



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4559

Introduced 1/21/2022, by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-5-1

from Ch. 38, par. 1003-5-1

Amends the Unified Code of Corrections. Provides that any person committed to the Department of Corrections may request a copy of the person's own master record file up to 4 times a year. Provides that the Department of Corrections shall provide the committed person with a copy of his or her master record file within 5 days after receipt of the committed person's request for a copy of his or her master record file.

LRB102 20314 RLC 29169 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 3-5-1 as follows:

6 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)
7 Sec. 3-5-1. Master Record File.

8 (a) The Department of Corrections and the Department of
9 Juvenile Justice shall maintain a master record file on each
10 person committed to it, which shall contain the following
11 information:

12 (1) all information from the committing court;

13 (1.5) ethnic and racial background data collected in
14 accordance with Section 4.5 of the Criminal Identification
15 Act;

16 (2) reception summary;

17 (3) evaluation and assignment reports and
18 recommendations;

19 (4) reports as to program assignment and progress;

20 (5) reports of disciplinary infractions and
21 disposition, including tickets and Administrative Review
22 Board action;

23 (6) any parole or aftercare release plan;

- 1 (7) any parole or aftercare release reports;
- 2 (8) the date and circumstances of final discharge;
- 3 (9) criminal history;
- 4 (10) current and past gang affiliations and ranks;
- 5 (11) information regarding associations and family
- 6 relationships;
- 7 (12) any grievances filed and responses to those
- 8 grievances; and
- 9 (13) other information that the respective Department
- 10 determines is relevant to the secure confinement and
- 11 rehabilitation of the committed person.

12 (b) All files shall be confidential and access shall be

13 limited to authorized personnel of the respective Department

14 and to persons committed to the Department of Corrections upon

15 request as provided in this subsection. Any person committed

16 to the Department of Corrections may request a copy of the

17 person's own master record file up to 4 times a year. The

18 Department of Corrections shall provide the committed person

19 with a copy of his or her master record file within 5 days

20 after receipt of the committed person's request for a copy of

21 his or her master record file. Personnel of other

22 correctional, welfare or law enforcement agencies may have

23 access to files under rules and regulations of the respective

24 Department. The respective Department shall keep a record of

25 all outside personnel who have access to files, the files

26 reviewed, any file material copied, and the purpose of access.

1 If the respective Department or the Prisoner Review Board
2 makes a determination under this Code which affects the length
3 of the period of confinement or commitment, the committed
4 person and his counsel shall be advised of factual information
5 relied upon by the respective Department or Board to make the
6 determination, provided that the Department or Board shall not
7 be required to advise a person committed to the Department of
8 Juvenile Justice any such information which in the opinion of
9 the Department of Juvenile Justice or Board would be
10 detrimental to his treatment or rehabilitation.

11 (c) The master file shall be maintained at a place
12 convenient to its use by personnel of the respective
13 Department in charge of the person. When custody of a person is
14 transferred from the Department to another department or
15 agency, a summary of the file shall be forwarded to the
16 receiving agency with such other information required by law
17 or requested by the agency under rules and regulations of the
18 respective Department.

19 (d) The master file of a person no longer in the custody of
20 the respective Department shall be placed on inactive status
21 and its use shall be restricted subject to rules and
22 regulations of the Department.

23 (e) All public agencies may make available to the
24 respective Department on request any factual data not
25 otherwise privileged as a matter of law in their possession in
26 respect to individuals committed to the respective Department.

1 (Source: P.A. 97-696, eff. 6-22-12; 98-528, eff. 1-1-15;
2 98-558, eff. 1-1-14; 98-756, eff. 7-16-14.)