



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2925

by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

See Index

Amends the Unified Code of Corrections. Provides that the Department of Corrections Ombudsman Bureau is established as a separate bureau within the Department of Corrections. Provides that the Governor shall appoint a Director of the Bureau within 30 days of the effective date of the amendatory Act. Provides that the Ombudsman may receive, investigate, and attempt to resolve complaints that the Department: (1) violated a specific law, rule, or Department written policy; or (2) endangered the health or safety or any person. Provides that if the Ombudsman discovers evidence that the Ombudsman reasonably believes constitutes the commission of a crime, the Ombudsman immediately shall, if the Ombudsman considers it appropriate, inform the Director of the Department, who shall conduct an investigation. Provides that an Ombudsman shall be given: (1) appropriate access to the records of an offender who files a complaint; and immediate access to any correctional facility administered or supervised by the Department. Amends the Criminal Code of 2012. Creates the offense of obstruction of the Ombudsman. This offense is a Class A misdemeanor. Makes other changes.

LRB101 07519 SLF 52564 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Criminal Code of 2012 is amended by adding
5 Section 31-10 as follows:

6 (720 ILCS 5/31-10 new)

7 Sec. 31-10. Obstruction of the Ombudsman.

8 (a) A person commits obstruction of the Ombudsman when he
9 or she:

10 (1) intentionally interferes with or prevents the
11 completion of the work of the Department of Corrections
12 Independent Ombudsman described in Article Ch. III Art. 2.1
13 of the Unified Code of Corrections;

14 (2) knowingly offers compensation to the Department of
15 Corrections Independent Ombudsman in an effort to affect
16 the outcome of an investigation or a potential
17 investigation;

18 (3) knowingly or intentionally retaliates against an
19 offender or another person who provides information to the
20 Department of Corrections Independent Ombudsman; or

21 (4) makes threats because of an investigation or
22 potential investigation against:

23 (A) the Department of Corrections Independent

1 Ombudsman;
2 (B) a person who has filed a complaint; or
3 (C) a person who provides information to the
4 Department of Corrections Independent Ombudsman.
5 (b) Sentence. Obstruction of the Ombudsman is a Class A
6 misdemeanor.

7 Section 10. The Unified Code of Corrections is amended by
8 adding Article 2.1 to Chapter III as follows:

9 (730 ILCS 5/Art. Ch. III Art. 2.1 heading new)

10 ARTICLE 2.1. DEPARTMENT OF CORRECTIONS INDEPENDENT OMBUDSMAN

11 (730 ILCS 5/3-2.1-1 new)

12 Sec. 3-2.1-1. Short title. This Article may be cited as the
13 Department of Corrections Independent Ombudsman Law.

14 (730 ILCS 5/3-2.1-5 new)

15 Sec. 3-2.1-5. Definitions.

16 In this Article:

17 "Bureau" means the Department of Corrections Ombudsman
18 Bureau established in this Article including persons
19 approved to act in the capacity of Ombudsman by the Bureau.

20 "Department" means the Department of Corrections.

21 "Ombudsman" means an employee of the Bureau who
22 investigates and resolves complaints that the Department

1 endangered the health and safety of any person or that the
2 Department violated specific laws, rules, or written
3 policies.

4 (730 ILCS 5/3-2.1-10 new)

5 Sec. 3-2.1-10. Department of Corrections Ombudsman Bureau.
6 The Department of Corrections Ombudsman Bureau is established
7 as a separate bureau within the Department.

8 (730 ILCS 5/3-2.1-15 new)

9 Sec. 3-2.1-15. Director of the Bureau; employees.

10 (a) The Governor shall appoint a Director of the Bureau
11 within 30 days of the effective date of this amendatory Act of
12 the 101st General Assembly. The Governor shall appoint a
13 successor Director within 30 days after a vacancy occurs in the
14 position of the director. The Director shall serve at the
15 pleasure of the Governor.

16 (b) The Director may employ technical experts and other
17 employees to carry out the purposes of this Article. The
18 Director may not hire a person to serve as an Ombudsman who has
19 been employed by the Department during the proceeding year.

20 (c) The Department shall provide and maintain office space
21 for the Bureau.

22 (730 ILCS 5/3-2.1-20 new)

23 Sec. 3-2.1-20. Powers of Ombudsman.

1 (a) The Ombudsman may receive, investigate, and attempt to
2 resolve complaints that the Department:

3 (1) violated a specific law, rule, or Department
4 written policy; or

5 (2) endangered the health or safety of any person.

6 However, the Ombudsman shall not investigate a complaint
7 from an employee of the Department that relates to the
8 employee's employment relationship with the Department.

9 (b) At the conclusion of an investigation of a complaint,
10 the Ombudsman shall report his or her findings to the
11 complainant.

12 (c) If the Ombudsman does not investigate a complaint, the
13 Ombudsman shall notify the complainant of the decision not to
14 investigate and the reasons for the decision.

15 (d) The Ombudsman shall create a monthly report that
16 includes a summary of the findings of all substantiated
17 complaints.

18 (e) The Ombudsman may conduct investigations of alleged
19 violations of Department policy, State or federal laws, and
20 Department rules at any Department facility.

21 (f) The Ombudsman may recommend changes to the Director of
22 the Department concerning Department policies or practices
23 based upon information learned or observations made by the
24 Ombudsman during the course of an investigation.

25 (g) If the Ombudsman discovers evidence that the Ombudsman
26 reasonably believes constitutes the commission of a crime, the

1 Ombudsman immediately shall, if the Ombudsman considers it
2 appropriate, inform the Director of the Department, who shall
3 conduct an investigation. If, after conducting the
4 investigation, the Director has reasonable suspicion to
5 believe that a crime has been committed, the Director shall:

6 (1) if the crime involves any person who is not an
7 offender, immediately report the crime to an appropriate
8 law enforcement agency; and

9 (2) if no person other than the offender is involved in
10 the crime, immediately report the crime to an appropriate
11 law enforcement agency if the Director believes that the
12 prison disciplinary process is not appropriate.

13 (730 ILCS 5/3-2.1-25 new)

14 Sec. 3-2.1-25. Access to records and facilities.

15 (a) An Ombudsman shall be given:

16 (1) appropriate access to the records of an offender
17 who files a complaint under this Article; and

18 (2) immediate access to any correctional facility
19 administered or supervised by the Department.

20 (b) A State or local government agency or entity that has
21 records that are relevant to a complaint or an investigation
22 conducted by the Ombudsman shall provide the Ombudsman with
23 access to the records.

24 (c) A person is immune from:

25 (1) civil or criminal liability; and

1 (2) actions taken under a professional disciplinary
2 procedure dealing with an employee of the Department.

3 (730 ILCS 5/3-2.1-30 new)

4 Sec. 3-2.1-30. Duties of Ombudsman.

5 (a) The Ombudsman shall:

6 (1) establish procedures to receive and investigate
7 complaints;

8 (2) establish access controls for all information
9 maintained by the Bureau; and

10 (3) except as is necessary to investigate and resolve a
11 complaint, ensure that the identity of a complainant will
12 not be disclosed without:

13 (A) the complainant's written consent; or

14 (B) a court order.

15 (b) The correspondence and communication between the
16 Ombudsman and any person is a privileged communication.

17 (730 ILCS 5/3-2.1-35 new)

18 Sec. 3-2.1-35. Rulemaking, liability.

19 (a) The Bureau may adopt rules to carry out its duties
20 under this Article.

21 (b) The Ombudsman is not civilly liable for the good faith
22 performance of official duties.

23 (730 ILCS 5/3-2.1-40 new)

1 Sec. 3-2.1-40. Reporting. The Director of the Bureau shall
2 prepare a report each year on the operations of the Bureau. A
3 copy of the report shall be provided to: the Governor, the
4 General Assembly, and the Director of the Department.

1 INDEX

2 Statutes amended in order of appearance

3 720 ILCS 5/31-10 new

4 730 ILCS 5/Art. Ch. III

5 Art. 2.1 heading new

6 730 ILCS 5/3-2.1-1 new

7 730 ILCS 5/3-2.1-5 new

8 730 ILCS 5/3-2.1-10 new

9 730 ILCS 5/3-2.1-15 new

10 730 ILCS 5/3-2.1-20 new

11 730 ILCS 5/3-2.1-25 new

12 730 ILCS 5/3-2.1-30 new

13 730 ILCS 5/3-2.1-35 new

14 730 ILCS 5/3-2.1-40 new