

SB3023



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3023

Introduced 1/28/2026, by Sen. Mike Simmons

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 not deny the distribution of original physical mail to committed persons after such incoming mail has undergone inspection and it has been determined that the mail does not pose a threat to the security or safety of the institution or facility, personnel of the Department, or committed persons. Defines "threat to the security or safety of the institution or facility".

LRB104 17673 RLC 31104 b

A BILL FOR

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, towels, and medical and dental care. Underwear
4 provided to each committed person in all institutions and
5 facilities of the Department shall be free of charge and shall
6 be provided at any time upon request, including multiple
7 requests, of the committed person or as needed by the
8 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. All institutions and facilities of the Department
15 shall not deny the distribution of original physical mail to
16 committed persons after such incoming mail has undergone
17 inspection and it has been determined that the mail does not
18 pose a threat to the security or safety of the institution or
19 facility, personnel of the Department, or committed persons.
20 As used in this Section "threat to the security or safety of
21 the institution or facility" means any of the following:

22 (1) the letter contains threats of physical harm
23 against any person or threats of criminal activity;

24 (2) the letter contains threats of blackmail or
25 extortion;

26 (3) the letter contains information regarding sending

1 contraband into or out of the institution or facility,
2 plans to escape, or plans to engage in criminal activity;

3 (4) the letter is in code and its contents cannot be
4 understood by correctional staff;

5 (5) the letter violates any departmental rules or
6 contains plans to engage in activities in violation of
7 departmental or institutional rules;

8 (6) the letter contains unauthorized correspondence
9 with another person who is incarcerated; or

10 (7) the letter or contents of the letter constitute a
11 violation of State or federal law.

12 (f) All of the institutions and facilities of the
13 Department shall permit every committed person to receive
14 in-person visitors and video contact, if available, except in
15 case of abuse of the visiting privilege or when the chief
16 administrative officer determines that such visiting would be
17 harmful or dangerous to the security, safety or morale of the
18 institution or facility. Each committed person is entitled to
19 7 visits per month. Every committed person may submit a list of
20 at least 30 persons to the Department that are authorized to
21 visit the committed person. The list shall be kept in an
22 electronic format by the Department beginning on August 1,
23 2019, as well as available in paper form for Department
24 employees. The chief administrative officer shall have the
25 right to restrict visitation to non-contact visits, video, or
26 other forms of non-contact visits for reasons of safety,

1 security, and order, including, but not limited to,
2 restricting contact visits for committed persons engaged in
3 gang activity. No committed person in a super maximum security
4 facility or on disciplinary segregation is allowed contact
5 visits. Any committed person found in possession of illegal
6 drugs or who fails a drug test shall not be permitted contact
7 visits for a period of at least 6 months. Any committed person
8 involved in gang activities or found guilty of assault
9 committed against a Department employee shall not be permitted
10 contact visits for a period of at least 6 months. The
11 Department shall offer every visitor appropriate written
12 information concerning HIV and AIDS, including information
13 concerning how to contact the Illinois Department of Public
14 Health for counseling information. The Department shall
15 develop the written materials in consultation with the
16 Department of Public Health. The Department shall ensure that
17 all such information and materials are culturally sensitive
18 and reflect cultural diversity as appropriate. Implementation
19 of the changes made to this Section by Public Act 94-629 is
20 subject to appropriation. The Department shall seek the lowest
21 possible cost to provide video calling and shall charge to the
22 extent of recovering any demonstrated costs of providing video
23 calling. The Department shall not make a commission or profit
24 from video calling services. Nothing in this Section shall be
25 construed to permit video calling instead of in-person
26 visitation.

1 (f-5) (Blank).

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

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

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

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

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

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

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

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

23 (g) All institutions and facilities of the Department
24 shall permit religious ministrations and sacraments to be
25 available to every committed person, but attendance at
26 religious services shall not be required. This subsection (g)

1 is subject to the provisions of the Faith Behind Bars Act.

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

6 (i) A point of contact person appointed under subsection
7 (u-6) of Section 3-2-2 of this Code shall promptly and
8 efficiently review suggestions, complaints, and other requests
9 made by visitors to institutions and facilities of the
10 Department and by other members of the public. Based on the
11 nature of the submission, the point of contact person shall
12 communicate with the appropriate division of the Department,
13 disseminate the concern or complaint, and act as liaison
14 between the parties to reach a resolution.

15 (1) The point of contact person shall maintain
16 information about the subject matter of each
17 correspondence, including, but not limited to, information
18 about the following subjects:

19 (A) the parties making the submission;

20 (B) any commissary-related concerns;

21 (C) any concerns about the institution or
22 facility's COVID-19 protocols and mitigations;

23 (D) any concerns about mail, video, or electronic
24 messages or other communications with incarcerated
25 persons;

26 (E) any concerns about the institution or

- 1 facility;
- 2 (F) any discipline-related concerns;
- 3 (G) any concerns about earned sentencing credits;
- 4 (H) any concerns about educational opportunities
5 for incarcerated persons;
- 6 (I) any concerns about health-related matters;
- 7 (J) any mental health concerns;
- 8 (K) any concerns about personal property;
- 9 (L) any concerns about the records of the
10 incarcerated person;
- 11 (M) any concerns about recreational opportunities
12 for incarcerated persons;
- 13 (N) any staffing-related concerns;
- 14 (O) any concerns about the transfer of individuals
15 in custody;
- 16 (P) any concerns about visitation; and
- 17 (Q) any concerns about work opportunities for
18 incarcerated persons.

19 The information shall be maintained in accordance with
20 standards set by the Department of Corrections, and shall
21 be made available to the Department's Planning and
22 Research Division. The point of contact person shall
23 provide a summary of the results of the review, including
24 any resolution or recommendations made as a result of
25 correspondence with the Planning and Research Division of
26 the Department.

1 (2) The Department shall provide an annual written
2 report to the General Assembly and the Governor, with the
3 first report due no later than January 1, 2023, and
4 publish the report on its website within 48 hours after
5 the report is transmitted to the Governor and the General
6 Assembly. The report shall include a summary of activities
7 undertaken and completed as a result of submissions to the
8 point of contact person. The Department of Corrections
9 shall collect and report the following aggregated and
10 disaggregated data for each institution and facility and
11 describe:

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

13 (B) the general nature of suggestions, complaints,
14 and other requests submitted to the point of contact
15 person;

16 (C) the volume of emails, calls, letters, and
17 other correspondence received by the point of contact
18 person;

19 (D) the resolutions reached or recommendations
20 made as a result of the point of contact person's
21 review;

22 (E) whether, if an investigation is recommended, a
23 report of the complaint was forwarded to the Chief
24 Inspector of the Department or other Department
25 employee, and the resolution of the complaint, and if
26 the investigation has not concluded, a detailed status

1 report on the complaint; and

2 (F) any recommendations that the point of contact
3 person has relating to systemic issues in the
4 Department of Corrections, and any other matters for
5 consideration by the General Assembly and the
6 Governor.

7 The name, address, or other personally identifiable
8 information of a person who files a complaint, suggestion,
9 or other request with the point of contact person, and
10 confidential records shall be redacted from the annual
11 report and are not subject to disclosure under the Freedom
12 of Information Act. The Department shall disclose the
13 records only if required by a court order on a showing of
14 good cause.

15 (3) The Department must post in a conspicuous place in
16 the waiting area of every facility or institution a sign
17 that contains in bold, black type the following:

18 (A) a short statement notifying visitors of the
19 point of contact person and that person's duty to
20 receive suggestions, complaints, or other requests;
21 and

22 (B) information on how to submit suggestions,
23 complaints, or other requests to the point of contact
24 person.

25 (j) Menstrual hygiene products shall be available, as
26 needed, free of charge, at all institutions and facilities of

1 the Department for all committed persons who menstruate. In
2 this subsection (j), "menstrual hygiene products" means
3 tampons and sanitary napkins for use in connection with the
4 menstrual cycle.

5 (Source: P.A. 103-154, eff. 6-30-23; 103-331, eff. 1-1-24;
6 104-417, eff. 8-15-25.)