



Rep. Theresa Mah

Filed: 3/21/2023

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LRB103 29934 RLC 59784 a

1 AMENDMENT TO HOUSE BILL 3055

2 AMENDMENT NO. _____. Amend House Bill 3055 by replacing
3 everything after the enacting clause with the following:

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

1 ex-offender has little chance of succeeding on the street.

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

6 (4) According to a Pew Research Center 2012 Study,
7 Religion in Prisons, 50 state survey of Prison Chaplains,
8 about 71% of chaplains identify as Protestants, 13% as
9 Catholics, 7% as Muslims, and the remainder identify with
10 other religions, including Judaism and Native American
11 spirituality. A plurality of the chaplains 44% consider
12 their faith to be part of the evangelical Protestant
13 tradition while 15% come from a mainline Protestant
14 tradition and 7% are from a historically black Protestant
15 tradition.

16 (5) A Pew Forum survey ranked the top 3 activities of
17 chaplains that are most important, personally leading
18 worship services, religious instruction sessions, or
19 spiritual counseling sessions. About 75% of the chaplains
20 surveyed consider this to be among their most important
21 functions, including 57% who ranked it as their number one
22 priority.

23 (6) The Pew Forum survey found that most prison
24 chaplains say there are too few religious volunteers to
25 meet the needs of all inmates. About 69% of prison
26 chaplains surveyed say there are some religious groups for

1 which there are too few volunteers in the prisons where
2 they work.

3 (7) A 2020 Audit of federal prisons found that the
4 Federal Bureau of Prisons chaplaincy services departments
5 are not staffed according to the Federal Bureau of Prisons
6 guidelines at many institutions. The Federal Bureau of
7 Prisons current policy states that, at a minimum, each
8 chaplaincy services department should be staffed with at
9 least one chaplain and one religious services assistant.
10 This standard translates to a minimum need for 122
11 chaplains and 122 religious services assistants throughout
12 the Federal Bureau of Prisons. However, as of March 2020,
13 nearly half of the Federal Bureau of Prisons institutions
14 had no religious services assistant, 3 institutions had no
15 chaplain at all, 21 institutions employed a single
16 chaplain, and 2 institutions had only recently filled
17 their only chaplain position after long vacancies. In
18 addition to the minimum staffing level, Federal Bureau of
19 Prisons guidelines also suggest that institutions
20 supplement the minimum requirement with additional
21 chaplains based on inmate population (one chaplain per 500
22 inmates) and specific characteristics of the institution,
23 such as being a major medical center, having 2 or more
24 satellite facilities, or the inclusion of a special unit,
25 each of which should have one additional chaplain.
26 Therefore, the Federal Bureau of Prisons' chaplaincy

1 services staffing and supplemental guidelines suggest that
2 a fully staffed chaplaincy would include 357 chaplains and
3 122 religious services assistants. As of March 2020, the
4 Federal Bureau of Prisons' chaplaincy staff included only
5 236 chaplains and 64 religious services assistants, which
6 is approximately 30% below what the Federal Bureau of
7 Prisons' guidelines consider to be a fully staffed
8 chaplaincy for the inmate population. The 2020 audit of
9 federal prisons reports that some Federal Bureau of
10 Prisons institutions were without any chaplaincy staff.
11 During the audit, there was a peak of at least 3
12 institutions that were without a chaplain. The audit found
13 that critical tasks may not be accomplished, including
14 purchasing and reviewing library materials and conducting
15 certain faith-based programming.

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

20 Section 10. Definitions.

21 (a) In this Act:

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

25 "Chaplaincy" means the general activity performed by a

1 chaplain, which may include crisis ministry, counseling,
2 sacraments, worship, education, help in ethical
3 decision-making, staff support, clergy contact, and community
4 or church coordination.

5 "Chaplaincy services" means services offered by a chaplain
6 or lay person.

7 "Committed person" has the meaning ascribed to it in
8 Section 1-2 of the Unified Code of Corrections.

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

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

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

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

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

23 (c) Absent harm or undue burden, a correctional
24 institution or facility shall provide reading materials for
25 diverse faith groups, including, but not limited to,

1 spiritual, religious texts, prayer manuals, prayer mats, and
2 other requested material from committed persons.

3 (d) All correctional institutions and facilities in this
4 State shall provide committed persons the ability to pray by
5 facilitating time and clean location, fast by allowing a
6 committed person to abstain from food when appropriate, and
7 respect for dietary restrictions absent harm or without undue
8 burden to the State's correctional system.

9 (e) All correctional institutions and facilities in this
10 State shall hold a training seminar administered by chaplains
11 of the leading faith groups representing the State's
12 correctional institutions and facilities population every 5
13 years for wardens and chief administrative officers of
14 correctional institutions and facilities to familiarize
15 themselves with the foundations of each faith group.

16 (f) All correctional institutions and facilities in this
17 State shall maintain a chaplain database of chaplains
18 representing the percentage of the correctional institutions
19 and facilities populations' various faith groups.

20 (g) All correctional institutions and facilities in this
21 State shall provide access to chaplains in the State's
22 correctional system as requested by a committed person
23 belonging to a specific faith group cross-referenced by the
24 correctional institutions and facilities chaplain database.

25 (h) All correctional institutions and facilities in this
26 State shall not bar chaplains from access to committed persons

1 absent evidence of potential harm or threat to the security of
2 the State's correctional system.

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

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

12 (1) the nature and cost of the action needed under
13 this Section;

14 (2) the overall financial resources of the
15 correctional institution or facility involved in the
16 action;

17 (3) the number of persons employed at the correctional
18 institution or facility;

19 (4) the effect on expenses and resources of the
20 correctional institution or facility; and

21 (5) legitimate safety and security requirements that
22 are necessary for safe operation of the correctional
23 institution or facility, including crime prevention
24 measures.

25 Section 90. The Unified Code of Corrections is amended by

1 changing Section 3-7-2 as follows:

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

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

4 Sec. 3-7-2. Facilities.

5 (a) All institutions and facilities of the Department
6 shall provide every committed person with access to toilet
7 facilities, barber facilities, bathing facilities at least
8 once each week, a library of legal materials and published
9 materials including newspapers and magazines approved by the
10 Director. A committed person may not receive any materials
11 that the Director deems pornographic.

12 (b) (Blank).

13 (c) All institutions and facilities of the Department
14 shall provide facilities for every committed person to leave
15 his cell for at least one hour each day unless the chief
16 administrative officer determines that it would be harmful or
17 dangerous to the security or safety of the institution or
18 facility.

19 (d) All institutions and facilities of the Department
20 shall provide every committed person with a wholesome and
21 nutritional diet at regularly scheduled hours, drinking water,
22 clothing adequate for the season, bedding, soap and towels and
23 medical and dental care.

24 (e) All institutions and facilities of the Department
25 shall permit every committed person to send and receive an

1 unlimited number of uncensored letters, provided, however,
2 that the Director may order that mail be inspected and read for
3 reasons of the security, safety or morale of the institution
4 or facility.

5 (f) All of the institutions and facilities of the
6 Department shall permit every committed person to receive
7 in-person visitors and video contact, if available, except in
8 case of abuse of the visiting privilege or when the chief
9 administrative officer determines that such visiting would be
10 harmful or dangerous to the security, safety or morale of the
11 institution or facility. Each committed person is entitled to
12 7 visits per month. Every committed person may submit a list of
13 at least 30 persons to the Department that are authorized to
14 visit the committed person. The list shall be kept in an
15 electronic format by the Department beginning on August 1,
16 2019, as well as available in paper form for Department
17 employees. The chief administrative officer shall have the
18 right to restrict visitation to non-contact visits, video, or
19 other forms of non-contact visits for reasons of safety,
20 security, and order, including, but not limited to,
21 restricting contact visits for committed persons engaged in
22 gang activity. No committed person in a super maximum security
23 facility or on disciplinary segregation is allowed contact
24 visits. Any committed person found in possession of illegal
25 drugs or who fails a drug test shall not be permitted contact
26 visits for a period of at least 6 months. Any committed person

1 involved in gang activities or found guilty of assault
2 committed against a Department employee shall not be permitted
3 contact visits for a period of at least 6 months. The
4 Department shall offer every visitor appropriate written
5 information concerning HIV and AIDS, including information
6 concerning how to contact the Illinois Department of Public
7 Health for counseling information. The Department shall
8 develop the written materials in consultation with the
9 Department of Public Health. The Department shall ensure that
10 all such information and materials are culturally sensitive
11 and reflect cultural diversity as appropriate. Implementation
12 of the changes made to this Section by Public Act 94-629 is
13 subject to appropriation. The Department shall seek the lowest
14 possible cost to provide video calling and shall charge to the
15 extent of recovering any demonstrated costs of providing video
16 calling. The Department shall not make a commission or profit
17 from video calling services. Nothing in this Section shall be
18 construed to permit video calling instead of in-person
19 visitation.

20 (f-5) (Blank).

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

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

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

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

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

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

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

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

16 (g) All institutions and facilities of the Department
17 shall permit religious ministrations and sacraments to be
18 available to every committed person, but attendance at
19 religious services shall not be required.

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

24 (i) A point of contact person appointed under subsection
25 (u-6) of Section 3-2-2 of this Code shall promptly and
26 efficiently review suggestions, complaints, and other requests

1 made by visitors to institutions and facilities of the
2 Department and by other members of the public. Based on the
3 nature of the submission, the point of contact person shall
4 communicate with the appropriate division of the Department,
5 disseminate the concern or complaint, and act as liaison
6 between the parties to reach a resolution.

7 (1) The point of contact person shall maintain
8 information about the subject matter of each
9 correspondence, including, but not limited to, information
10 about the following subjects:

11 (A) the parties making the submission;

12 (B) any commissary-related concerns;

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

15 (D) any concerns about mail, video, or electronic
16 messages or other communications with incarcerated
17 persons;

18 (E) any concerns about the institution or
19 facility;

20 (F) any discipline-related concerns;

21 (G) any concerns about earned sentencing credits;

22 (H) any concerns about educational opportunities
23 for incarcerated persons;

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

25 (J) any mental health concerns;

26 (K) any concerns about personal property;

1 (L) any concerns about the records of the
2 incarcerated person;

3 (M) any concerns about recreational opportunities
4 for incarcerated persons;

5 (N) any staffing-related concerns;

6 (O) any concerns about the transfer of individuals
7 in custody;

8 (P) any concerns about visitation; and

9 (Q) any concerns about work opportunities for
10 incarcerated persons.

11 The information shall be maintained in accordance with
12 standards set by the Department of Corrections, and shall
13 be made available to the Department's Planning and
14 Research Division. The point of contact person shall
15 provide a summary of the results of the review, including
16 any resolution or recommendations made as a result of
17 correspondence with the Planning and Research Division of
18 the Department.

19 (2) The Department shall provide an annual written
20 report to the General Assembly and the Governor, with the
21 first report due no later than January 1, 2023, and
22 publish the report on its website within 48 hours after
23 the report is transmitted to the Governor and the General
24 Assembly. The report shall include a summary of activities
25 undertaken and completed as a result of submissions to the
26 point of contact person. The Department of Corrections

1 shall collect and report the following aggregated and
2 disaggregated data for each institution and facility and
3 describe:

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

5 (B) the general nature of suggestions, complaints,
6 and other requests submitted to the point of contact
7 person;

8 (C) the volume of emails, calls, letters, and
9 other correspondence received by the point of contact
10 person;

11 (D) the resolutions reached or recommendations
12 made as a result of the point of contact person's
13 review;

14 (E) whether, if an investigation is recommended, a
15 report of the complaint was forwarded to the Chief
16 Inspector of the Department or other Department
17 employee, and the resolution of the complaint, and if
18 the investigation has not concluded, a detailed status
19 report on the complaint; and

20 (F) any recommendations that the point of contact
21 person has relating to systemic issues in the
22 Department of Corrections, and any other matters for
23 consideration by the General Assembly and the
24 Governor.

25 The name, address, or other personally identifiable
26 information of a person who files a complaint, suggestion,

1 or other request with the point of contact person, and
2 confidential records shall be redacted from the annual
3 report and are not subject to disclosure under the Freedom
4 of Information Act. The Department shall disclose the
5 records only if required by a court order on a showing of
6 good cause.

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

10 (A) a short statement notifying visitors of the
11 point of contact person and that person's duty to
12 receive suggestions, complaints, or other requests;
13 and

14 (B) information on how to submit suggestions,
15 complaints, or other requests to the point of contact
16 person.

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

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

19 Sec. 3-7-2. Facilities.

20 (a) All institutions and facilities of the Department
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25 Director. A committed person may not receive any materials

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

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

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

25 (f) All of the institutions and facilities of the
26 Department shall permit every committed person to receive

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7 at least 30 persons to the Department that are authorized to
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12 construed to permit video calling instead of in-person
13 visitation.

14 (f-5) (Blank).

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

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

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

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

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

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

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

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

10 (g) All institutions and facilities of the Department
11 shall permit religious ministrations and sacraments to be
12 available to every committed person, but attendance at
13 religious services shall not be required. This subsection (g)
14 is subject to the provisions of the Faith Behind Bars Act.

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

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

1 between the parties to reach a resolution.

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

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7 (B) any commissary-related concerns;

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9 facility's COVID protocols and mitigations;

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

13 (E) any concerns about the institution or
14 facility;

15 (F) any discipline-related concerns;

16 (G) any concerns about earned sentencing credits;

17 (H) any concerns about educational opportunities
18 for incarcerated persons;

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21 (K) any concerns about personal property;

22 (L) any concerns about the records of the
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26 (N) any staffing-related concerns;

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12 correspondence with the Planning and Research Division of
13 the Department.

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

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

26 (B) the general nature of suggestions, complaints,

1 and other requests submitted to the point of contact
2 person;

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

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

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

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

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

1 good cause.

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

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

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

12 (j) ~~(i)~~ Menstrual hygiene products shall be available, as
13 needed, free of charge, at all institutions and facilities of
14 the Department for all committed persons who menstruate. In
15 this subsection (j) ~~(i)~~, "menstrual hygiene products" means
16 tampons and sanitary napkins for use in connection with the
17 menstrual cycle.

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

20 Section 95. No acceleration or delay. Where this Act makes
21 changes in a statute that is represented in this Act by text
22 that is not yet or no longer in effect (for example, a Section
23 represented by multiple versions), the use of that text does
24 not accelerate or delay the taking effect of (i) the changes
25 made by this Act or (ii) provisions derived from any other

1 Public Act."