

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing
5 Sections 3-15003, 3-15003.6, 3-15003.7, 3-15003.8, 3-15003.9,
6 and 3-15003.10 and by adding Sections 3-15003.11 and
7 3-15003.12 as follows:

8 (55 ILCS 5/3-15003) (from Ch. 34, par. 3-15003)

9 Sec. 3-15003. Powers and duties. Under the direction of
10 the Sheriff the Department shall have the powers and duties
11 enumerated as follows:

12 (a) To operate and have jurisdiction over the county jail,
13 municipal houses of correction within the county and any other
14 penal, corrections or committed person ~~prisoner~~ diagnostic
15 center facility operated by either the county jail or
16 municipal houses of correction.

17 (b) To have charge of all committed persons ~~prisoners~~ held
18 in any institution, center or other facility in the county
19 over which it has jurisdiction under subsection (a) of this
20 Section, whether they are misdemeanants, felons, persons held
21 for trial, persons held in protective custody, persons held
22 for transfer to other detention facilities or persons held for
23 non-payment of fines, for violations of ordinances or any

1 other quasi-criminal charges. Nothing in this Division applies
2 to minors subject to proceedings under the Juvenile Court Act
3 of 1987. It may transfer or recommit any committed person
4 ~~prisoner~~ from one institution, center or other such facility
5 to any other institution, center or other facility whenever it
6 determines that such transfer or recommitment would promote
7 the welfare or rehabilitation of the committed person
8 ~~prisoner~~, or that such transfer or recommitment is necessary
9 to relieve overcrowding.

10 (c) To establish diagnostic, classification and
11 rehabilitation services and programs at the county jail and
12 such other facilities over which it has jurisdiction under
13 subsection (a) of this Section as may be appropriate.

14 (d) To establish, whenever feasible, separate detention
15 and commitment facilities and utilize the facilities over
16 which it has jurisdiction under subsection (a) of this Section
17 in a manner which provides separate detention and commitment
18 facilities.

19 (Source: P.A. 86-962.)

20 (55 ILCS 5/3-15003.6)

21 Sec. 3-15003.6. Pregnant committed persons ~~female~~
22 ~~prisoners~~.

23 (a) Definitions. For the purpose of this Section and the
24 Sections preceding Section 3-15004 ~~Sections 3-15003.7,~~
25 ~~3-15003.8, 3-15003.9, and 3-15003.10:~~

1 (1) "Restraints" means any physical restraint or
2 mechanical device used to control the movement of a
3 ~~prisoner's~~ body or limbs, or both, including, but not
4 limited to, flex cuffs, soft restraints, hard metal
5 handcuffs, a black box, Chubb cuffs, leg irons, belly
6 chains, a security (tether) chain, or a convex shield, or
7 shackles of any kind.

8 (2) "Labor" means the period of time before a birth
9 and shall include any medical condition in which an
10 individual ~~a woman~~ is sent or brought to the hospital for
11 the purpose of delivering a ~~her~~ baby. These situations
12 include: induction of labor, prodromal labor, pre-term
13 labor, prelabor rupture of membranes, the 3 stages of
14 active labor, uterine hemorrhage during the third
15 trimester of pregnancy, and caesarian delivery including
16 pre-operative preparation.

17 (3) "Postpartum" means the 6-week period following
18 birth unless determined to be a longer period by a
19 physician, advanced practice registered nurse, physician
20 assistant, or other qualified medical professional.

21 ~~"Post partum" means, as determined by her physician,~~
22 ~~advanced practice registered nurse, or physician~~
23 ~~assistant, the period immediately following delivery,~~
24 ~~including the entire period a woman is in the hospital or~~
25 ~~infirmary after birth.~~

26 (4) "Correctional institution" means any entity under

1 the authority of a county law enforcement division ~~of a~~
2 ~~county of more than 3,000,000 inhabitants~~ that has the
3 power to detain or restrain, or both, a person under the
4 laws of the State.

5 (5) "Corrections official" means the official that is
6 responsible for oversight of a correctional institution,
7 or his or her designee.

8 (6) "Committed person" ~~"Prisoner"~~ means any person
9 incarcerated or detained in any facility who is accused
10 of, convicted of, sentenced for, or adjudicated delinquent
11 for, violations of criminal law or the terms and
12 conditions of parole, probation, pretrial release, or
13 diversionary program, and any person detained under the
14 immigration laws of the United States at any correctional
15 facility.

16 (7) "Extraordinary circumstance" means an
17 extraordinary medical or security circumstance, including
18 a substantial flight risk, that dictates restraints be
19 used to ensure the safety and security of the committed
20 person ~~prisoner~~, the staff of the correctional institution
21 or medical facility, other committed persons ~~prisoners~~, or
22 the public.

23 (8) "Participant" means an individual placed into an
24 electronic monitoring program, as defined by Section
25 5-8A-2 of the Unified Code of Corrections.

26 (b) A county department of corrections shall not apply

1 security restraints to a committed person ~~prisoner~~ that has
2 been determined by a qualified medical professional to be
3 pregnant or otherwise ~~and~~ is known by the county department of
4 corrections to be pregnant or in postpartum recovery, ~~which is~~
5 ~~the entire period a woman is in the medical facility after~~
6 ~~birth,~~ unless the corrections official makes an individualized
7 determination that the committed person ~~prisoner~~ presents a
8 substantial flight risk or some other extraordinary
9 circumstance that dictates security restraints be used to
10 ensure the safety and security of the committed person
11 ~~prisoner,~~ committed person's ~~her~~ child or unborn child, the
12 staff of the county department of corrections or medical
13 facility, other committed persons ~~prisoners,~~ or the public.
14 The protections set out in clauses (b) (3) and (b) (4) of this
15 Section shall apply to security restraints used pursuant to
16 this subsection. The corrections official shall immediately
17 remove all restraints upon the written or oral request of
18 medical personnel. The corrections official shall immediately
19 remove all approved electronic monitoring devices, as that
20 term is defined in Section 5-8A-2 of the Unified Code of
21 Corrections, of a pregnant participant during labor and
22 delivery or earlier upon the written or oral request of
23 medical personnel. Oral requests made by medical personnel
24 shall be verified in writing as promptly as reasonably
25 possible.

26 (1) Qualified authorized health staff shall have the

1 authority to order therapeutic restraints for a pregnant
2 or postpartum committed person ~~prisoner~~ who is a danger to
3 the committed person, the committed person's ~~herself, her~~
4 child, unborn child, or other persons due to a psychiatric
5 or medical disorder. Therapeutic restraints may only be
6 initiated, monitored and discontinued by qualified and
7 authorized health staff and used to safely limit a
8 committed person's ~~prisoner's~~ mobility for psychiatric or
9 medical reasons. No order for therapeutic restraints shall
10 be written unless medical or mental health personnel,
11 after personally observing and examining the committed
12 person ~~prisoner~~, are clinically satisfied that the use of
13 therapeutic restraints is justified and permitted in
14 accordance with hospital policies and applicable State
15 law. Metal handcuffs or shackles are not considered
16 therapeutic restraints.

17 (2) Whenever therapeutic restraints are used by
18 medical personnel, Section 2-108 of the Mental Health and
19 Developmental Disabilities Code shall apply.

20 (3) Leg irons, shackles or waist shackles shall not be
21 used on any pregnant or postpartum committed person
22 ~~prisoner~~ regardless of security classification. Except for
23 therapeutic restraints under clause (b) (2), no restraints
24 of any kind may be applied to committed persons ~~prisoners~~
25 during labor.

26 (4) When a pregnant or postpartum committed person

1 ~~prisoner~~ must be restrained, restraints used shall be the
2 least restrictive restraints possible to ensure the safety
3 and security of the committed person ~~prisoner~~, the
4 committed person's ~~her~~ child, unborn child, the staff of
5 the county department of corrections or medical facility,
6 other committed persons ~~prisoners~~, or the public, and in
7 no case shall include leg irons, shackles or waist
8 shackles.

9 (5) Upon the pregnant committed person's ~~prisoner's~~
10 entry into a hospital room, and completion of initial room
11 inspection, a corrections official shall be posted
12 immediately outside the hospital room, unless requested to
13 be in the room by medical personnel attending to the
14 committed person's ~~prisoner's~~ medical needs.

15 (6) The county department of corrections shall provide
16 adequate corrections personnel to monitor the pregnant
17 committed person ~~prisoner~~ during the committed person's
18 ~~her~~ transport to and from the hospital and during the
19 committed person's ~~her~~ stay at the hospital.

20 (7) Where the county department of corrections
21 requires committed person ~~prisoner~~ safety assessments, a
22 corrections official may enter the hospital room to
23 conduct periodic committed person ~~prisoner~~ safety
24 assessments, except during a medical examination or the
25 delivery process.

26 (8) (Blank). ~~Upon discharge from a medical facility,~~

1 ~~postpartum prisoners shall be restrained only with~~
2 ~~handcuffs in front of the body during transport to the~~
3 ~~county department of corrections. A corrections official~~
4 ~~shall immediately remove all security restraints upon~~
5 ~~written or oral request by medical personnel. Oral~~
6 ~~requests made by medical personnel shall be verified in~~
7 ~~writing as promptly as reasonably possible.~~

8 (c) Enforcement. No later than 30 days before the end of
9 each fiscal year, the county sheriff or corrections official
10 of the correctional institution where a pregnant or postpartum
11 committed person ~~prisoner~~ has been restrained pursuant to this
12 Section during that previous fiscal year, shall submit a
13 written report to the Jail and Detention Standards Unit of the
14 Department of Corrections, in a form and manner prescribed by
15 the Department, Illinois General Assembly and the Office of
16 the Governor that includes an account of every instance of
17 ~~prisoner~~ restraint pursuant to this Section. The written
18 report shall state the date, time, location and rationale for
19 each instance in which restraints are used. The written report
20 shall not contain any individually identifying information of
21 any committed person ~~prisoner~~. Such reports shall be made
22 available for public inspection.

23 (d) Data reporting. No later than 30 days before the end of
24 each fiscal year, each county sheriff shall submit a written
25 report to the Jail and Detention Standards Unit of the
26 Department of Corrections, in a form and manner prescribed by

1 the Department, that includes the number of pregnant committed
2 persons in custody each year and the number of people who
3 deliver or miscarry while in custody. The written reports
4 shall not contain any individually identifying information of
5 a committed person. The written reports shall be made
6 available for public inspection.

7 (Source: P.A. 100-513, eff. 1-1-18; 101-652, eff. 7-1-21.)

8 (55 ILCS 5/3-15003.7)

9 Sec. 3-15003.7. Corrections official training related to
10 pregnant committed persons ~~prisoners~~.

11 (a) A county department of corrections shall provide
12 training relating to medical and mental health care issues
13 applicable to pregnant committed persons ~~prisoners~~ to:

14 (1) each corrections official employed by a county
15 department at a correctional institution in which female
16 committed persons ~~prisoners~~ are confined; and

17 (2) any other county department of corrections
18 employee whose duties involve contact with pregnant
19 committed persons ~~prisoners~~.

20 (b) The training must include information regarding:

21 (1) appropriate care for pregnant committed persons
22 ~~prisoners~~; and

23 (2) the impact on a pregnant committed person ~~prisoner~~
24 and the committed person's ~~prisoner's~~ unborn child of:

25 (A) the use of restraints;

1 (B) placement in administrative segregation; and

2 (C) invasive searches.

3 (Source: P.A. 101-652, eff. 7-1-21.)

4 (55 ILCS 5/3-15003.8)

5 Sec. 3-15003.8. Educational programming and information
6 for pregnant committed persons ~~prisoners~~.

7 (a) The Illinois Department of Public Health shall provide
8 the county department of corrections with educational
9 programming relating to pregnancy and parenting and the county
10 department of corrections shall provide the programming to
11 pregnant committed persons ~~prisoners~~. The programming must
12 include instruction regarding:

13 (1) appropriate prenatal care and hygiene;

14 (2) the effects of prenatal exposure to alcohol and
15 drugs on a developing fetus;

16 (3) parenting skills; and

17 (4) medical and mental health issues applicable to
18 children.

19 (b) Each county department of corrections shall provide
20 written informational materials concerning the laws pertaining
21 to pregnant committed persons to any pregnant or postpartum
22 individual. The Department of Public Health shall provide
23 these informational materials to the warden of the county
24 department of corrections at no cost to the county and the
25 county may accept informational materials from community-based

1 organizations specializing in the rights of pregnant committed
2 persons. The informational materials must include information
3 regarding:

4 (1) the prohibition against the use of restraints;

5 (2) rules concerning the treatment of pregnant
6 committed persons, including those relating to bed height
7 and supplemental nutrition;

8 (3) the right to spend time with a child following
9 delivery;

10 (4) the requirement to provide educational
11 programming;

12 (5) all rights under the Reproductive Health Act;

13 (6) the procedure for obtaining an abortion, if so
14 desired;

15 (7) the procedure for obtaining information about
16 guardianship or adoption resources, if so desired;

17 (8) any new or additional laws concerning the rights
18 of pregnant committed persons; and

19 (9) the address or contact information for community
20 organizations specializing in the rights of pregnant
21 committed persons for questions or concerns.

22 (c) Each county department of corrections must also post
23 informational flyers provided by the Department of Public
24 Health wherever pregnant committed persons may be housed.

25 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21.)

1 (55 ILCS 5/3-15003.9)

2 Sec. 3-15003.9. Committed person postpartum ~~Prisoner~~
3 ~~post-partum~~ recovery requirements. A county department of
4 corrections shall ensure that, for a period of 72 hours after
5 the birth of an infant by a committed person ~~prisoner~~:

6 (1) the infant is allowed to remain with the committed
7 person ~~prisoner~~, unless a medical professional determines
8 doing so would pose a health or safety risk to the
9 committed person ~~prisoner~~ or infant; and

10 (2) the committed person ~~prisoner~~ has access to any
11 nutritional or hygiene-related products necessary to care
12 for the infant, including diapers.

13 (Source: P.A. 101-652, eff. 7-1-21.)

14 (55 ILCS 5/3-15003.10)

15 Sec. 3-15003.10. Housing requirements applicable to
16 pregnant committed persons ~~prisoners~~.

17 (a) A county department of corrections may not place in
18 administrative segregation a committed person ~~prisoner~~ who is
19 pregnant or who gave birth during the preceding 30 days unless
20 the director of the county department of corrections or the
21 director's designee determines that the placement is necessary
22 based on a reasonable belief that the committed person
23 ~~prisoner~~ will harm herself, the committed person's ~~prisoner's~~
24 infant, or any other person or will attempt escape.

25 (b) A county department of corrections may not assign a

1 pregnant committed person ~~prisoner~~ to any bed that is elevated
2 more than 3 feet above the floor.

3 (Source: P.A. 101-652, eff. 7-1-21.)

4 (55 ILCS 5/3-15003.11 new)

5 Sec. 3-15003.11. Supplemental nutrition during pregnancy
6 or lactation. A committed person who is pregnant or lactating,
7 including a committed person who is nursing a baby or pumping
8 breastmilk, shall be provided supplemental nutrition of at
9 least 300 calories per day. This supplemental nutrition shall
10 be in addition to any regularly provided food and shall be
11 available outside of regular mealtimes.

12 (55 ILCS 5/3-15003.12 new)

13 Sec. 3-15003.12. Medical screening; pregnancy test. When a
14 person with a uterus is committed to a facility, the person
15 shall within 14 days be given a medical screening and offered a
16 pregnancy test.

17 Section 10. The Health Care Violence Prevention Act is
18 amended by changing Section 30 as follows:

19 (210 ILCS 160/30)

20 Sec. 30. Medical care for committed persons.

21 (a) If a committed person receives medical care and
22 treatment at a place other than an institution or facility of

1 the Department of Corrections, a county, or a municipality,
2 then the institution or facility shall:

3 (1) to the greatest extent practicable, notify the
4 hospital or medical facility that is treating the
5 committed person prior to the committed person's visit and
6 notify the hospital or medical facility of any significant
7 medical, mental health, recent violent actions, or other
8 safety concerns regarding the patient;

9 (2) to the greatest extent practicable, ensure the
10 transferred committed person is accompanied by the most
11 comprehensive medical records possible;

12 (3) provide at least one guard trained in custodial
13 escort and custody of high-risk committed persons to
14 accompany any committed person. The custodial agency shall
15 attest to such training for custodial escort and custody
16 of high-risk committed persons through: (A) the training
17 of the Department of Corrections, Department of Juvenile
18 Justice, or Illinois State Police; (B) law enforcement
19 training that is substantially equivalent to the training
20 of the Department of Corrections, Department of Juvenile
21 Justice, or Illinois State Police; or (C) the training
22 described in Section 35. Under no circumstances may leg
23 irons or shackles or waist shackles be used on any
24 pregnant committed person ~~female prisoner~~ who is in labor.
25 In addition, restraint of a pregnant committed person
26 ~~female prisoner in the custody of the Cook County~~ shall

1 comply with Section 3-15003.6 of the Counties Code.
2 Additionally, restraints shall not be used on a committed
3 person if medical personnel determine that the restraints
4 would impede medical treatment; and

5 (4) ensure that only medical personnel, Department of
6 Corrections, county, or municipality personnel, and
7 visitors on the committed person's approved institutional
8 visitors list may visit the committed person. Visitation
9 by a person on the committed person's approved
10 institutional visitors list shall be subject to the rules
11 and procedures of the hospital or medical facility and the
12 Department of Corrections, county, or municipality. In any
13 situation in which a committed person is being visited:

14 (A) the name of the visitor must be listed per the
15 facility's or institution's documentation;

16 (B) the visitor shall submit to the search of his
17 or her person or any personal property under his or her
18 control at any time; and

19 (C) the custodial agency may deny the committed
20 person access to a telephone or limit the number of
21 visitors the committed person may receive for purposes
22 of safety.

23 If a committed person receives medical care and treatment
24 at a place other than an institution or facility of the
25 Department of Corrections, county, or municipality, then the
26 custodial agency shall ensure that the committed person is

1 wearing security restraints in accordance with the custodial
2 agency's rules and procedures if the custodial agency
3 determines that restraints are necessary for the following
4 reasons: (i) to prevent physical harm to the committed person
5 or another person; (ii) because the committed person has a
6 history of disruptive behavior that has placed others in
7 potentially harmful situations or presents a substantial risk
8 of inflicting physical harm on himself or herself or others as
9 evidenced by recent behavior; or (iii) there is a well-founded
10 belief that the committed person presents a substantial risk
11 of flight. Under no circumstances may leg irons or shackles or
12 waist shackles be used on any pregnant committed person ~~female~~
13 ~~prisoner~~ who is in labor. In addition, restraint of a pregnant
14 committed person ~~female prisoner in the custody of the Cook~~
15 ~~County~~ shall comply with Section 3-15003.6 of the Counties
16 Code.

17 The hospital or medical facility may establish protocols
18 for the receipt of committed persons in collaboration with the
19 Department of Corrections, county, or municipality,
20 specifically with regard to potentially violent persons.

21 (b) If a committed person receives medical care and
22 treatment at a place other than an institution or facility of
23 the Department of Juvenile Justice, then the institution or
24 facility shall:

25 (1) to the greatest extent practicable, notify the
26 hospital or medical facility that is treating the

1 committed person prior to the committed person's visit,
2 and notify the hospital or medical facility of any
3 significant medical, mental health, recent violent
4 actions, or other safety concerns regarding the patient;

5 (2) to the greatest extent practicable, ensure the
6 transferred committed person is accompanied by the most
7 comprehensive medical records possible;

8 (3) provide: (A) at least one guard trained in
9 custodial escort and custody of high-risk committed
10 persons to accompany any committed person. The custodial
11 agency shall attest to such training for custodial escort
12 and custody of high-risk committed persons through: (i)
13 the training of the Department of Corrections, Department
14 of Juvenile Justice, or Illinois State Police, (ii) law
15 enforcement training that is substantially equivalent to
16 the training of the Department of Corrections, Department
17 of Juvenile Justice, or Illinois State Police, or (iii)
18 the training described in Section 35; or (B) 2 guards to
19 accompany the committed person at all times during the
20 visit to the hospital or medical facility; and

21 (4) ensure that only medical personnel, Department of
22 Juvenile Justice personnel, and visitors on the committed
23 person's approved institutional visitors list may visit
24 the committed person. Visitation by a person on the
25 committed person's approved institutional visitors list
26 shall be subject to the rules and procedures of the

1 hospital or medical facility and the Department of
2 Juvenile Justice. In any situation in which a committed
3 person is being visited:

4 (A) the name of the visitor must be listed per the
5 facility's or institution's documentation;

6 (B) the visitor shall submit to the search of his
7 or her person or any personal property under his or her
8 control at any time; and

9 (C) the custodial agency may deny the committed
10 person access to a telephone or limit the number of
11 visitors the committed person may receive for purposes
12 of safety.

13 If a committed person receives medical care and treatment
14 at a place other than an institution or facility of the
15 Department of Juvenile Justice, then the Department of
16 Juvenile Justice shall ensure that the committed person is
17 wearing security restraints on either his or her wrists or
18 ankles in accordance with the rules and procedures of the
19 Department of Juvenile Justice if the Department of Juvenile
20 Justice determines that restraints are necessary for the
21 following reasons: (i) to prevent physical harm to the
22 committed person or another person; (ii) because the committed
23 person has a history of disruptive behavior that has placed
24 others in potentially harmful situations or presents a
25 substantial risk of inflicting physical harm on himself or
26 herself or others as evidenced by recent behavior; or (iii)

1 there is a well-founded belief that the committed person
2 presents a substantial risk of flight. Any restraints used on
3 a committed person under this paragraph shall be the least
4 restrictive restraints necessary to prevent flight or physical
5 harm to the committed person or another person. Restraints
6 shall not be used on the committed person as provided in this
7 paragraph if medical personnel determine that the restraints
8 would impede medical treatment. Under no circumstances may leg
9 irons or shackles or waist shackles be used on any pregnant
10 committed person ~~female prisoner~~ who is in labor. In addition,
11 restraint of a pregnant committed person ~~female prisoner in~~
12 ~~the custody of the Cook County~~ shall comply with Section
13 3-15003.6 of the Counties Code.

14 The hospital or medical facility may establish protocols
15 for the receipt of committed persons in collaboration with the
16 Department of Juvenile Justice, specifically with regard to
17 persons recently exhibiting violence.

18 (Source: P.A. 102-538, eff. 8-20-21.)

19 Section 15. The Unified Code of Corrections is amended by
20 changing Sections 3-6-7, 3-6-7.2, 3-6-7.3, and 5-8A-4 and by
21 adding Sections 3-6-0.5, 3-6-7.5, and 3-6-7.6 as follows:

22 (730 ILCS 5/3-6-0.5 new)

23 Sec. 3-6-0.5. Definitions. As used in this Section and
24 Sections 3-6-7, 3-6-7.2, 3-6-7.3, and 3-6-7.4:

1 "Extraordinary circumstance" means an extraordinary
2 medical or security circumstance, including a substantial
3 flight risk, that dictates restraints be used to ensure the
4 safety and security of the committed person, the staff of the
5 correctional institution or medical facility, other committed
6 persons, or the public.

7 "Labor" means the period of time before a birth and shall
8 include any medical condition in which an individual is sent
9 or brought to the hospital for the purpose of delivering a
10 baby. These situations include: induction of labor, prodromal
11 labor, pre-term labor, prelabor rupture of membranes, the 3
12 stages of active labor, uterine hemorrhage during the third
13 trimester of pregnancy, and caesarian delivery, including
14 pre-operative preparation.

15 "Postpartum" means the 6-week period following birth
16 unless determined to be a longer period by a physician,
17 advanced practice registered nurse, physician assistant, or
18 other qualified medical professional.

19 "Restraints" means any physical restraint or mechanical
20 device used to control the movement of a committed person's
21 body or limbs, or both, including, but not limited to, flex
22 cuffs, soft restraints, hard metal handcuffs, a black box,
23 Chubb cuffs, leg irons, belly chains, a security (tether)
24 chain, or a convex shield, or shackles of any kind.

1 Sec. 3-6-7. Pregnant ~~female~~ committed persons.

2 (a) The Department shall not apply security restraints to
3 a committed person that has been determined by a qualified
4 medical professional to be pregnant or otherwise is known by
5 the Department to be pregnant or in postpartum recovery,
6 unless the correctional official makes an individualized
7 determination that the committed person presents a substantial
8 flight risk or some other extraordinary circumstance that
9 dictates security restraints be used to ensure the safety and
10 security of the committed person, the committed person's child
11 or unborn child, the staff of the Department or medical
12 facility, other committed persons, or the public. The
13 protections set out in paragraphs (3) and (4) of this Section
14 shall apply to security restraints used as provided in this
15 subsection. The correctional officer employed by the
16 Department shall immediately remove all restraints and
17 approved electronic monitoring devices, as that term is
18 defined in Section 5-8A-2 of the Unified Code of Corrections,
19 upon the written or oral request of medical personnel. Oral
20 requests made by medical personnel shall be verified in
21 writing as promptly as reasonably possible.

22 (1) Qualified authorized health staff shall have the
23 authority to order therapeutic restraints for a pregnant
24 or postpartum committed person who is a danger to the
25 committed person, the committed person's child, unborn
26 child, or other persons due to a psychiatric or medical

1 disorder. Therapeutic restraints may only be initiated,
2 monitored, and discontinued by qualified and authorized
3 health staff and used to safely limit a committed person's
4 mobility for psychiatric or medical reasons. No order for
5 therapeutic restraints shall be written unless medical or
6 mental health personnel, after personally observing and
7 examining the committed person, are clinically satisfied
8 that the use of therapeutic restraints is justified and
9 permitted in accordance with hospital policies and
10 applicable State law. Metal handcuffs or shackles are not
11 considered therapeutic restraints.

12 (2) Whenever therapeutic restraints are used by
13 medical personnel, Section 2-108 of the Mental Health and
14 Developmental Disabilities Code shall apply.

15 (3) Leg irons, shackles or waist shackles shall not be
16 used on any pregnant or postpartum committed person
17 regardless of security classification. Except for
18 therapeutic restraints under paragraph (2) of subsection
19 (b), no restraints of any kind may be applied to committed
20 persons during labor.

21 (4) When a pregnant or postpartum committed person
22 must be restrained, restraints used shall be the least
23 restrictive restraints possible to ensure the safety and
24 security of the committed person, the committed person's
25 child, unborn child, the staff of the Department or
26 medical facility, other committed persons, or the public,

1 and in no case shall include leg irons, shackles, or waist
2 shackles.

3 (5) Upon the pregnant committed person's entry into a
4 hospital room, and completion of initial room inspection,
5 a correctional officer shall be posted immediately outside
6 the hospital room unless requested to be in the room by
7 medical personnel attending to the committed person's
8 medical needs.

9 (6) The Department shall provide adequate corrections
10 personnel to monitor the pregnant committed person during
11 the committed person's transport to and from the hospital
12 and during the committed person's stay at the hospital.

13 (7) Where the correctional institution or facility
14 requires committed person safety assessments, a
15 correctional official may enter the hospital room to
16 conduct periodic committed person safety assessments,
17 except during a medical examination or the delivery
18 process.

19 (b) No later than 30 days before the end of each fiscal
20 year, the Department shall submit a written report to the
21 Illinois General Assembly and the Office of the Governor that
22 includes an account of every instance where a pregnant or
23 postpartum committed person had restraints used pursuant to
24 this Section during the previous fiscal year. The written
25 report shall state the date, time, location, and rationale for
26 each instance in which restraints are used. The written report

1 shall include information provided to the Jail and Detention
2 Standards Unit by each county department of corrections and
3 county jail. The Department's written report shall also
4 include information on county department of corrections and
5 county jails that did not report as required. The written
6 report shall not contain any individually identifying
7 information of any committed person. The report shall be made
8 available for public inspection.

9 (c) No later than 30 days before the end of each fiscal
10 year, the Department shall submit a written report to the
11 Illinois General Assembly and the Office of the Governor that
12 includes the number of pregnant committed persons in custody
13 each year and the number of people who deliver or miscarry
14 while in custody. The written report shall include information
15 provided to the Jail and Detention Standards Unit by each
16 county department of corrections and county jail. The
17 Department's written report shall also include information on
18 county department of corrections and county jails that did not
19 report as required. The written report shall not contain any
20 individually identifying information of a committed person.
21 The written report shall be made available for public
22 inspection ~~Notwithstanding any other statute, directive, or~~
23 ~~administrative regulation, when a pregnant female committed~~
24 ~~person is brought to a hospital from an Illinois correctional~~
25 ~~center for the purpose of delivering her baby, no handcuffs,~~
26 ~~shackles, or restraints of any kind may be used during her~~

~~transport to a medical facility for the purpose of delivering her baby. Under no circumstances may leg irons or shackles or waist shackles be used on any pregnant female committed person who is in labor. Upon the pregnant female committed person's entry to the hospital delivery room, a correctional officer must be posted immediately outside the delivery room. The Department must provide for adequate personnel to monitor the pregnant female committed person during her transport to and from the hospital and during her stay at the hospital.~~

(Source: P.A. 91-253, eff. 1-1-00.)

(730 ILCS 5/3-6-7.2)

Sec. 3-6-7.2. Educational programming and information for pregnant committed persons.

(a) The Department shall develop and provide to each pregnant committed person educational programming relating to pregnancy and parenting. The programming must include instruction regarding:

(1) appropriate prenatal care and hygiene;

(2) the effects of prenatal exposure to alcohol and drugs on a developing fetus;

(3) parenting skills; and

(4) medical and mental health issues applicable to children.

(b) The Department shall provide informational materials concerning the laws pertaining to pregnant committed persons

1 to any pregnant or postpartum individual. The Department of
2 Public Health and community-based organizations specializing
3 in the rights of pregnant committed persons shall provide
4 these informational materials to the warden at no cost to the
5 Department of Corrections or the Department of Juvenile
6 Justice. The informational materials must include information
7 regarding:

8 (1) the prohibition against the use of restraints;

9 (2) rules concerning the treatment of pregnant
10 committed persons, including those relating to bed height
11 and supplemental nutrition;

12 (3) the right to spend time with a child following
13 delivery;

14 (4) the requirement to provide educational
15 programming;

16 (5) all rights under the Reproductive Health Act;

17 (6) the procedure for obtaining an abortion, if so
18 desired;

19 (7) the procedure for obtaining information about
20 guardianship or adoption resources, if so desired;

21 (8) any new or additional laws concerning the rights
22 of pregnant committed persons; and

23 (9) the address or contact information for community
24 organizations specializing in the rights of pregnant
25 committed persons for questions or concerns.

26 (c) The Department must also post informational flyers

1 provided by the Department of Public Health wherever pregnant
2 committed persons may be housed.

3 (Source: P.A. 101-652, eff. 7-1-21; 102-813, eff. 5-13-22.)

4 (730 ILCS 5/3-6-7.3)

5 Sec. 3-6-7.3. Committed person postpartum ~~post partum~~
6 recovery requirements. The Department shall ensure that, for a
7 period of 72 hours after the birth of an infant by a committed
8 person:

9 (1) the infant is allowed to remain with the committed
10 person, unless a medical professional determines doing so
11 would pose a health or safety risk to the committed person
12 or infant based on information only available to the
13 Department. The mental health professional shall make any
14 such determination on an individualized basis and in
15 consultation with the birthing team of the pregnant person
16 and the Chief of the Women's Division. The birthing team
17 shall include the committed person's perinatal care
18 providers and doula, if available; and

19 (2) the committed person has access to any nutritional
20 or hygiene-related products necessary to care for the
21 infant, including diapers.

22 (Source: P.A. 102-28, eff. 6-25-21; 103-154, eff. 6-30-23.)

23 (730 ILCS 5/3-6-7.5 new)

24 Sec. 3-6-7.5. Supplemental nutrition during pregnancy or

1 lactation. A committed person who is pregnant or lactating,
2 including a committed person who is nursing a baby or pumping
3 breastmilk, shall be provided supplemental nutrition of at
4 least 300 calories per day. This supplemental nutrition shall
5 be in addition to any regularly provided food and shall be
6 available outside of regular mealtimes.

7 (730 ILCS 5/3-6-7.6 new)

8 Sec. 3-6-7.6. Medical screening; pregnancy test. When a
9 person with a uterus is committed to a facility, the person
10 shall within 14 days be given a medical screening and offered a
11 pregnancy test.

12 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

13 Sec. 5-8A-4. Program description. The supervising
14 authority may promulgate rules that prescribe reasonable
15 guidelines under which an electronic monitoring and home
16 detention program shall operate. When using electronic
17 monitoring for home detention these rules may include, but not
18 be limited to, the following:

19 (A) The participant may be instructed to remain within
20 the interior premises or within the property boundaries of
21 his or her residence at all times during the hours
22 designated by the supervising authority. Such instances of
23 approved absences from the home shall include, but are not
24 limited to, the following:

1 (1) working or employment approved by the court or
2 traveling to or from approved employment;

3 (2) unemployed and seeking employment approved for
4 the participant by the court;

5 (3) undergoing medical, psychiatric, mental health
6 treatment, counseling, or other treatment programs
7 approved for the participant by the court;

8 (4) attending an educational institution or a
9 program approved for the participant by the court;

10 (5) attending a regularly scheduled religious
11 service at a place of worship;

12 (6) participating in community work release or
13 community service programs approved for the
14 participant by the supervising authority;

15 (7) for another compelling reason consistent with
16 the public interest, as approved by the supervising
17 authority; or

18 (8) purchasing groceries, food, or other basic
19 necessities.

20 (A-1) At a minimum, any person ordered to pretrial
21 home confinement with or without electronic monitoring
22 must be provided with movement spread out over no fewer
23 than two days per week, to participate in basic activities
24 such as those listed in paragraph (A). In this subdivision
25 (A-1), "days" means a reasonable time period during a
26 calendar day, as outlined by the court in the order

1 placing the person on home confinement.

2 (B) The participant shall admit any person or agent
3 designated by the supervising authority into his or her
4 residence at any time for purposes of verifying the
5 participant's compliance with the conditions of his or her
6 detention.

7 (C) The participant shall make the necessary
8 arrangements to allow for any person or agent designated
9 by the supervising authority to visit the participant's
10 place of education or employment at any time, based upon
11 the approval of the educational institution employer or
12 both, for the purpose of verifying the participant's
13 compliance with the conditions of his or her detention.

14 (D) The participant shall acknowledge and participate
15 with the approved electronic monitoring device as
16 designated by the supervising authority at any time for
17 the purpose of verifying the participant's compliance with
18 the conditions of his or her detention.

19 (E) The participant shall maintain the following:

20 (1) access to a working telephone;

21 (2) a monitoring device in the participant's home,
22 or on the participant's person, or both; and

23 (3) a monitoring device in the participant's home
24 and on the participant's person in the absence of a
25 telephone.

26 (F) The participant shall obtain approval from the

1 supervising authority before the participant changes
2 residence or the schedule described in subsection (A) of
3 this Section. Such approval shall not be unreasonably
4 withheld.

5 (G) The participant shall not commit another crime
6 during the period of home detention ordered by the Court.

7 (H) Notice to the participant that violation of the
8 order for home detention may subject the participant to
9 prosecution for the crime of escape as described in
10 Section 5-8A-4.1.

11 (I) The participant shall abide by other conditions as
12 set by the supervising authority.

13 The supervising authority shall adopt rules to immediately
14 remove all approved electronic monitoring devices of a
15 pregnant participant during labor and delivery.

16 ~~(J)~~ This Section takes effect January 1, 2022.

17 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
18 102-687, eff. 12-17-21; 102-1104, eff. 12-6-22.)

19 Section 20. The County Jail Act is amended by changing
20 Sections 2, 2.1, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17,
21 17.5, 17.6, 17.7, 17.8, 17.9, 17.10, 19, 19.5, 20, and 21 and
22 by adding Sections 10.5 and 17.11 as follows:

23 (730 ILCS 125/2) (from Ch. 75, par. 102)

24 Sec. 2. The Sheriff of each county in this State shall be

1 the warden of the jail of the county, and have the custody of
2 all committed persons ~~prisoners~~ in the jail, except when
3 otherwise provided in the "County Department of Corrections
4 Act".

5 (Source: P.A. 83-1073.)

6 (730 ILCS 125/2.1) (from Ch. 75, par. 102.1)

7 Sec. 2.1. New jail. The sheriff of each county in this
8 State shall be the warden of any new jail facility constructed
9 or otherwise acquired in the county and shall have the custody
10 of all committed persons ~~prisoners~~ in that facility, except
11 when otherwise provided in Division 3-15 of the Counties Code.

12 (Source: P.A. 87-645.)

13 (730 ILCS 125/4) (from Ch. 75, par. 104)

14 Sec. 4. The Warden of the jail shall receive and confine in
15 such jail, until discharged by due course of law, all persons
16 committed to such jail by any competent authority.

17 When there is no county jail facility operating in a
18 county, arresting agencies shall be responsible for delivering
19 persons arrested to an adjoining county jail facility, if the
20 adjoining county has entered into a written agreement with the
21 committing county allowing for the maintenance of committed
22 persons ~~prisoners~~ in the adjoining county.

23 (Source: P.A. 86-570.)

1 (730 ILCS 125/5) (from Ch. 75, par. 105)

2 Sec. 5. Costs of maintaining committed persons ~~prisoners~~.

3 (a) Except as provided in subsections (b) and (c), all
4 costs of maintaining persons committed for violations of
5 Illinois law, shall be the responsibility of the county.
6 Except as provided in subsection (b), all costs of maintaining
7 persons committed under any ordinance or resolution of a unit
8 of local government, including medical costs, is the
9 responsibility of the unit of local government enacting the
10 ordinance or resolution, and arresting the person.

11 (b) If a person who is serving a term of mandatory
12 supervised release for a felony is incarcerated in a county
13 jail, the Illinois Department of Corrections shall pay the
14 county in which that jail is located one-half of the cost of
15 incarceration, as calculated by the Governor's Office of
16 Management and Budget and the county's chief financial
17 officer, for each day that the person remains in the county
18 jail after notice of the incarceration is given to the
19 Illinois Department of Corrections by the county, provided
20 that (i) the Illinois Department of Corrections has issued a
21 warrant for an alleged violation of mandatory supervised
22 release by the person; (ii) if the person is incarcerated on a
23 new charge, unrelated to the offense for which he or she is on
24 mandatory supervised release, there has been a court hearing
25 at which the conditions of pretrial release have been set on
26 the new charge; (iii) the county has notified the Illinois

1 Department of Corrections that the person is incarcerated in
2 the county jail, which notice shall not be given until the
3 hearing has concluded, if the person is incarcerated on a new
4 charge; and (iv) the person remains incarcerated in the county
5 jail for more than 48 hours after the notice has been given to
6 the Department of Corrections by the county. Calculation of
7 the per diem cost shall be agreed upon prior to the passage of
8 the annual State budget.

9 (c) If a person who is serving a term of mandatory
10 supervised release is incarcerated in a county jail, following
11 an arrest on a warrant issued by the Illinois Department of
12 Corrections, solely for violation of a condition of mandatory
13 supervised release and not on any new charges for a new
14 offense, then the Illinois Department of Corrections shall pay
15 the medical costs incurred by the county in securing treatment
16 for that person, for any injury or condition other than one
17 arising out of or in conjunction with the arrest of the person
18 or resulting from the conduct of county personnel, while he or
19 she remains in the county jail on the warrant issued by the
20 Illinois Department of Corrections.

21 (Source: P.A. 101-652, eff. 1-1-23.)

22 (730 ILCS 125/7) (from Ch. 75, par. 107)

23 Sec. 7. On the first day of each month, the warden of the
24 jail of the county shall prepare a list of all committed
25 persons ~~prisoners~~ in his custody, specifying the causes for

1 which and the persons by whom they were committed, and make
2 available to the court his calendar of committed persons
3 ~~prisoners~~.

4 (Source: P.A. 83-1073.)

5 (730 ILCS 125/9) (from Ch. 75, par. 109)

6 Sec. 9. When there is no jail or other penal institution in
7 a county, or the jail or other penal institution of the county
8 is insufficient, the sheriff may commit any person in his
9 custody, either on civil or criminal process, to the nearest
10 sufficient jail of another county, and the warden of the jail
11 of such county shall receive and confine such committed person
12 ~~prisoner~~, until removed by order of the court having
13 jurisdiction of the offense, or discharged by due course of
14 law.

15 (Source: P.A. 83-1073.)

16 (730 ILCS 125/10) (from Ch. 75, par. 110)

17 Sec. 10. Whenever a committed person ~~prisoner~~ is committed
18 to the jail of one county for a criminal offense committed or
19 charged to have been committed in another, or is transferred
20 to another county for safe keeping or trial, the county in
21 which the crime was committed, or charged to have been
22 committed, shall pay the expenses of the keeping of such
23 committed person ~~prisoner~~. In civil suits, the plaintiff or
24 defendant shall pay the expenses, in the same manner as if the

1 imprisonment had taken place in the same county where the suit
2 was commenced.

3 (Source: P.A. 83-1073.)

4 (730 ILCS 125/10.5 new)

5 Sec. 10.5. Medical screening; pregnancy test. When a
6 person with a uterus is committed to a facility, the person
7 shall within 14 days be given a medical screening and offered a
8 pregnancy test.

9 (730 ILCS 125/11) (from Ch. 75, par. 111)

10 Sec. 11. Debtors and witnesses shall not be confined in
11 the same room with other committed persons ~~prisoners~~; male and
12 female committed persons ~~prisoners~~ shall not be kept in the
13 same room; minors shall be kept separate from those previously
14 convicted of a felony or other infamous crime; and persons
15 charged with an offense shall not be confined in the same cell
16 as those convicted of a crime. The confinement of those
17 persons convicted of a misdemeanor or felony shall be in
18 accordance with a classification system developed and
19 implemented by the local jail authority.

20 (Source: P.A. 87-899.)

21 (730 ILCS 125/12) (from Ch. 75, par. 112)

22 Sec. 12. Whenever the Warden of the jail of any county
23 deems such jail insufficient to secure the committed persons

1 ~~prisoners~~ confined therein, he shall give notice thereof to
2 the county board.

3 (Source: P.A. 83-1073.)

4 (730 ILCS 125/13) (from Ch. 75, par. 113)

5 Sec. 13. Whenever the Warden of any jail shall have in his
6 custody any person charged with a high crime, and there is no
7 jail in his county, or the jail is insufficient, he may, with
8 the advice of the judge of the circuit court of such county,
9 employ a sufficient guard, not exceeding 3 persons, for the
10 guarding and safe keeping of such committed person ~~prisoner~~ in
11 his own county. The expense of such guard shall be audited and
12 paid as other county expenses.

13 (Source: P.A. 103-51, eff. 1-1-24.)

14 (730 ILCS 125/14) (from Ch. 75, par. 114)

15 Sec. 14. At any time, in the opinion of the Warden, the
16 lives or health of the committed persons ~~prisoners~~ are
17 endangered or the security of the penal institution is
18 threatened, to such a degree as to render their removal
19 necessary, the Warden may cause an individual committed person
20 ~~prisoner~~ or a group of committed persons ~~prisoners~~ to be
21 removed to some suitable place within the county, or to the
22 jail of some convenient county, where they may be confined
23 until they can be safely returned to the place whence they were
24 removed. No committed person ~~prisoner~~ charged with a felony

1 shall be removed by the warden to a Mental Health or
2 Developmental Disabilities facility as defined in the Mental
3 Health and Developmental Disabilities Code, except as
4 specifically authorized by Article 104 or 115 of the Code of
5 Criminal Procedure of 1963, or the Mental Health and
6 Developmental Disabilities Code. Any place to which the
7 committed persons ~~prisoners~~ are so removed shall, during their
8 imprisonment there, be deemed, as to such committed persons
9 ~~prisoners~~, a prison of the county in which they were
10 originally confined; but, they shall be under the care,
11 government and direction of the Warden of the jail of the
12 county in which they are confined. When any criminal detainee
13 is transferred to the custody of the Department of Human
14 Services, the warden shall supply the Department of Human
15 Services with all of the legally available information as
16 described in 20 Ill. Adm. Code 701.60(f). When a criminal
17 detainee is delivered to the custody of the Department, the
18 following information must be included with the items
19 delivered:

20 (1) the sentence imposed;

21 (2) any findings of great bodily harm made by the
22 court;

23 (3) any statement by the court on the basis for
24 imposing the sentence;

25 (4) any presentence reports;

26 (5) any sex offender evaluations;

1 (6) any substance abuse treatment eligibility
2 screening and assessment of the criminal detainee by an
3 agent designated by the State to provide assessments for
4 Illinois courts;

5 (7) the number of days, if any, which the criminal
6 detainee has been in custody and for which he or she is
7 entitled to credit against the sentence. Certification of
8 jail credit time shall include any time served in the
9 custody of the Illinois Department of Human
10 Services-Division of Mental Health or Division of
11 Developmental Disabilities, time served in another state
12 or federal jurisdiction, and any time served while on
13 probation or periodic imprisonment;

14 (8) State's Attorney's statement of facts, including
15 the facts and circumstances of the offenses for which the
16 criminal detainee was committed, any other factual
17 information accessible to the State's Attorney prior to
18 the commitment to the Department relative to the criminal
19 detainee's habits, associates, disposition, and reputation
20 or other information that may aid the Department during
21 the custody of the criminal detainee. If the statement is
22 unavailable at the time of delivery, the statement must be
23 transmitted within 10 days after receipt by the clerk of
24 the court;

25 (9) any medical or mental health records or summaries;

26 (10) any victim impact statements;

1 (11) name of municipalities where the arrest of the
2 criminal detainee and the commission of the offense
3 occurred, if the municipality has a population of more
4 than 25,000 persons;

5 (12) all additional matters that the court directs the
6 clerk to transmit;

7 (13) a record of the criminal detainee's time and his
8 or her behavior and conduct while in the custody of the
9 county. Any action on the part of the criminal detainee
10 that might affect his or her security status with the
11 Department, including, but not limited to, an escape
12 attempt, participation in a riot, or a suicide attempt
13 should be included in the record; and

14 (14) the mittimus or sentence (judgment) order that
15 provides the following information:

16 (A) the criminal case number, names and citations
17 of the offenses, judge's name, date of sentence, and,
18 if applicable, whether the sentences are to be served
19 concurrently or consecutively;

20 (B) the number of days spent in custody; and

21 (C) if applicable, the calculation of pre-trial
22 program sentence credit awarded by the court to the
23 criminal detainee, including, at a minimum,
24 identification of the type of pre-trial program the
25 criminal detainee participated in and the number of
26 eligible days the court finds the criminal detainee

1 spent in the pre-trial program multiplied by the
2 calculation factor of 0.5 for the total court-awarded
3 credit.

4 (Source: P.A. 99-215, eff. 7-31-15.)

5 (730 ILCS 125/15) (from Ch. 75, par. 115)

6 Sec. 15. The Warden of the jail shall furnish each
7 committed person ~~prisoner~~ daily with as much clean water as
8 may be necessary for drink and personal cleanliness, and serve
9 him three times a day with wholesome food, well cooked and in
10 sufficient quantity. The Warden of the jail in counties of the
11 first and second class shall procure at the expense of the
12 county, all necessary foods and provisions for the support of
13 the committed persons ~~prisoners~~ confined in the jail, and
14 shall employ suitable persons to prepare and serve the food
15 for the committed persons ~~prisoners~~, or otherwise provide
16 suitable food service.

17 (Source: P.A. 83-1073.)

18 (730 ILCS 125/16) (from Ch. 75, par. 116)

19 Sec. 16. The Warden of the jail or other person shall not
20 permit any committed person ~~prisoner~~ to send for or have any
21 alcoholic beverages or controlled substances except when
22 prescribed by a physician as medicine.

23 (Source: P.A. 83-1073.)

1 (730 ILCS 125/17) (from Ch. 75, par. 117)

2 Sec. 17. Bedding, clothing, fuel, and medical aid;
3 reimbursement for medical expenses. The Warden of the jail
4 shall furnish necessary bedding, clothing, fuel, and medical
5 services for all committed persons ~~prisoners~~ under his charge,
6 and keep an accurate account of the same. When services that
7 result in qualified medical expenses are required by any
8 person held in custody, the county, private hospital,
9 physician or any public agency which provides such services
10 shall be entitled to obtain reimbursement from the county for
11 the cost of such services. The county board of a county may
12 adopt an ordinance or resolution providing for reimbursement
13 for the cost of those services at the Department of Healthcare
14 and Family Services' rates for medical assistance. To the
15 extent that such person is reasonably able to pay for such
16 care, including reimbursement from any insurance program or
17 from other medical benefit programs available to such person,
18 he or she shall reimburse the county or arresting authority.
19 If such person has already been determined eligible for
20 medical assistance under the Illinois Public Aid Code at the
21 time the person is detained, the cost of such services, to the
22 extent such cost exceeds \$500, shall be reimbursed by the
23 Department of Healthcare and Family Services under that Code.
24 A reimbursement under any public or private program authorized
25 by this Section shall be paid to the county or arresting
26 authority to the same extent as would have been obtained had

1 the services been rendered in a non-custodial environment.

2 The sheriff or his or her designee may cause an
3 application for medical assistance under the Illinois Public
4 Aid Code to be completed for an arrestee who is a hospital
5 inpatient. If such arrestee is determined eligible, he or she
6 shall receive medical assistance under the Code for hospital
7 inpatient services only. An arresting authority shall be
8 responsible for any qualified medical expenses relating to the
9 arrestee until such time as the arrestee is placed in the
10 custody of the sheriff. However, the arresting authority shall
11 not be so responsible if the arrest was made pursuant to a
12 request by the sheriff. When medical expenses are required by
13 any person held in custody, the county shall be entitled to
14 obtain reimbursement from the County Jail Medical Costs Fund
15 to the extent moneys are available from the Fund. To the extent
16 that the person is reasonably able to pay for that care,
17 including reimbursement from any insurance program or from
18 other medical benefit programs available to the person, he or
19 she shall reimburse the county.

20 For the purposes of this Section, "arresting authority"
21 means a unit of local government, other than a county, which
22 employs peace officers and whose peace officers have made the
23 arrest of a person. For the purposes of this Section,
24 "qualified medical expenses" include medical and hospital
25 services but do not include (i) expenses incurred for medical
26 care or treatment provided to a person on account of a

1 self-inflicted injury incurred prior to or in the course of an
2 arrest, (ii) expenses incurred for medical care or treatment
3 provided to a person on account of a health condition of that
4 person which existed prior to the time of his or her arrest, or
5 (iii) expenses for hospital inpatient services for arrestees
6 enrolled for medical assistance under the Illinois Public Aid
7 Code.

8 (Source: P.A. 100-987, eff. 7-1-19.)

9 (730 ILCS 125/17.5)

10 Sec. 17.5. Pregnant committed persons ~~female prisoners.~~
11 Restraint of a pregnant or postpartum committed person shall
12 comply with Section 3-15003.6 of the County Department of
13 Corrections Law ~~Notwithstanding any other statute, directive,~~
14 ~~or administrative regulation, when a pregnant female prisoner~~
15 ~~is brought to a hospital from a county jail for the purpose of~~
16 ~~delivering her baby, no handcuffs, shackles, or restraints of~~
17 ~~any kind may be used during her transport to a medical facility~~
18 ~~for the purpose of delivering her baby. Under no circumstances~~
19 ~~may leg irons or shackles or waist shackles be used on any~~
20 ~~pregnant female prisoner who is in labor. In addition,~~
21 ~~restraint of a pregnant female prisoner in the custody of the~~
22 ~~Cook County shall comply with Section 3-15003.6 of the~~
23 ~~Counties Code. Upon the pregnant female prisoner's entry to~~
24 ~~the hospital delivery room, 2 county correctional officers~~
25 ~~must be posted immediately outside the delivery room. The~~

1 ~~Sheriff must provide for adequate personnel to monitor the~~
2 ~~pregnant female prisoner during her transport to and from the~~
3 ~~hospital and during her stay at the hospital.~~

4 (Source: P.A. 100-1051, eff. 1-1-19.)

5 (730 ILCS 125/17.6)

6 Sec. 17.6. Sheriff training related to pregnant committed
7 persons ~~prisoners~~.

8 (a) The sheriff shall provide training relating to medical
9 and mental health care issues applicable to pregnant committed
10 persons ~~prisoners~~ confined in the county jail to:

11 (1) each correctional officer employed by the sheriff
12 at the county jail in which female committed persons are
13 confined; and

14 (2) any other sheriff employee whose duties involve
15 contact with pregnant committed persons ~~prisoners~~.

16 (b) The training must include information regarding:

17 (1) appropriate care for pregnant committed persons
18 ~~prisoners~~; and

19 (2) the impact on a pregnant committed person ~~prisoner~~
20 and the committed person's ~~prisoner's~~ unborn child of:

21 (A) the use of restraints;

22 (B) placement in administrative segregation; and

23 (C) invasive searches.

24 (Source: P.A. 101-652, eff. 7-1-21.)

1 (730 ILCS 125/17.7)

2 Sec. 17.7. Educational programming and information for
3 pregnant committed persons ~~prisoners~~.

4 (a) The Illinois Department of Public Health shall provide
5 the sheriff with educational programming relating to pregnancy
6 and parenting and the sheriff shall provide the programming to
7 pregnant committed persons ~~prisoners~~. The programming must
8 include instruction regarding:

9 (1) appropriate prenatal care and hygiene;

10 (2) the effects of prenatal exposure to alcohol and
11 drugs on a developing fetus;

12 (3) parenting skills; and

13 (4) medical and mental health issues applicable to
14 children.

15 (b) Each sheriff shall provide informational materials
16 concerning the laws pertaining to pregnant committed persons
17 to any pregnant or postpartum individual. The Department of
18 Public Health shall provide these informational materials to
19 the warden or the sheriff at no cost to the county and the
20 county may accept informational materials from community-based
21 organizations specializing in the rights of pregnant committed
22 persons. The informational materials must include information
23 regarding:

24 (1) the prohibition against the use of restraints;

25 (2) rules concerning the treatment of pregnant
26 committed persons, including those relating to bed height

- 1 and supplemental nutrition;
- 2 (3) the right to spend time with a child following
- 3 delivery;
- 4 (4) the requirement to provide educational
- 5 programming;
- 6 (5) all rights under the Reproductive Health Act;
- 7 (6) the procedure for obtaining an abortion, if so
- 8 desired;
- 9 (7) the procedure for obtaining information about
- 10 guardianship or adoption resources, if so desired;
- 11 (8) any new or additional laws concerning the rights
- 12 of pregnant committed persons; and
- 13 (9) the address or contact information for community
- 14 organizations specializing in the rights of pregnant
- 15 committed persons for questions or concerns.
- 16 (c) Each sheriff must also post informational flyers
- 17 provided by the Department of Public Health wherever pregnant
- 18 committed persons may be housed.

19 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21.)

20 (730 ILCS 125/17.8)

21 Sec. 17.8. Committed person postpartum ~~Prisoner~~

22 ~~post-partum~~ recovery requirements. The sheriff shall ensure

23 that, for a period of 72 hours after the birth of an infant by

24 a committed person ~~prisoner~~:

- 25 (1) the infant is allowed to remain with the committed

1 person prisoner, unless a medical professional determines
2 doing so would pose a health or safety risk to the
3 committed person prisoner or infant; and

4 (2) the committed person prisoner has access to any
5 nutritional or hygiene-related products necessary to care
6 for the infant, including diapers.

7 (Source: P.A. 101-652, eff. 7-1-21.)

8 (730 ILCS 125/17.9)

9 Sec. 17.9. Housing requirements applicable to pregnant
10 committed persons prisoners.

11 (a) The sheriff may not place in administrative
12 segregation a committed person prisoner who is pregnant or who
13 gave birth during the preceding 30 days unless the sheriff or
14 the sheriff's designee determines that the placement is
15 necessary based on a reasonable belief that the committed
16 person prisoner will harm herself, the committed person's
17 prisoner's infant, or any other person or will attempt escape.

18 (b) The sheriff may not assign a pregnant committed person
19 to any bed that is elevated more than 3 feet above the floor.

20 (Source: P.A. 101-652, eff. 7-1-21.)

21 (730 ILCS 125/17.10)

22 Sec. 17.10. Requirements in connection with HIV/AIDS.

23 (a) In each county other than Cook, during the medical
24 admissions exam, the warden of the jail, a correctional

1 officer at the jail, or a member of the jail medical staff must
2 provide the committed person ~~prisoner~~ with appropriate written
3 information concerning human immunodeficiency virus (HIV) and
4 acquired immunodeficiency syndrome (AIDS). The Department of
5 Public Health and community-based organizations certified to
6 provide HIV/AIDS testing must provide these informational
7 materials to the warden at no cost to the county. The warden, a
8 correctional officer, or a member of the jail medical staff
9 must inform the committed person ~~prisoner~~ of the option of
10 being tested for infection with HIV by a certified local
11 community-based agency or other available medical provider at
12 no charge to the committed person ~~prisoner~~.

13 (b) In Cook County, during the medical admissions exam, an
14 employee of the Cook County Health & Hospitals System must
15 provide the committed person ~~prisoner~~ with appropriate
16 information in writing, verbally or by video or other
17 electronic means concerning human immunodeficiency virus (HIV)
18 and acquired immunodeficiency syndrome (AIDS) and must also
19 provide the committed person ~~prisoner~~ with option of testing
20 for infection with HIV or any other identified causative agent
21 of AIDS, as well as counseling in connection with such
22 testing. The Cook County Health & Hospitals System may provide
23 the inmate with opt-out human immunodeficiency virus (HIV)
24 testing, as defined in Section 4 of the AIDS Confidentiality
25 Act, unless the inmate refuses. If opt-out HIV testing is
26 conducted, the Cook County Health & Hospitals System shall

1 place signs in English, Spanish, and other languages as needed
2 in multiple, highly visible locations in the area where HIV
3 testing is conducted informing inmates that they will be
4 tested for HIV unless they refuse, and refusal or acceptance
5 of testing shall be documented in the inmate's medical record.
6 Pre-test information shall be provided to the inmate and
7 informed consent obtained from the inmate as required in
8 subsection (q) of Section 3 and Section 5 of the AIDS
9 Confidentiality Act. The Cook County Health & Hospitals System
10 shall follow procedures established by the Department of
11 Public Health to conduct HIV testing and testing to confirm
12 positive HIV test results. All aspects of HIV testing shall
13 comply with the requirements of the AIDS Confidentiality Act,
14 including delivery of test results, as determined by the Cook
15 County Health & Hospitals System in consultation with the
16 Illinois Department of Public Health. Nothing in this Section
17 shall require the Cook County Health & Hospitals System to
18 offer HIV testing to inmates who are known to be infected with
19 HIV. The Department of Public Health and community-based
20 organizations certified to provide HIV/AIDS testing may
21 provide these informational materials to the Bureau at no cost
22 to the county. The testing provided under this subsection (b)
23 shall consist of a test approved by the Illinois Department of
24 Public Health to determine the presence of HIV infection,
25 based upon recommendations of the United States Centers for
26 Disease Control and Prevention. If the test result is

1 positive, a reliable supplemental test based upon
2 recommendations of the United States Centers for Disease
3 Control and Prevention shall be administered.

4 (c) In each county, the warden of the jail must make
5 appropriate written information concerning HIV/AIDS available
6 to every visitor to the jail. This information must include
7 information concerning persons or entities to contact for
8 local counseling and testing. The Department of Public Health
9 and community-based organizations certified to provide
10 HIV/AIDS testing must provide these informational materials to
11 the warden at no cost to the office of the county sheriff.

12 (d) Implementation of this Section is subject to
13 appropriation.

14 (Source: P.A. 97-244, eff. 8-4-11; 97-323, eff. 8-12-11;
15 97-813, eff. 7-13-12; 98-1046, eff. 1-1-15.)

16 (730 ILCS 125/17.11 new)

17 Sec. 17.11. Supplemental nutrition during pregnancy or
18 while lactating. A committed person who is pregnant or
19 lactating, including a committed person who is nursing a baby
20 or pumping breastmilk, shall be provided supplemental
21 nutrition of at least 300 calories per day. This supplemental
22 nutrition shall be in addition to any regularly provided food
23 and shall be available outside of regular mealtimes.

24 (730 ILCS 125/19) (from Ch. 75, par. 119)

1 Sec. 19. The Warden of the jail shall see that strict
2 attention is constantly paid to the personal cleanliness of
3 all committed persons ~~prisoners~~ confined in the jail.

4 (Source: P.A. 83-1073.)

5 (730 ILCS 125/19.5)

6 Sec. 19.5. Release of committed persons ~~prisoners~~ to law
7 enforcement personnel or State's Attorney. The sheriff may
8 adopt and implement a written policy that provides for the
9 release of a person who is in the custody of the sheriff for
10 any criminal or supposed criminal matter to sworn law
11 enforcement personnel or to the State's Attorney for the
12 purpose of furthering investigations into criminal matters
13 that are unrelated to the criminal matter for which the person
14 is held in custody. The written policy must, at a minimum,
15 require that there be a written request, signed by an
16 authorized agent of the law enforcement agency or State's
17 Attorney office, to take custody of the committed person
18 ~~prisoner~~ and that the written request shall include the name
19 of the individual authorized to take custody of the committed
20 person ~~prisoner~~, the purpose and scope of the criminal matter
21 under investigation, and a statement of the fact that the
22 individual taking custody and agency they are employed by
23 understand the limitation of the sheriff's liability as
24 described in this Act. Upon the release of a person to law
25 enforcement personnel or the State's Attorney under written

1 policy of the sheriff, the sheriff shall not be liable for any
2 injury of any kind, including but not limited to death, to
3 either the person released or to any third party that occurs
4 during the time period that the person is in custody of other
5 law enforcement personnel or the State's Attorney unless the
6 sheriff or a deputy sheriff, correctional guard, lockup
7 keeper, or county employee is guilty of willful and wanton
8 conduct that proximately caused the injury.

9 (Source: P.A. 92-304, eff. 8-9-01.)

10 (730 ILCS 125/20) (from Ch. 75, par. 120)

11 Sec. 20. Cost and expense; commissary fund.

12 (a) The cost and expense of keeping, maintaining and
13 furnishing the jail of each county, and of keeping and
14 maintaining the committed person ~~prisoner~~ thereof, except as
15 otherwise provided by law, shall be paid from the county
16 treasury, the account therefor being first settled and allowed
17 by the county board.

18 The county board may require convicted persons confined in
19 its jail to reimburse the county for the expenses incurred by
20 their incarceration to the extent of their ability to pay for
21 such expenses. The warden of the jail shall establish by
22 regulation criteria for a reasonable deduction from money
23 credited to any account of an inmate to defray the costs to the
24 county for an inmate's medical care. The State's Attorney of
25 the county in which such jail is located may, if requested by

1 the County Board, institute civil actions in the circuit court
2 of the county in which the jail is located to recover from such
3 convicted confined persons the expenses incurred by their
4 confinement. The funds recovered shall be paid into the county
5 treasury.

6 (a-5) Upon notification from the Clerk of the Circuit
7 Court of an outstanding fine, restitution, or costs imposed by
8 the court on a jail inmate, the warden of the jail may, at any
9 time prior to release of the inmate, deduct from money
10 credited to any account of the inmate an amount to pay or
11 reduce the outstanding balance. The warden of the jail shall
12 establish by regulation criteria for deduction from money
13 credited to any account of an inmate to pay or reduce the
14 amount outstanding on a fine, restitution, or costs imposed by
15 the court on the inmate. The regulation shall comply with any
16 withholding restrictions otherwise provided by law. The inmate
17 shall be provided with written notice of the amount of any
18 deduction. There shall also be prominent notice by signage at
19 any location where the warden of the jail or jail employees
20 receive funds for deposit into an inmate's account, that funds
21 in an inmate's account may be used to pay fines, restitution,
22 or costs imposed on the inmate by a court. Any person providing
23 funds for an inmate's account shall be notified in writing
24 when the funds are provided, that funds in an inmate's account
25 may be used to pay fines, restitution, or costs imposed on the
26 inmate by a court.

1 (b) When a committed person ~~prisoner~~ is released from the
2 county jail after the completion of his or her sentence and has
3 money credited to his or her account in the commissary fund,
4 the sheriff or a person acting on the authority of the sheriff
5 must mail a check in the amount credited to the committed
6 person's ~~prisoner's~~ account to the committed person's
7 ~~prisoner's~~ last known address. If after 30 days from the date
8 of mailing of the check, the check is returned undelivered,
9 the sheriff must transmit the amount of the check to the county
10 treasurer for deposit into the commissary fund. Nothing in
11 this subsection (b) constitutes a forfeiture of the committed
12 person's ~~prisoner's~~ right to claim the money accredited to his
13 or her account after the 30-day period.

14 (Source: P.A. 96-432, eff. 8-13-09.)

15 (730 ILCS 125/21) (from Ch. 75, par. 121)

16 Sec. 21. Whenever a committed person ~~prisoner~~ is committed
17 to the jail of one county for a criminal offense committed or
18 charged to have been committed in another, or is transferred
19 to another county for safekeeping or trial, the county in
20 which the crime was committed, or charged to have been
21 committed, shall pay the expenses of the keeping of such
22 committed person ~~prisoner~~. In civil suits, the plaintiff or
23 defendant shall pay the expenses, in the same manner as if the
24 imprisonment had taken place in the same county where the suit
25 was commenced.

1 The County Board of the county in which the crime was
2 committed, may require convicted committed persons ~~prisoners~~
3 transferred from such county to reimburse the county for the
4 expenses incurred by their incarceration to the extent of
5 their ability to pay for such expenses. The State's Attorney
6 of the county which incurred the expenses, if authorized by
7 the County Board, may institute civil actions in the circuit
8 court of such county to recover from such convicted confined
9 persons the expenses incurred by their confinement. Such
10 expenses recovered shall be paid into the county treasury.
11 (Source: P.A. 83-1073.)