

HB4218



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4218

Introduced 1/5/2022, by Rep. Barbara Hernandez - Edgar Gonzalez, Jr. - Kelly M. Cassidy - Katie Stuart - Camille Y. Lilly, et al.

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-7-2

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

Amends the Unified Code of Corrections. Provides that menstrual hygiene products shall be available, as needed, free of charge, at all institutions and facilities of the Department of Corrections for all committed persons and employees of the Department who menstruate.

LRB102 21387 RLC 30502 b

FISCAL NOTE ACT
MAY APPLY

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, bedding, soap and towels and
3 medical and dental care.

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

10 (f) All of the institutions and facilities of the
11 Department shall permit every committed person to receive
12 in-person visitors and video contact, if available, except in
13 case of abuse of the visiting privilege or when the chief
14 administrative officer determines that such visiting would be
15 harmful or dangerous to the security, safety or morale of the
16 institution or facility. Each committed person is entitled to
17 7 visits per month. Every committed person may submit a list of
18 at least 30 persons to the Department that are authorized to
19 visit the committed person. The list shall be kept in an
20 electronic format by the Department beginning on August 1,
21 2019, as well as available in paper form for Department
22 employees. The chief administrative officer shall have the
23 right to restrict visitation to non-contact visits, video, or
24 other forms of non-contact visits for reasons of safety,
25 security, and order, including, but not limited to,
26 restricting contact visits for committed persons engaged in

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

25 (f-5) (Blank).

26 (f-10) The Department may not restrict or limit in-person

1 visits to committed persons due to the availability of
2 interactive video conferences.

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

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

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

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

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

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

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

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

25 (h) Within 90 days after December 31, 1996, the Department
26 shall prohibit the use of curtains, cell-coverings, or any

1 other matter or object that obstructs or otherwise impairs the
2 line of vision into a committed person's cell.

3 (i) Menstrual hygiene products shall be available, as
4 needed, free of charge, at all institutions and facilities of
5 the Department for all committed persons and employees of the
6 Department who menstruate. In this subsection (i), "menstrual
7 hygiene products" means tampons and sanitary napkins for use
8 in connection with the menstrual cycle.

9 (Source: P.A. 99-933, eff. 1-27-17; 100-30, eff. 1-1-18;
10 100-142, eff. 1-1-18; 100-677, eff. 1-1-19; 100-863, eff.
11 8-14-18.)