

HB3370



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3370

by Rep. Nicholas K. Smith

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-7-2

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

Amends the Unified Code of Corrections. Provides that voice print databases are prohibited in an institution or facility of the Department of Corrections. Provides that any voice print database maintained or used by an institution or facility of the Department that was created before the effective date of the amendatory Act shall be erased and any information contained in the database is inadmissible as evidence in any civil or criminal proceeding or in any administrative proceeding before the Department or Prisoner Review Board. Defines "voice print".

LRB101 09981 RLC 55083 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 shall
9 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 that
14 the Director deems pornographic.

15 (b) (Blank).

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

21 (d) All institutions and facilities of the Department shall
22 provide every committed person with a wholesome and nutritional
23 diet at regularly scheduled hours, drinking water, clothing

1 adequate for the season, bedding, soap and towels and medical
2 and dental care.

3 (e) All institutions and facilities of the Department shall
4 permit every committed person to send and receive an unlimited
5 number of uncensored letters, provided, however, that the
6 Director may order that mail be inspected and read for reasons
7 of the security, safety or morale of the institution or
8 facility.

9 (f) All of the institutions and facilities of the
10 Department shall permit every committed person to receive
11 in-person visitors and video contact, if available, except in
12 case of abuse of the visiting privilege or when the chief
13 administrative officer determines that such visiting would be
14 harmful or dangerous to the security, safety or morale of the
15 institution or facility. Each committed person is entitled to 7
16 visits per month. Every committed person may submit a list of
17 at least 30 persons to the Department that are authorized to
18 visit the committed person. The list shall be kept in an
19 electronic format by the Department beginning on August 1,
20 2019, as well as available in paper form for Department
21 employees. The chief administrative officer shall have the
22 right to restrict visitation to non-contact visits, video, or
23 other forms of non-contact visits for reasons of safety,
24 security, and order, including, but not limited to, restricting
25 contact visits for committed persons engaged in gang activity.
26 No committed person in a super maximum security facility or on

1 disciplinary segregation is allowed contact visits. Any
2 committed person found in possession of illegal drugs or who
3 fails a drug test shall not be permitted contact visits for a
4 period of at least 6 months. Any committed person involved in
5 gang activities or found guilty of assault committed against a
6 Department employee shall not be permitted contact visits for a
7 period of at least 6 months. The Department shall offer every
8 visitor appropriate written information concerning HIV and
9 AIDS, including information concerning how to contact the
10 Illinois Department of Public Health for counseling
11 information. The Department shall develop the written
12 materials in consultation with the Department of Public Health.
13 The Department shall ensure that all such information and
14 materials are culturally sensitive and reflect cultural
15 diversity as appropriate. Implementation of the changes made to
16 this Section by Public Act 94-629 is subject to appropriation.
17 The Department shall seek the lowest possible cost to provide
18 video calling and shall charge to the extent of recovering any
19 demonstrated costs of providing video calling. The Department
20 shall not make a commission or profit from video calling
21 services. Nothing in this Section shall be construed to permit
22 video calling instead of in-person visitation.

23 (f-5) (Blank).

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

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

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

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

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

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

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

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

18 (g) All institutions and facilities of the Department shall
19 permit religious ministrations and sacraments to be available
20 to every committed person, but attendance at religious services
21 shall not be required.

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

26 (i) Voice print databases are prohibited in an institution

1 or facility of the Department. Any voice print database
2 maintained or used by an institution or facility of the
3 Department that was created before the effective date of this
4 amendatory Act of the 101st General Assembly shall be erased
5 and any information contained in the database is inadmissible
6 as evidence in any civil or criminal proceeding or in any
7 administrative proceeding before the Department or Prisoner
8 Review Board. In this subsection (i), "voice print" means
9 computer data recording the unique characteristics of a
10 person's voice.

11 (Source: P.A. 99-933, eff. 1-27-17; 100-30, eff. 1-1-18;
12 100-142, eff. 1-1-18; 100-677, eff. 1-1-19; 100-863, eff.
13 8-14-18.)