



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4731

Introduced 2/18/2020, by Rep. Lamont J. Robinson, Jr.

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-7-2

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

730 ILCS 125/26.1 new

Amends the Unified Code of Corrections and the County Jail Act. Provides that neither the Director of Corrections nor the county sheriff may prohibit a prisoner from receiving any books, audiovisual materials, periodicals, or other instructional materials involving the history, empowerment, or self-help of any race, ethnicity, or religious group and each prisoner shall have access to those items. Effective immediately.

LRB101 16557 RLC 65941 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 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. The Director may not prohibit
15 a committed person from receiving any books, audiovisual
16 materials, periodicals, or other instructional materials
17 involving the history, empowerment, or self-help of any race,
18 ethnicity, or religious group and each committed person shall
19 have access to those items.

20 (b) (Blank).

21 (c) All institutions and facilities of the Department shall
22 provide facilities for every committed person to leave his cell
23 for at least one hour each day unless the chief administrative

1 officer determines that it would be harmful or dangerous to the
2 security or safety of the institution or facility.

3 (d) All institutions and facilities of the Department shall
4 provide every committed person with a wholesome and nutritional
5 diet at regularly scheduled hours, drinking water, clothing
6 adequate for the season, bedding, soap and towels and medical
7 and dental care.

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

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

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

1 video calling instead of in-person visitation.

2 (f-5) (Blank).

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

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

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

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

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

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

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

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

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

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

5 (Source: P.A. 99-933, eff. 1-27-17; 100-30, eff. 1-1-18;
6 100-142, eff. 1-1-18; 100-677, eff. 1-1-19; 100-863, eff.
7 8-14-18.)

8 Section 10. The County Jail Act is amended by adding
9 Section 26.1 as follows:

10 (730 ILCS 125/26.1 new)

11 Sec. 26.1. Instructional and empowerment materials. The
12 sheriff may not prohibit a prisoner confined in a county jail
13 from receiving any books, audiovisual materials, periodicals,
14 or other instructional materials involving the history,
15 empowerment, or self-help of any race, ethnicity, or religious
16 group and each prisoner shall have access to those items.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.