflect cultural diversity as appropriate. Implementation
4 of the changes made to this Section by Public Act 94-629 is
5 subject to appropriation. The Department shall seek the lowest
6 possible cost to provide video calling and shall charge to the
7 extent of recovering any demonstrated costs of providing video
8 calling. The Department shall not make a commission or profit
9 from video calling services. Nothing in this Section shall be
10 construed to permit video calling instead of in-person
11 visitation.

12 (f-5) (Blank).

13 (f-10) The Department may not restrict or limit in-person
14 visits to committed persons due to the availability of
15 interactive video conferences.

16 (f-15)(1) The Department shall issue a standard written
17 policy for each institution and facility of the Department
18 that provides for:

19 (A) the number of in-person visits each committed
20 person is entitled to per week and per month including the
21 requirements of subsection (f) of this Section;

22 (B) the hours of in-person visits;

23 (C) the type of identification required for visitors
24 at least 18 years of age; and

25 (D) the type of identification, if any, required for
26 visitors under 18 years of age.

1 (2) This policy shall be posted on the Department website
2 and at each facility.

3 (3) The Department shall post on its website daily any
4 restrictions or denials of visitation for that day and the
5 succeeding 5 calendar days, including those based on a
6 lockdown of the facility, to inform family members and other
7 visitors.

8 (g) All institutions and facilities of the Department
9 shall permit religious ministrations and sacraments to be
10 available to every committed person, but attendance at
11 religious services shall not be required. This subsection (g)
12 is subject to the provisions of the Faith Behind Bars Act.

13 (h) Within 90 days after December 31, 1996, the Department
14 shall prohibit the use of curtains, cell-coverings, or any
15 other matter or object that obstructs or otherwise impairs the
16 line of vision into a committed person's cell.

17 (i) A point of contact person appointed under subsection
18 (u-6) of Section 3-2-2 of this Code shall promptly and
19 efficiently review suggestions, complaints, and other requests
20 made by visitors to institutions and facilities of the
21 Department and by other members of the public. Based on the
22 nature of the submission, the point of contact person shall
23 communicate with the appropriate division of the Department,
24 disseminate the concern or complaint, and act as liaison
25 between the parties to reach a resolution.

26 (1) The point of contact person shall maintain

1 information about the subject matter of each
2 correspondence, including, but not limited to, information
3 about the following subjects:

4 (A) the parties making the submission;

5 (B) any commissary-related concerns;

6 (C) any concerns about the institution or
7 facility's COVID-19 ~~COVID~~ protocols and mitigations;

8 (D) any concerns about mail, video, or electronic
9 messages or other communications with incarcerated
10 persons;

11 (E) any concerns about the institution or
12 facility;

13 (F) any discipline-related concerns;

14 (G) any concerns about earned sentencing credits;

15 (H) any concerns about educational opportunities
16 for incarcerated persons;

17 (I) any concerns about health-related matters;

18 (J) any mental health concerns;

19 (K) any concerns about personal property;

20 (L) any concerns about the records of the
21 incarcerated person;

22 (M) any concerns about recreational opportunities
23 for incarcerated persons;

24 (N) any staffing-related concerns;

25 (O) any concerns about the transfer of individuals
26 in custody;

1 (P) any concerns about visitation; and
2 (Q) any concerns about work opportunities for
3 incarcerated persons.

4 The information shall be maintained in accordance with
5 standards set by the Department of Corrections, and shall
6 be made available to the Department's Planning and
7 Research Division. The point of contact person shall
8 provide a summary of the results of the review, including
9 any resolution or recommendations made as a result of
10 correspondence with the Planning and Research Division of
11 the Department.

12 (2) The Department shall provide an annual written
13 report to the General Assembly and the Governor, with the
14 first report due no later than January 1, 2023, and
15 publish the report on its website within 48 hours after
16 the report is transmitted to the Governor and the General
17 Assembly. The report shall include a summary of activities
18 undertaken and completed as a result of submissions to the
19 point of contact person. The Department of Corrections
20 shall collect and report the following aggregated and
21 disaggregated data for each institution and facility and
22 describe:

23 (A) the work of the point of contact person;

24 (B) the general nature of suggestions, complaints,
25 and other requests submitted to the point of contact
26 person;

1 (C) the volume of emails, calls, letters, and
2 other correspondence received by the point of contact
3 person;

4 (D) the resolutions reached or recommendations
5 made as a result of the point of contact person's
6 review;

7 (E) whether, if an investigation is recommended, a
8 report of the complaint was forwarded to the Chief
9 Inspector of the Department or other Department
10 employee, and the resolution of the complaint, and if
11 the investigation has not concluded, a detailed status
12 report on the complaint; and

13 (F) any recommendations that the point of contact
14 person has relating to systemic issues in the
15 Department of Corrections, and any other matters for
16 consideration by the General Assembly and the
17 Governor.

18 The name, address, or other personally identifiable
19 information of a person who files a complaint, suggestion,
20 or other request with the point of contact person, and
21 confidential records shall be redacted from the annual
22 report and are not subject to disclosure under the Freedom
23 of Information Act. The Department shall disclose the
24 records only if required by a court order on a showing of
25 good cause.

26 (3) The Department must post in a conspicuous place in

1 the waiting area of every facility or institution a sign
2 that contains in bold, black type the following:

3 (A) a short statement notifying visitors of the
4 point of contact person and that person's duty to
5 receive suggestions, complaints, or other requests;
6 and

7 (B) information on how to submit suggestions,
8 complaints, or other requests to the point of contact
9 person.

10 (j) Menstrual hygiene products shall be available, as
11 needed, free of charge, at all institutions and facilities of
12 the Department for all committed persons who menstruate. In
13 this subsection (j), "menstrual hygiene products" means
14 tampons and sanitary napkins for use in connection with the
15 menstrual cycle.

16 (Source: P.A. 102-1082, eff. 6-10-22; 102-1111, eff. 6-1-23;
17 103-154, eff. 6-30-23; 103-331, eff. 1-1-24; revised 7-22-24.)