



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5893

by Rep. David Friess

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2-2.5 new
730 ILCS 5/3-7-2

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

Amends the Unified Code of Corrections. Provides that the Department of Corrections shall create and implement a policy of electronic scanning and processing of all incoming mail in all Department of Corrections institutions and facilities, including the use of drug interdiction technologies to protect the health and safety of committed persons, the Department's staff, and its contractors. Provides that the policy shall require that mail processed electronically shall be available to committed persons only through kiosk and tablet services. Provides that the policy shall require that the mail be held in storage for a period of time by the correctional institution or facility or destroyed, as determined by the Director of Corrections. Provides that the Department shall adopt rules to implement this provision. Effective immediately.

LRB103 42506 RLC 75737 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-7-2 and by adding Section 3-2-2.5 as
6 follows:

7 (730 ILCS 5/3-2-2.5 new)

8 Sec. 3-2-2.5. Department of Corrections; electronic
9 scanning of committed person mail. The Department of
10 Corrections shall create and implement a policy of electronic
11 scanning and processing of all incoming mail in all Department
12 of Corrections institutions and facilities, including the use
13 of drug interdiction technologies to protect the health and
14 safety of committed persons, the Department's staff, and its
15 contractors from the potential receipt or exposure to any
16 contraband, including drugs, chemicals, or toxic substances.
17 The policy shall require that mail processed electronically
18 shall be available to committed persons only through kiosk and
19 tablet services. The policy shall require that the mail be
20 held in storage for a period of time by the correctional
21 institution or facility or destroyed, as determined by the
22 Director of Corrections. The Department shall adopt rules to
23 implement this Section.

1 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

2 Sec. 3-7-2. Facilities.

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

10 (b) (Blank).

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

17 (d) All institutions and facilities of the Department
18 shall provide every committed person with a wholesome and
19 nutritional diet at regularly scheduled hours, drinking water,
20 clothing adequate for the season, including underwear,
21 bedding, soap, ~~and~~ towels, and medical and dental care.
22 Underwear provided to each committed person in all
23 institutions and facilities of the Department shall be free of
24 charge and shall be provided at any time upon request,
25 including multiple requests, of the committed person or as

1 needed by the committed person.

2 (e) Except as otherwise provided in this subsection (e),
3 all ~~All~~ institutions and facilities of the Department shall
4 permit every committed person to send and receive an unlimited
5 number of uncensored letters. The ~~, provided, however, that~~
6 ~~the~~ Director may order that mail be inspected and read for
7 reasons of the security, safety, or morale of the institution
8 or facility. Mail shall only be received by committed persons
9 in electronic form in the manner provided by a rule adopted
10 under Section 3-2-2.

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

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

26 (f-5) (Blank).

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

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

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

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

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

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

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

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

22 (g) All institutions and facilities of the Department
23 shall permit religious ministrations and sacraments to be
24 available to every committed person, but attendance at
25 religious services shall not be required. This subsection (g)
26 is subject to the provisions of the Faith Behind Bars Act.

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

5 (i) A point of contact person appointed under subsection
6 (u-6) of Section 3-2-2 of this Code shall promptly and
7 efficiently review suggestions, complaints, and other requests
8 made by visitors to institutions and facilities of the
9 Department and by other members of the public. Based on the
10 nature of the submission, the point of contact person shall
11 communicate with the appropriate division of the Department,
12 disseminate the concern or complaint, and act as liaison
13 between the parties to reach a resolution.

14 (1) The point of contact person shall maintain
15 information about the subject matter of each
16 correspondence, including, but not limited to, information
17 about the following subjects:

18 (A) the parties making the submission;

19 (B) any commissary-related concerns;

20 (C) any concerns about the institution or
21 facility's COVID-19 ~~COVID~~ protocols and mitigations;

22 (D) any concerns about mail, video, or electronic
23 messages or other communications with incarcerated
24 persons;

25 (E) any concerns about the institution or
26 facility;

- 1 (F) any discipline-related concerns;
- 2 (G) any concerns about earned sentencing credits;
- 3 (H) any concerns about educational opportunities
- 4 for incarcerated persons;
- 5 (I) any concerns about health-related matters;
- 6 (J) any mental health concerns;
- 7 (K) any concerns about personal property;
- 8 (L) any concerns about the records of the
- 9 incarcerated person;
- 10 (M) any concerns about recreational opportunities
- 11 for incarcerated persons;
- 12 (N) any staffing-related concerns;
- 13 (O) any concerns about the transfer of individuals
- 14 in custody;
- 15 (P) any concerns about visitation; and
- 16 (Q) any concerns about work opportunities for
- 17 incarcerated persons.

18 The information shall be maintained in accordance with

19 standards set by the Department of Corrections, and shall

20 be made available to the Department's Planning and

21 Research Division. The point of contact person shall

22 provide a summary of the results of the review, including

23 any resolution or recommendations made as a result of

24 correspondence with the Planning and Research Division of

25 the Department.

26 (2) The Department shall provide an annual written

1 report to the General Assembly and the Governor, with the
2 first report due no later than January 1, 2023, and
3 publish the report on its website within 48 hours after
4 the report is transmitted to the Governor and the General
5 Assembly. The report shall include a summary of activities
6 undertaken and completed as a result of submissions to the
7 point of contact person. The Department of Corrections
8 shall collect and report the following aggregated and
9 disaggregated data for each institution and facility and
10 describe:

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

12 (B) the general nature of suggestions, complaints,
13 and other requests submitted to the point of contact
14 person;

15 (C) the volume of emails, calls, letters, and
16 other correspondence received by the point of contact
17 person;

18 (D) the resolutions reached or recommendations
19 made as a result of the point of contact person's
20 review;

21 (E) whether, if an investigation is recommended, a
22 report of the complaint was forwarded to the Chief
23 Inspector of the Department or other Department
24 employee, and the resolution of the complaint, and if
25 the investigation has not concluded, a detailed status
26 report on the complaint; and

1 (F) any recommendations that the point of contact
2 person has relating to systemic issues in the
3 Department of Corrections, and any other matters for
4 consideration by the General Assembly and the
5 Governor.

6 The name, address, or other personally identifiable
7 information of a person who files a complaint, suggestion,
8 or other request with the point of contact person, and
9 confidential records shall be redacted from the annual
10 report and are not subject to disclosure under the Freedom
11 of Information Act. The Department shall disclose the
12 records only if required by a court order on a showing of
13 good cause.

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

17 (A) a short statement notifying visitors of the
18 point of contact person and that person's duty to
19 receive suggestions, complaints, or other requests;
20 and

21 (B) information on how to submit suggestions,
22 complaints, or other requests to the point of contact
23 person.

24 (j) Menstrual hygiene products shall be available, as
25 needed, free of charge, at all institutions and facilities of
26 the Department for all committed persons who menstruate. In

1 this subsection (j), "menstrual hygiene products" means
2 tampons and sanitary napkins for use in connection with the
3 menstrual cycle.

4 (Source: P.A. 102-1082, eff. 6-10-22; 102-1111, eff. 6-1-23;
5 103-154, eff. 6-30-23; 103-331, eff. 1-1-24; revised 7-22-24.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.