



Sen. Napoleon Harris, III

Filed: 5/14/2021

10200HB3895sam001

LRB102 14874 KMF 26492 a

1 AMENDMENT TO HOUSE BILL 3895

2 AMENDMENT NO. _____. Amend House Bill 3895 on page 1, by
3 inserting immediately below line 1 the following:

4 "WHEREAS, It shall be the policy of the Department of
5 Corrections and the Department of Juvenile Justice to work
6 together with labor partners to remove barriers to and stigma
7 around seeking mental health care and to ensure a continuum of
8 care available to employees without reprisal for seeking such
9 treatment; therefore"; and

10 by replacing everything after the enacting clause with the
11 following:

12 "Section 5. The Unified Code of Corrections is amended by
13 changing Sections 3-1-2, 3-2-7, and 3-2.5-15 as follows:

1 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

2 Sec. 3-1-2. Definitions.

3 (a) "Chief Administrative Officer" means the person
4 designated by the Director to exercise the powers and duties
5 of the Department of Corrections in regard to committed
6 persons within a correctional institution or facility, and
7 includes the superintendent of any juvenile institution or
8 facility.

9 (a-3) "Aftercare release" means the conditional and
10 revocable release of a person committed to the Department of
11 Juvenile Justice under the Juvenile Court Act of 1987, under
12 the supervision of the Department of Juvenile Justice.

13 (a-5) "Sex offense" for the purposes of paragraph (16) of
14 subsection (a) of Section 3-3-7, paragraph (10) of subsection
15 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
16 Section 5-6-3.1 only means:

17 (i) A violation of any of the following Sections of
18 the Criminal Code of 1961 or the Criminal Code of 2012:
19 10-7 (aiding or abetting child abduction under Section
20 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent
21 solicitation of a child), 11-6.5 (indecent solicitation of
22 an adult), 11-14.4 (promoting juvenile prostitution),
23 11-15.1 (soliciting for a juvenile prostitute), 11-17.1
24 (keeping a place of juvenile prostitution), 11-18.1
25 (patronizing a juvenile prostitute), 11-19.1 (juvenile
26 pimping), 11-19.2 (exploitation of a child), 11-20.1

1 (child pornography), 11-20.1B or 11-20.3 (aggravated child
2 pornography), 11-1.40 or 12-14.1 (predatory criminal
3 sexual assault of a child), or 12-33 (ritualized abuse of
4 a child). An attempt to commit any of these offenses.

5 (ii) A violation of any of the following Sections of
6 the Criminal Code of 1961 or the Criminal Code of 2012:
7 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or
8 12-14 (aggravated criminal sexual assault), 11-1.60 or
9 12-16 (aggravated criminal sexual abuse), and subsection
10 (a) of Section 11-1.50 or subsection (a) of Section 12-15
11 (criminal sexual abuse). An attempt to commit any of these
12 offenses.

13 (iii) A violation of any of the following Sections of
14 the Criminal Code of 1961 or the Criminal Code of 2012 when
15 the defendant is not a parent of the victim:

16 10-1 (kidnapping),

17 10-2 (aggravated kidnapping),

18 10-3 (unlawful restraint),

19 10-3.1 (aggravated unlawful restraint).

20 An attempt to commit any of these offenses.

21 (iv) A violation of any former law of this State
22 substantially equivalent to any offense listed in this
23 subsection (a-5).

24 An offense violating federal law or the law of another
25 state that is substantially equivalent to any offense listed
26 in this subsection (a-5) shall constitute a sex offense for

1 the purpose of this subsection (a-5). A finding or
2 adjudication as a sexually dangerous person under any federal
3 law or law of another state that is substantially equivalent
4 to the Sexually Dangerous Persons Act shall constitute an
5 adjudication for a sex offense for the purposes of this
6 subsection (a-5).

7 (b) "Commitment" means a judicially determined placement
8 in the custody of the Department of Corrections on the basis of
9 delinquency or conviction.

10 (c) "Committed person" is a person committed to the
11 Department, however a committed person shall not be considered
12 to be an employee of the Department of Corrections for any
13 purpose, including eligibility for a pension, benefits, or any
14 other compensation or rights or privileges which may be
15 provided to employees of the Department.

16 (c-5) "Computer scrub software" means any third-party
17 added software, designed to delete information from the
18 computer unit, the hard drive, or other software, which would
19 eliminate and prevent discovery of browser activity,
20 including, but not limited to, Internet history, address bar
21 or bars, cache or caches, and/or cookies, and which would
22 over-write files in a way so as to make previous computer
23 activity, including, but not limited to, website access, more
24 difficult to discover.

25 (c-10) "Content-controlled tablet" means any device that
26 can only access visitation applications or content relating to

1 educational or personal development.

2 (d) "Correctional institution or facility" means any
3 building or part of a building where committed persons are
4 kept in a secured manner.

5 (d-5) "Correctional officer" means: an employee of the
6 Department of Corrections who has custody and control over
7 committed persons in an adult correctional facility; or, for
8 an employee of the Department of Juvenile Justice, direct care
9 staff of persons committed to a juvenile facility.

10 (e) "Department" means both the Department of Corrections
11 and the Department of Juvenile Justice of this State, unless
12 the context is specific to either the Department of
13 Corrections or the Department of Juvenile Justice.

14 (f) "Director" means both the Director of Corrections and
15 the Director of Juvenile Justice, unless the context is
16 specific to either the Director of Corrections or the Director
17 of Juvenile Justice.

18 (f-5) (Blank).

19 (g) "Discharge" means the final termination of a
20 commitment to the Department of Corrections.

21 (h) "Discipline" means the rules and regulations for the
22 maintenance of order and the protection of persons and
23 property within the institutions and facilities of the
24 Department and their enforcement.

25 (i) "Escape" means the intentional and unauthorized
26 absence of a committed person from the custody of the

1 Department.

2 (j) "Furlough" means an authorized leave of absence from
3 the Department of Corrections for a designated purpose and
4 period of time.

5 (k) "Parole" means the conditional and revocable release
6 of a person committed to the Department of Corrections under
7 the supervision of a parole officer.

8 (l) "Prisoner Review Board" means the Board established in
9 Section 3-3-1(a), independent of the Department, to review
10 rules and regulations with respect to good time credits, to
11 hear charges brought by the Department against certain
12 prisoners alleged to have violated Department rules with
13 respect to good time credits, to set release dates for certain
14 prisoners sentenced under the law in effect prior to February
15 1, 1978 (the effective date of Public Act 80-1099) ~~this~~
16 ~~Amendatory Act of 1977~~, to hear and decide the time of
17 aftercare release for persons committed to the Department of
18 Juvenile Justice under the Juvenile Court Act of 1987 to hear
19 requests and make recommendations to the Governor with respect
20 to pardon, reprieve or commutation, to set conditions for
21 parole, aftercare release, and mandatory supervised release
22 and determine whether violations of those conditions justify
23 revocation of parole or release, and to assume all other
24 functions previously exercised by the Illinois Parole and
25 Pardon Board.

26 (m) Whenever medical treatment, service, counseling, or

1 care is referred to in this Unified Code of Corrections, such
2 term may be construed by the Department or Court, within its
3 discretion, to include treatment, service, or counseling by a
4 Christian Science practitioner or nursing care appropriate
5 therewith whenever request therefor is made by a person
6 subject to the provisions of this Code Act.

7 (n) "Victim" shall have the meaning ascribed to it in
8 subsection (a) of Section 3 of the ~~Bill of Rights of Crime for~~
9 Victims and Witnesses ~~of Violent Crime~~ Act.

10 (o) "Wrongfully imprisoned person" means a person who has
11 been discharged from a prison of this State and has received:

12 (1) a pardon from the Governor stating that such
13 pardon is issued on the ground of innocence of the crime
14 for which he or she was imprisoned; or

15 (2) a certificate of innocence from the Circuit Court
16 as provided in Section 2-702 of the Code of Civil
17 Procedure.

18 (Source: P.A. 100-198, eff. 1-1-18; revised 9-21-20.)

19 (730 ILCS 5/3-2-7) (from Ch. 38, par. 1003-2-7)

20 Sec. 3-2-7. Staff Training and Development.

21 (a) The Department shall train its own personnel and any
22 personnel from local agencies by agreements under Section
23 3-15-2.

24 (b) To develop and train its personnel, the Department may
25 make grants in aid for academic study and training in fields

1 related to corrections. The Department shall establish rules
2 for the conditions and amounts of such grants. The Department
3 may employ any person during his program of studies and may
4 require the person to work for it on completion of his program
5 according to the agreement entered into between the person
6 receiving the grant and the Department.

7 (c) The Department shall implement a wellness program to
8 provide employees and staff with support to address both
9 professional and personal challenges as they relate to the
10 correctional environment. The Department shall establish
11 response teams to provide comprehensive support to employees
12 and staff affected by events that are both duty-related and
13 not duty-related and provide training to response team
14 members. The wellness program shall be accessible to any
15 Department employee, whether full-time or part-time,
16 contractual or temporary staff and approved volunteers. The
17 wellness program may include, but not limited to, providing
18 information, education, referrals, peer support, debriefing,
19 and newsletters. Employee and staff access to wellness
20 response team support shall be voluntary and remain
21 confidential.

22 (Source: P.A. 77-2097.)

23 (730 ILCS 5/3-2.5-15)

24 Sec. 3-2.5-15. Department of Juvenile Justice; assumption
25 of duties of the Juvenile Division.

1 (a) The Department of Juvenile Justice shall assume the
2 rights, powers, duties, and responsibilities of the Juvenile
3 Division of the Department of Corrections. Personnel, books,
4 records, property, and unencumbered appropriations pertaining
5 to the Juvenile Division of the Department of Corrections
6 shall be transferred to the Department of Juvenile Justice on
7 the effective date of this amendatory Act of the 94th General
8 Assembly. Any rights of employees or the State under the
9 Personnel Code or any other contract or plan shall be
10 unaffected by this transfer.

11 (b) Department of Juvenile Justice personnel who are hired
12 by the Department on or after the effective date of this
13 amendatory Act of the 94th General Assembly and who
14 participate or assist in the rehabilitative and vocational
15 training of delinquent youths, supervise the daily activities
16 involving direct and continuing responsibility for the youth's
17 security, welfare and development, or participate in the
18 personal rehabilitation of delinquent youth by training,
19 supervising, and assisting lower level personnel who perform
20 these duties must be over the age of 21 and have any bachelor's
21 or advanced degree from an accredited college or university.
22 This requirement shall not apply to security, clerical, food
23 service, and maintenance staff that do not have direct and
24 regular contact with youth. The degree requirements specified
25 in this subsection (b) are not required of persons who provide
26 vocational training and who have adequate knowledge in the

1 skill for which they are providing the vocational training.

2 (c) Subsection (b) of this Section does not apply to
3 personnel transferred to the Department of Juvenile Justice on
4 the effective date of this amendatory Act of the 94th General
5 Assembly.

6 (d) The Department shall be under the direction of the
7 Director of Juvenile Justice as provided in this Code.

8 (e) The Director shall organize divisions within the
9 Department and shall assign functions, powers, duties, and
10 personnel as required by law. The Director may create other
11 divisions and may assign other functions, powers, duties, and
12 personnel as may be necessary or desirable to carry out the
13 functions and responsibilities vested by law in the
14 Department. The Director may, with the approval of the Office
15 of the Governor, assign to and share functions, powers,
16 duties, and personnel with other State agencies such that
17 administrative services and administrative facilities are
18 provided by a shared administrative service center. Where
19 possible, shared services which impact youth should be done
20 with child-serving agencies. These administrative services may
21 include, but are not limited to, all of the following
22 functions: budgeting, accounting related functions, auditing,
23 human resources, legal, procurement, training, data collection
24 and analysis, information technology, internal investigations,
25 intelligence, legislative services, emergency response
26 capability, statewide transportation services, and general

1 office support.

2 (f) The Department of Juvenile Justice may enter into
3 intergovernmental cooperation agreements under which minors
4 adjudicated delinquent and committed to the Department of
5 Juvenile Justice may participate in county juvenile impact
6 incarceration programs established under Section 3-6039 of the
7 Counties Code.

8 (g) The Department of Juvenile Justice must comply with
9 the ethnic and racial background data collection procedures
10 provided in Section 4.5 of the Criminal Identification Act.

11 (h) The Department of Juvenile Justice shall implement a
12 wellness program to support health and wellbeing among staff
13 and service providers within the Department of Juvenile
14 Justice environment. The Department of Juvenile Justice shall
15 establish response teams to provide support to employees and
16 staff affected by events that are both duty-related and not
17 duty-related and provide training to response team members.
18 The Department's wellness program shall be accessible to any
19 Department employee or service provider, including contractual
20 employees and approved volunteers. The wellness program may
21 include information sharing, education and activities designed
22 to support health and well-being within the Department's
23 environment. Access to wellness response team support shall be
24 voluntary and remain confidential.

25 (Source: P.A. 100-19, eff. 1-1-18.)".