

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 1. Short title. This Act may be cited as the Faith
5 Behind Bars Act.

6 Section 5. Findings and declaration of policy.

7 (a) The General Assembly hereby finds, determines, and
8 declares the following that:

9 (1) Chaplains play a key role in helping persons
10 committed to correctional institutions and facilities
11 transform their understanding of responsibility, choices,
12 and possibilities and that behavior only changes when
13 hearts change.

14 (2) Without a spiritual-based transformation there is
15 little hope for sincere, lasting change in any of us.
16 Without a faith-based after-care living situation an
17 ex-offender has little chance of succeeding on the street.

18 (3) That the chaplain's personal contact is crucial. A
19 chaplain ministers through relationship. Being accepting,
20 nonjudgmental, and working toward self-esteem issues is
21 important.

22 (4) According to a Pew Research Center 2012 Study,
23 Religion in Prisons, 50 state survey of Prison Chaplains,

1 about 71% of chaplains identify as Protestants, 13% as
2 Catholics, 7% as Muslims, and the remainder identify with
3 other religions, including Judaism and Native American
4 spirituality. A plurality of the chaplains 44% consider
5 their faith to be part of the evangelical Protestant
6 tradition while 15% come from a mainline Protestant
7 tradition and 7% are from a historically black Protestant
8 tradition.

9 (5) A Pew Forum survey ranked the top 3 activities of
10 chaplains that are most important, personally leading
11 worship services, religious instruction sessions, or
12 spiritual counseling sessions. About 75% of the chaplains
13 surveyed consider this to be among their most important
14 functions, including 57% who ranked it as their number one
15 priority.

16 (6) The Pew Forum survey found that most prison
17 chaplains say there are too few religious volunteers to
18 meet the needs of all inmates. About 69% of prison
19 chaplains surveyed say there are some religious groups for
20 which there are too few volunteers in the prisons where
21 they work.

22 (7) A 2020 Audit of federal prisons found that the
23 Federal Bureau of Prisons chaplaincy services departments
24 are not staffed according to the Federal Bureau of Prisons
25 guidelines at many institutions. The Federal Bureau of
26 Prisons current policy states that, at a minimum, each

1 chaplaincy services department should be staffed with at
2 least one chaplain and one religious services assistant.
3 This standard translates to a minimum need for 122
4 chaplains and 122 religious services assistants throughout
5 the Federal Bureau of Prisons. However, as of March 2020,
6 nearly half of the Federal Bureau of Prisons institutions
7 had no religious services assistant, 3 institutions had no
8 chaplain at all, 21 institutions employed a single
9 chaplain, and 2 institutions had only recently filled
10 their only chaplain position after long vacancies. In
11 addition to the minimum staffing level, Federal Bureau of
12 Prisons guidelines also suggest that institutions
13 supplement the minimum requirement with additional
14 chaplains based on inmate population (one chaplain per 500
15 inmates) and specific characteristics of the institution,
16 such as being a major medical center, having 2 or more
17 satellite facilities, or the inclusion of a special unit,
18 each of which should have one additional chaplain.
19 Therefore, the Federal Bureau of Prisons' chaplaincy
20 services staffing and supplemental guidelines suggest that
21 a fully staffed chaplaincy would include 357 chaplains and
22 122 religious services assistants. As of March 2020, the
23 Federal Bureau of Prisons' chaplaincy staff included only
24 236 chaplains and 64 religious services assistants, which
25 is approximately 30% below what the Federal Bureau of
26 Prisons' guidelines consider to be a fully staffed

1 chaplaincy for the inmate population. The 2020 audit of
2 federal prisons reports that some Federal Bureau of
3 Prisons institutions were without any chaplaincy staff.
4 During the audit, there was a peak of at least 3
5 institutions that were without a chaplain. The audit found
6 that critical tasks may not be accomplished, including
7 purchasing and reviewing library materials and conducting
8 certain faith-based programming.

9 (b) It is the intent of the General Assembly to rectify in
10 this State the deficiencies that occur in prison ministries of
11 other states and the federal prison system by enacting the
12 Faith Behind Bars Act.

13 Section 10. Definitions.

14 (a) In this Act:

15 "Chaplain" means a cleric, such as a minister, priest,
16 pastor, rabbi, or imam, or a lay representative of a religious
17 tradition, attached to a correctional institution or facility.

18 "Chaplaincy" means the general activity performed by a
19 chaplain, which may include crisis ministry, counseling,
20 sacraments, worship, education, help in ethical
21 decision-making, staff support, clergy contact, and community
22 or church coordination.

23 "Chaplaincy services" means services offered by a chaplain
24 or lay person.

25 "Committed person" has the meaning ascribed to it in

1 Section 1-2 of the Unified Code of Corrections.

2 "Correctional institution or facility" has the meaning
3 ascribed to it in Section 1-2 of the Unified Code of
4 Corrections.

5 "Undue burden" means significant difficulty, expense, or
6 detriment to the safety and security of the facility.

7 Section 15. Right to practice faith in a correctional
8 institution or facility.

9 (a) A committed person has a right to practice his or her
10 faith in a correctional institution or facility absent harm or
11 without undue burden to the State's correctional system.

12 (b) A committed person belonging to a faith group in a
13 correctional institution or facility shall have access to
14 pastoral and spiritual care absent harm or without undue
15 burden to the State's correctional system.

16 (c) Absent harm or undue burden, a correctional
17 institution or facility shall provide reading materials for
18 diverse faith groups, including, but not limited to,
19 spiritual, religious texts, prayer manuals, prayer mats, and
20 other requested material from committed persons.

21 (d) All correctional institutions and facilities in this
22 State shall provide committed persons the ability to pray by
23 facilitating time and clean location, first by allowing a
24 committed person to abstain from food when appropriate, and
25 respect for dietary restrictions absent harm or without undue

1 burden to the State's correctional system.

2 (e) All correctional institutions and facilities in this
3 State shall hold a training seminar administered by chaplains
4 of the leading faith groups representing the State's
5 correctional institutions and facilities population every 5
6 years for wardens and chief administrative officers of
7 correctional institutions and facilities to familiarize
8 themselves with the foundations of each faith group.

9 (f) All correctional institutions and facilities in this
10 State shall maintain a chaplain database of chaplains
11 representing the percentage of the correctional institutions
12 and facilities populations' various faith groups.

13 (g) All correctional institutions and facilities in this
14 State shall provide access to chaplains in the State's
15 correctional system as requested by a committed person
16 belonging to a specific faith group cross-referenced by the
17 correctional institutions and facilities chaplain database.

18 (h) All correctional institutions and facilities in this
19 State shall not bar chaplains from access to committed persons
20 absent evidence of potential harm or threat to the security of
21 the State's correctional system.

22 (i) All correctional institutions and facilities in this
23 State shall grant requests of religious observance gatherings,
24 including, but not limited to, mass, weekly congregations,
25 sermons, and pastoral meetings absent harm or undue burden to
26 the State's correctional system.

1 (j) In determining whether an action would result in an
2 undue burden under this Section, factors to be considered by
3 the warden or chief administrative officer of the correctional
4 institution or facility include:

5 (1) the nature and cost of the action needed under
6 this Section;

7 (2) the overall financial resources of the
8 correctional institution or facility involved in the
9 action;

10 (3) the number of persons employed at the correctional
11 institution or facility;

12 (4) the effect on expenses and resources of the
13 correctional institution or facility; and

14 (5) legitimate safety and security requirements that
15 are necessary for safe operation of the correctional
16 institution or facility, including crime prevention
17 measures.

18 Section 90. The Unified Code of Corrections is amended by
19 changing Section 3-7-2 as follows:

20 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

21 (Text of Section before amendment by P.A. 102-1111)

22 Sec. 3-7-2. Facilities.

23 (a) All institutions and facilities of the Department
24 shall provide every committed person with access to toilet

1 facilities, barber facilities, bathing facilities at least
2 once each week, a library of legal materials and published
3 materials including newspapers and magazines approved by the
4 Director. A committed person may not receive any materials
5 that the Director deems pornographic.

6 (b) (Blank).

7 (c) All institutions and facilities of the Department
8 shall provide facilities for every committed person to leave
9 his cell for at least one hour each day unless the chief
10 administrative officer determines that it would be harmful or
11 dangerous to the security or safety of the institution or
12 facility.

13 (d) All institutions and facilities of the Department
14 shall provide every committed person with a wholesome and
15 nutritional diet at regularly scheduled hours, drinking water,
16 clothing adequate for the season, bedding, soap and towels and
17 medical and dental care.

18 (e) All institutions and facilities of the Department
19 shall permit every committed person to send and receive an
20 unlimited number of uncensored letters, provided, however,
21 that the Director may order that mail be inspected and read for
22 reasons of the security, safety or morale of the institution
23 or facility.

24 (f) All of the institutions and facilities of the
25 Department shall permit every committed person to receive
26 in-person visitors and video contact, if available, except in

1 case of abuse of the visiting privilege or when the chief
2 administrative officer determines that such visiting would be
3 harmful or dangerous to the security, safety or morale of the
4 institution or facility. Each committed person is entitled to
5 7 visits per month. Every committed person may submit a list of
6 at least 30 persons to the Department that are authorized to
7 visit the committed person. The list shall be kept in an
8 electronic format by the Department beginning on August 1,
9 2019, as well as available in paper form for Department
10 employees. The chief administrative officer shall have the
11 right to restrict visitation to non-contact visits, video, or
12 other forms of non-contact visits for reasons of safety,
13 security, and order, including, but not limited to,
14 restricting contact visits for committed persons engaged in
15 gang activity. No committed person in a super maximum security
16 facility or on disciplinary segregation is allowed contact
17 visits. Any committed person found in possession of illegal
18 drugs or who fails a drug test shall not be permitted contact
19 visits for a period of at least 6 months. Any committed person
20 involved in gang activities or found guilty of assault
21 committed against a Department employee shall not be permitted
22 contact visits for a period of at least 6 months. The
23 Department shall offer every visitor appropriate written
24 information concerning HIV and AIDS, including information
25 concerning how to contact the Illinois Department of Public
26 Health for counseling information. The Department shall

1 develop the written materials in consultation with the
2 Department of Public Health. The Department shall ensure that
3 all such information and materials are culturally sensitive
4 and reflect cultural diversity as appropriate. Implementation
5 of the changes made to this Section by Public Act 94-629 is
6 subject to appropriation. The Department shall seek the lowest
7 possible cost to provide video calling and shall charge to the
8 extent of recovering any demonstrated costs of providing video
9 calling. The Department shall not make a commission or profit
10 from video calling services. Nothing in this Section shall be
11 construed to permit video calling instead of in-person
12 visitation.

13 (f-5) (Blank).

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

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

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

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

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

26 (D) the type of identification, if any, required for

1 visitors under 18 years of age.

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

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

9 (g) All institutions and facilities of the Department
10 shall permit religious ministrations and sacraments to be
11 available to every committed person, but attendance at
12 religious services shall not be required.

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

17 (i) A point of contact person appointed under subsection
18 (u-6) of Section 3-2-2 of this Code shall promptly and
19 efficiently review suggestions, complaints, and other requests
20 made by visitors to institutions and facilities of the
21 Department and by other members of the public. Based on the
22 nature of the submission, the point of contact person shall
23 communicate with the appropriate division of the Department,
24 disseminate the concern or complaint, and act as liaison
25 between the parties to reach a resolution.

26 (1) The point of contact person shall maintain

1 information about the subject matter of each
2 correspondence, including, but not limited to, information
3 about the following subjects:

4 (A) the parties making the submission;

5 (B) any commissary-related concerns;

6 (C) any concerns about the institution or
7 facility's COVID protocols and mitigations;

8 (D) any concerns about mail, video, or electronic
9 messages or other communications with incarcerated
10 persons;

11 (E) any concerns about the institution or
12 facility;

13 (F) any discipline-related concerns;

14 (G) any concerns about earned sentencing credits;

15 (H) any concerns about educational opportunities
16 for incarcerated persons;

17 (I) any concerns about health-related matters;

18 (J) any mental health concerns;

19 (K) any concerns about personal property;

20 (L) any concerns about the records of the
21 incarcerated person;

22 (M) any concerns about recreational opportunities
23 for incarcerated persons;

24 (N) any staffing-related concerns;

25 (O) any concerns about the transfer of individuals
26 in custody;

1 (P) any concerns about visitation; and

2 (Q) any concerns about work opportunities for
3 incarcerated persons.

4 The information shall be maintained in accordance with
5 standards set by the Department of Corrections, and shall
6 be made available to the Department's Planning and
7 Research Division. The point of contact person shall
8 provide a summary of the results of the review, including
9 any resolution or recommendations made as a result of
10 correspondence with the Planning and Research Division of
11 the Department.

12 (2) The Department shall provide an annual written
13 report to the General Assembly and the Governor, with the
14 first report due no later than January 1, 2023, and
15 publish the report on its website within 48 hours after
16 the report is transmitted to the Governor and the General
17 Assembly. The report shall include a summary of activities
18 undertaken and completed as a result of submissions to the
19 point of contact person. The Department of Corrections
20 shall collect and report the following aggregated and
21 disaggregated data for each institution and facility and
22 describe:

23 (A) the work of the point of contact person;

24 (B) the general nature of suggestions, complaints,
25 and other requests submitted to the point of contact
26 person;

1 (C) the volume of emails, calls, letters, and
2 other correspondence received by the point of contact
3 person;

4 (D) the resolutions reached or recommendations
5 made as a result of the point of contact person's
6 review;

7 (E) whether, if an investigation is recommended, a
8 report of the complaint was forwarded to the Chief
9 Inspector of the Department or other Department
10 employee, and the resolution of the complaint, and if
11 the investigation has not concluded, a detailed status
12 report on the complaint; and

13 (F) any recommendations that the point of contact
14 person has relating to systemic issues in the
15 Department of Corrections, and any other matters for
16 consideration by the General Assembly and the
17 Governor.

18 The name, address, or other personally identifiable
19 information of a person who files a complaint, suggestion,
20 or other request with the point of contact person, and
21 confidential records shall be redacted from the annual
22 report and are not subject to disclosure under the Freedom
23 of Information Act. The Department shall disclose the
24 records only if required by a court order on a showing of
25 good cause.

26 (3) The Department must post in a conspicuous place in

1 the waiting area of every facility or institution a sign
2 that contains in bold, black type the following:

3 (A) a short statement notifying visitors of the
4 point of contact person and that person's duty to
5 receive suggestions, complaints, or other requests;
6 and

7 (B) information on how to submit suggestions,
8 complaints, or other requests to the point of contact
9 person.

10 (Source: P.A. 102-1082, eff. 6-10-22.)

11 (Text of Section after amendment by P.A. 102-1111)

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23 his cell for at least one hour each day unless the chief
24 administrative officer determines that it would be harmful or
25 dangerous to the security or safety of the institution or

1 facility.

2 (d) All institutions and facilities of the Department
3 shall provide every committed person with a wholesome and
4 nutritional diet at regularly scheduled hours, drinking water,
5 clothing adequate for the season, including underwear,
6 bedding, soap and towels and medical and dental care.
7 Underwear provided to each committed person in all
8 institutions and facilities of the Department shall be free of
9 charge and shall be provided at any time upon request,
10 including multiple requests, of the committed person or as
11 needed by the committed person.

12 (e) All institutions and facilities of the Department
13 shall permit every committed person to send and receive an
14 unlimited number of uncensored letters, provided, however,
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18 (C) the type of identification required for visitors
19 at least 18 years of age; and

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

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

24 (3) The Department shall post on its website daily any
25 restrictions or denials of visitation for that day and the
26 succeeding 5 calendar days, including those based on a

1 lockdown of the facility, to inform family members and other
2 visitors.

3 (g) All institutions and facilities of the Department
4 shall permit religious ministrations and sacraments to be
5 available to every committed person, but attendance at
6 religious services shall not be required. This subsection (g)
7 is subject to the provisions of the Faith Behind Bars Act.

8 (h) Within 90 days after December 31, 1996, the Department
9 shall prohibit the use of curtains, cell-coverings, or any
10 other matter or object that obstructs or otherwise impairs the
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5 persons;

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7 facility;

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23 other correspondence received by the point of contact
24 person;

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26 made as a result of the point of contact person's

1 review;

2 (E) whether, if an investigation is recommended, a
3 report of the complaint was forwarded to the Chief
4 Inspector of the Department or other Department
5 employee, and the resolution of the complaint, and if
6 the investigation has not concluded, a detailed status
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8 (F) any recommendations that the point of contact
9 person has relating to systemic issues in the
10 Department of Corrections, and any other matters for
11 consideration by the General Assembly and the
12 Governor.

13 The name, address, or other personally identifiable
14 information of a person who files a complaint, suggestion,
15 or other request with the point of contact person, and
16 confidential records shall be redacted from the annual
17 report and are not subject to disclosure under the Freedom
18 of Information Act. The Department shall disclose the
19 records only if required by a court order on a showing of
20 good cause.

21 (3) The Department must post in a conspicuous place in
22 the waiting area of every facility or institution a sign
23 that contains in bold, black type the following:

24 (A) a short statement notifying visitors of the
25 point of contact person and that person's duty to
26 receive suggestions, complaints, or other requests;

1 and

2 (B) information on how to submit suggestions,
3 complaints, or other requests to the point of contact
4 person.

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

11 (Source: P.A. 102-1082, eff. 6-10-22; 102-1111, eff. 6-1-23;
12 revised 1-8-23.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.