



Rep. Constance A. Howard

**Filed: 4/8/2005**

09400HB2578ham002

LRB094 07259 DRJ 44723 a

1 AMENDMENT TO HOUSE BILL 2578

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2578, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This Act may be cited as the  
6 African-American HIV/AIDS Response Act.

7 Section 5. Legislative finding. The General Assembly finds  
8 that HIV/AIDS in the African-American community is a crisis  
9 separate and apart from the overall issue of HIV/AIDS in other  
10 communities.

11 Section 10. African-American HIV/AIDS Response Officer. An  
12 African-American HIV/AIDS Response Officer, responsible for  
13 coordinating efforts to address the African-American AIDS  
14 crisis within his or her respective Office or Department and  
15 serving as a liaison to governmental and non-governmental  
16 entities beyond his or her respective Office or Department  
17 regarding the same, shall be designated in each of the  
18 following:

- 19 (1) The Office of the Governor.
- 20 (2) The Department of Human Services.
- 21 (3) The Department of Public Health.
- 22 (4) The Department of Corrections.

1 Section 15. State agencies; HIV testing.

2 (a) In this Section:

3 "High-risk community" means a community designated as  
4 high-risk by the Department of Public Health in rules.

5 "High-traffic facility" means a high-traffic facility as  
6 defined by the State agency operating the facility.

7 "State agency" means (i) any department of State government  
8 created under Section 5-15 of the Departments of State  
9 Government Law of the Civil Administrative Code of Illinois or  
10 (ii) the Office of the Secretary of State.

11 (b) The Department of Public Health shall coordinate the  
12 response to HIV/AIDS in the African-American community.

13 (c) A State agency that operates a facility that (i) is  
14 accessible to the public, (ii) is a high-traffic facility, and  
15 (iii) serves a high-risk community must provide the following  
16 in each such facility where space and security reasonably  
17 permit: space for free HIV counseling and antibody testing to a  
18 community-based organization licensed to do testing, in  
19 accordance with the AIDS Confidentiality Act and rules adopted  
20 by the Department of Public Health. The State agency or its  
21 employees shall not conduct any counseling or testing required  
22 to be provided under this subsection, but the agency shall make  
23 appropriate arrangements with one or more certified  
24 community-based organizations to conduct the counseling or  
25 testing. The testing required to be provided under this  
26 subsection is the rapid testing authorized under Section 5.5 of  
27 the AIDS Confidentiality Act.

28 (d) Neither the State of Illinois nor any State agency  
29 supplying space for services authorized by this Section shall  
30 be liable for damages based on the provision of such space or  
31 claimed to result from any services performed in such space,  
32 except that this immunity does not apply in the case of willful  
33 and wanton misconduct.

1           Section 20. Study. The Illinois HIV/AIDS Policy and  
2 Research Institute at Chicago State University shall conduct a  
3 study to determine whether there is a correlation between  
4 incarceration and HIV infection.

5           Section 25. HIV/AIDS Response Review Panel.

6           (a) The HIV/AIDS Response Review Panel is established  
7 within the Office of the Governor. The Panel shall consist of  
8 the following members:

9           (1) One member appointed by the Governor. This member  
10 shall serve as the Chair of the Panel.

11           (2) One representative of each of the following,  
12 appointed by the head of the department: the Department of  
13 Corrections; the Department of Human Services; and the  
14 Department of Public Health.

15           (3) Two ex-offenders who are familiar with the issue of  
16 HIV/AIDS as it relates to incarceration, appointed by  
17 Governor. One of these members must be from Cook County,  
18 and the other must be from a county other than Cook. Both  
19 of these members must have received a final discharge from  
20 the Department of Corrections.

21           (4) Three representatives of HIV/AIDS organizations  
22 that have been in business for at least 2 years, appointed  
23 by Governor. In the case of such an organization that  
24 represents a constituency the majority of whom are  
25 African-American, the organization's representative who is  
26 a member of the Panel must be African-American.

27           (b) The Panel shall review the implementation of this Act  
28 within the Department of Corrections and shall file a report  
29 with the General Assembly and with the Governor every January 1  
30 stating the results of its review.

31           Section 30. Rules.

32           (a) No later than January 15, 2006, the Department of

1 Public Health shall issue proposed rules for designating  
2 high-risk communities and for implementing subsection (c) of  
3 Section 15. The rules must include, but may not be limited to,  
4 a standard testing protocol, training for staff,  
5 community-based organization experience, and the removal and  
6 proper disposal of hazardous waste.

7 (b) The Department of Human Services, the Department of  
8 Public Health, and the Department of Corrections shall adopt  
9 rules as necessary to ensure that this Act is implemented  
10 within 6 months after the effective date of this Act.

11 Section 90. The Department of Public Health Powers and  
12 Duties Law of the Civil Administrative Code of Illinois is  
13 amended by adding Section 2310-321 as follows:

14 (20 ILCS 2310/2310-321 new)

15 Sec. 2310-321. Information for persons committed to the  
16 Department of Corrections and persons confined in a county  
17 jail. On the Department's official Web site, the Department  
18 shall provide Web-friendly and printer-friendly versions of  
19 educational materials targeted to persons presently or  
20 previously committed to the Department of Corrections or  
21 confined in a county jail, as well as family members and  
22 friends of such persons. The information shall include  
23 information concerning testing, counseling, and case  
24 management, including referrals and support services, in  
25 connection with human immunodeficiency virus (HIV) or any other  
26 identified causative agent of acquired immunodeficiency  
27 syndrome (AIDS).

28 Section 92. The Illinois Public Aid Code is amended by  
29 changing Sections 5-2 and 9A-4 and by adding Section 5-5.04 as  
30 follows:

1 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

2 Sec. 5-2. Classes of Persons Eligible. Medical assistance  
3 under this Article shall be available to any of the following  
4 classes of persons in respect to whom a plan for coverage has  
5 been submitted to the Governor by the Illinois Department and  
6 approved by him:

7 1. Recipients of basic maintenance grants under Articles  
8 III and IV.

9 2. Persons otherwise eligible for basic maintenance under  
10 Articles III and IV but who fail to qualify thereunder on the  
11 basis of need, and who have insufficient income and resources  
12 to meet the costs of necessary medical care, including but not  
13 limited to the following:

14 (a) All persons otherwise eligible for basic  
15 maintenance under Article III but who fail to qualify under  
16 that Article on the basis of need and who meet either of  
17 the following requirements:

18 (i) their income, as determined by the Illinois  
19 Department in accordance with any federal  
20 requirements, is equal to or less than 70% in fiscal  
21 year 2001, equal to or less than 85% in fiscal year  
22 2002 and until a date to be determined by the  
23 Department by rule, and equal to or less than 100%  
24 beginning on the date determined by the Department by  
25 rule, of the nonfarm income official poverty line, as  
26 defined by the federal Office of Management and Budget  
27 and revised annually in accordance with Section 673(2)  
28 of the Omnibus Budget Reconciliation Act of 1981,  
29 applicable to families of the same size; or

30 (ii) their income, after the deduction of costs  
31 incurred for medical care and for other types of  
32 remedial care, is equal to or less than 70% in fiscal  
33 year 2001, equal to or less than 85% in fiscal year  
34 2002 and until a date to be determined by the

1 Department by rule, and equal to or less than 100%  
2 beginning on the date determined by the Department by  
3 rule, of the nonfarm income official poverty line, as  
4 defined in item (i) of this subparagraph (a).

5 (b) All persons who would be determined eligible for  
6 such basic maintenance under Article IV by disregarding the  
7 maximum earned income permitted by federal law.

8 3. Persons who would otherwise qualify for Aid to the  
9 Medically Indigent under Article VII.

10 4. Persons not eligible under any of the preceding  
11 paragraphs who fall sick, are injured, or die, not having  
12 sufficient money, property or other resources to meet the costs  
13 of necessary medical care or funeral and burial expenses.

14 5. (a) Women during pregnancy, after the fact of pregnancy  
15 has been determined by medical diagnosis, and during the  
16 60-day period beginning on the last day of the pregnancy,  
17 together with their infants and children born after  
18 September 30, 1983, whose income and resources are  
19 insufficient to meet the costs of necessary medical care to  
20 the maximum extent possible under Title XIX of the Federal  
21 Social Security Act.

22 (b) The Illinois Department and the Governor shall  
23 provide a plan for coverage of the persons eligible under  
24 paragraph 5(a) by April 1, 1990. Such plan shall provide  
25 ambulatory prenatal care to pregnant women during a  
26 presumptive eligibility period and establish an income  
27 eligibility standard that is equal to 133% of the nonfarm  
28 income official poverty line, as defined by the federal  
29 Office of Management and Budget and revised annually in  
30 accordance with Section 673(2) of the Omnibus Budget  
31 Reconciliation Act of 1981, applicable to families of the  
32 same size, provided that costs incurred for medical care  
33 are not taken into account in determining such income  
34 eligibility.

1           (c) The Illinois Department may conduct a  
2 demonstration in at least one county that will provide  
3 medical assistance to pregnant women, together with their  
4 infants and children up to one year of age, where the  
5 income eligibility standard is set up to 185% of the  
6 nonfarm income official poverty line, as defined by the  
7 federal Office of Management and Budget. The Illinois  
8 Department shall seek and obtain necessary authorization  
9 provided under federal law to implement such a  
10 demonstration. Such demonstration may establish resource  
11 standards that are not more restrictive than those  
12 established under Article IV of this Code.

13           6. Persons under the age of 18 who fail to qualify as  
14 dependent under Article IV and who have insufficient income and  
15 resources to meet the costs of necessary medical care to the  
16 maximum extent permitted under Title XIX of the Federal Social  
17 Security Act.

18           7. Persons who are under 21 years of age and would qualify  
19 as disabled as defined under the Federal Supplemental Security  
20 Income Program, provided medical service for such persons would  
21 be eligible for Federal Financial Participation, and provided  
22 the Illinois Department determines that:

23           (a) the person requires a level of care provided by a  
24 hospital, skilled nursing facility, or intermediate care  
25 facility, as determined by a physician licensed to practice  
26 medicine in all its branches;

27           (b) it is appropriate to provide such care outside of  
28 an institution, as determined by a physician licensed to  
29 practice medicine in all its branches;

30           (c) the estimated amount which would be expended for  
31 care outside the institution is not greater than the  
32 estimated amount which would be expended in an institution.

33           8. Persons who become ineligible for basic maintenance  
34 assistance under Article IV of this Code in programs

1 administered by the Illinois Department due to employment  
2 earnings and persons in assistance units comprised of adults  
3 and children who become ineligible for basic maintenance  
4 assistance under Article VI of this Code due to employment  
5 earnings. The plan for coverage for this class of persons  
6 shall:

7 (a) extend the medical assistance coverage for up to 12  
8 months following termination of basic maintenance  
9 assistance; and

10 (b) offer persons who have initially received 6 months  
11 of the coverage provided in paragraph (a) above, the option  
12 of receiving an additional 6 months of coverage, subject to  
13 the following:

14 (i) such coverage shall be pursuant to provisions  
15 of the federal Social Security Act;

16 (ii) such coverage shall include all services  
17 covered while the person was eligible for basic  
18 maintenance assistance;

19 (iii) no premium shall be charged for such  
20 coverage; and

21 (iv) such coverage shall be suspended in the event  
22 of a person's failure without good cause to file in a  
23 timely fashion reports required for this coverage  
24 under the Social Security Act and coverage shall be  
25 reinstated upon the filing of such reports if the  
26 person remains otherwise eligible.

27 9. Persons with acquired immunodeficiency syndrome (AIDS)  
28 or with AIDS-related conditions with respect to whom there has  
29 been a determination that but for home or community-based  
30 services such individuals would require the level of care  
31 provided in an inpatient hospital, skilled nursing facility or  
32 intermediate care facility the cost of which is reimbursed  
33 under this Article. Assistance shall be provided to such  
34 persons to the maximum extent permitted under Title XIX of the



1 Federal Social Security Act.

2 10. Participants in the long-term care insurance  
3 partnership program established under the Partnership for  
4 Long-Term Care Act who meet the qualifications for protection  
5 of resources described in Section 25 of that Act.

6 11. Persons with disabilities who are employed and eligible  
7 for Medicaid, pursuant to Section 1902(a)(10)(A)(ii)(xv) of  
8 the Social Security Act, as provided by the Illinois Department  
9 by rule.

10 12. Subject to federal approval, persons who are eligible  
11 for medical assistance coverage under applicable provisions of  
12 the federal Social Security Act and the federal Breast and  
13 Cervical Cancer Prevention and Treatment Act of 2000. Those  
14 eligible persons are defined to include, but not be limited to,  
15 the following persons:

16 (1) persons who have been screened for breast or  
17 cervical cancer under the U.S. Centers for Disease Control  
18 and Prevention Breast and Cervical Cancer Program  
19 established under Title XV of the federal Public Health  
20 Services Act in accordance with the requirements of Section  
21 1504 of that Act as administered by the Illinois Department  
22 of Public Health; and

23 (2) persons whose screenings under the above program  
24 were funded in whole or in part by funds appropriated to  
25 the Illinois Department of Public Health for breast or  
26 cervical cancer screening.

27 "Medical assistance" under this paragraph 12 shall be identical  
28 to the benefits provided under the State's approved plan under  
29 Title XIX of the Social Security Act. The Department must  
30 request federal approval of the coverage under this paragraph  
31 12 within 30 days after the effective date of this amendatory  
32 Act of the 92nd General Assembly.

33 13. Subject to federal approval, persons living with  
34 HIV/AIDS who are not otherwise eligible under this Article and

1 who qualify for services covered under Section 5-5.04 as  
2 provided by the Illinois Department by rule.

3 The Illinois Department and the Governor shall provide a  
4 plan for coverage of the persons eligible under paragraph 7 as  
5 soon as possible after July 1, 1984.

6 The eligibility of any such person for medical assistance  
7 under this Article is not affected by the payment of any grant  
8 under the Senior Citizens and Disabled Persons Property Tax  
9 Relief and Pharmaceutical Assistance Act or any distributions  
10 or items of income described under subparagraph (X) of  
11 paragraph (2) of subsection (a) of Section 203 of the Illinois  
12 Income Tax Act. The Department shall by rule establish the  
13 amounts of assets to be disregarded in determining eligibility  
14 for medical assistance, which shall at a minimum equal the  
15 amounts to be disregarded under the Federal Supplemental  
16 Security Income Program. The amount of assets of a single  
17 person to be disregarded shall not be less than \$2,000, and the  
18 amount of assets of a married couple to be disregarded shall  
19 not be less than \$3,000.

20 To the extent permitted under federal law, any person found  
21 guilty of a second violation of Article VIIIA shall be  
22 ineligible for medical assistance under this Article, as  
23 provided in Section 8A-8.

24 The eligibility of any person for medical assistance under  
25 this Article shall not be affected by the receipt by the person  
26 of donations or benefits from fundraisers held for the person  
27 in cases of serious illness, as long as neither the person nor  
28 members of the person's family have actual control over the  
29 donations or benefits or the disbursement of the donations or  
30 benefits.

31 (Source: P.A. 92-16, eff. 6-28-01; 92-47, eff. 7-3-01; 92-597,  
32 eff. 6-28-02; 93-20, eff. 6-20-03.)

1       Sec. 5-5.04. Persons living with HIV/AIDS. The Department  
2 of Public Aid may seek federal approval to expand access to  
3 health care for persons living with HIV/AIDS.

4           (305 ILCS 5/9A-4) (from Ch. 23, par. 9A-4)

5       Sec. 9A-4. Participation.

6       (a) Except for those exempted under subsection (b) below,  
7 and to the extent resources permit, the Illinois Department as  
8 a condition of eligibility for public aid, may, as provided by  
9 rule, require all recipients to participate in an education,  
10 training, and employment program, which shall include  
11 accepting suitable employment and refraining from terminating  
12 employment or reducing earnings without good cause.

13       (b) Recipients shall be exempt from the requirement of  
14 participation in the education, training, and employment  
15 program in the following circumstances:

16           (1) The recipient is a person over age 60; or

17           (2) The recipient is a person with a child under age  
18 one.

19       Recipients are entitled to request a reasonable  
20 modification to the requirement of participation in the  
21 education, training and employment program in order to  
22 accommodate a qualified individual with a disability as defined  
23 by the Americans with Disabilities Act. Requests for a  
24 reasonable modification shall be evaluated on a case-by-case  
25 functional basis by designated staff based on Department rule.  
26 All such requests shall be monitored as part of the agency's  
27 quality assurance process or processes to attest to the  
28 expediency with which such requests are addressed.

29       (Source: P.A. 89-6, eff. 3-6-95; 90-17, eff. 7-1-97.)

30       Section 94. The Unified Code of Corrections is amended by  
31 changing Sections 3-6-2, 3-7-2, 3-8-2, and 3-10-2 and by adding  
32 Section 3-2-11 as follows:

1 (730 ILCS 5/3-2-11 new)

2 Sec. 3-2-11. Web link to Department of Public Health  
3 information. On the Department's official Web site, the  
4 Department shall provide a link to the information provided to  
5 persons committed to the Department and those persons' family  
6 members and friends by the Department of Public Health pursuant  
7 to Section 2310-321 of the Department of Public Health Powers  
8 and Duties Law of the Civil Administrative Code of Illinois.

9 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

10 Sec. 3-6-2. Institutions and Facility Administration.

11 (a) Each institution and facility of the Department shall  
12 be administered by a chief administrative officer appointed by  
13 the Director. A chief administrative officer shall be  
14 responsible for all persons assigned to the institution or  
15 facility. The chief administrative officer shall administer  
16 the programs of the Department for the custody and treatment of  
17 such persons.

18 (b) The chief administrative officer shall have such  
19 assistants as the Department may assign.

20 (c) The Director or Assistant Director shall have the  
21 emergency powers to temporarily transfer individuals without  
22 formal procedures to any State, county, municipal or regional  
23 correctional or detention institution or facility in the State,  
24 subject to the acceptance of such receiving institution or  
25 facility, or to designate any reasonably secure place in the  
26 State as such an institution or facility and to make transfers  
27 thereto. However, transfers made under emergency powers shall  
28 be reviewed as soon as practicable under Article 8, and shall  
29 be subject to Section 5-905 of the Juvenile Court Act of 1987.  
30 This Section shall not apply to transfers to the Department of  
31 Human Services which are provided for under Section 3-8-5 or  
32 Section 3-10-5.

1 (d) The Department shall provide educational programs for  
2 all committed persons so that all persons have an opportunity  
3 to attain the achievement level equivalent to the completion of  
4 the twelfth grade in the public school system in this State.  
5 Other higher levels of attainment shall be encouraged and  
6 professional instruction shall be maintained wherever  
7 possible. The Department may establish programs of mandatory  
8 education and may establish rules and regulations for the  
9 administration of such programs. A person committed to the  
10 Department who, during the period of his or her incarceration,  
11 participates in an educational program provided by or through  
12 the Department and through that program is awarded or earns the  
13 number of hours of credit required for the award of an  
14 associate, baccalaureate, or higher degree from a community  
15 college, college, or university located in Illinois shall  
16 reimburse the State, through the Department, for the costs  
17 incurred by the State in providing that person during his or  
18 her incarceration with the education that qualifies him or her  
19 for the award of that degree. The costs for which reimbursement  
20 is required under this subsection shall be determined and  
21 computed by the Department under rules and regulations that it  
22 shall establish for that purpose. However, interest at the rate  
23 of 6% per annum shall be charged on the balance of those costs  
24 from time to time remaining unpaid, from the date of the  
25 person's parole, mandatory supervised release, or release  
26 constituting a final termination of his or her commitment to  
27 the Department until paid.

28 (d-5) A person committed to the Department is entitled to  
29 confidential testing for infection with human immunodeficiency  
30 virus (HIV) and to counseling in connection with such testing,  
31 all with no copay to the committed person. A committed person  
32 who has tested positive for infection with HIV or any other  
33 identified causative agent of AIDS is entitled to medical care,  
34 counseling, and referrals to support services, in connection

1 with that positive test result.

2 (e) A person committed to the Department who becomes in  
3 need of medical or surgical treatment but is incapable of  
4 giving consent thereto shall receive such medical or surgical  
5 treatment by the chief administrative officer consenting on the  
6 person's behalf. Before the chief administrative officer  
7 consents, he or she shall obtain the advice of one or more  
8 physicians licensed to practice medicine in all its branches in  
9 this State. If such physician or physicians advise:

10 (1) that immediate medical or surgical treatment is  
11 required relative to a condition threatening to cause  
12 death, damage or impairment to bodily functions, or  
13 disfigurement; and

14 (2) that the person is not capable of giving consent to  
15 such treatment; the chief administrative officer may give  
16 consent for such medical or surgical treatment, and such  
17 consent shall be deemed to be the consent of the person for  
18 all purposes, including, but not limited to, the authority  
19 of a physician to give such treatment.

20 (e-5) If a physician providing medical care to a committed  
21 person on behalf of the Department advises the chief  
22 administrative officer that the committed person's mental or  
23 physical health has deteriorated as a result of the cessation  
24 of ingestion of food or liquid to the point where medical or  
25 surgical treatment is required to prevent death, damage, or  
26 impairment to bodily functions, the chief administrative  
27 officer may authorize such medical or surgical treatment.

28 (f) In the event that the person requires medical care and  
29 treatment at a place other than the institution or facility,  
30 the person may be removed therefrom under conditions prescribed  
31 by the Department. The Department shall require the committed  
32 person receiving medical or dental services on a non-emergency  
33 basis to pay a \$2 co-payment to the Department for each visit  
34 for medical or dental services. The amount of each co-payment

1 shall be deducted from the committed person's individual  
2 account. A committed person who has a chronic illness, as  
3 defined by Department rules and regulations, shall be exempt  
4 from the \$2 co-payment for treatment of the chronic illness. A  
5 committed person shall not be subject to a \$2 co-payment for  
6 follow-up visits ordered by a physician, who is employed by, or  
7 contracts with, the Department. A committed person who is  
8 indigent is exempt from the \$2 co-payment and is entitled to  
9 receive medical or dental services on the same basis as a  
10 committed person who is financially able to afford the  
11 co-payment. Notwithstanding any other provision in this  
12 subsection (f) to the contrary, any person committed to any  
13 facility operated by the Juvenile Division, as set forth in  
14 subsection (b) of Section 3-2-5 of this Code, is exempt from  
15 the co-payment requirement for the duration of confinement in  
16 those facilities.

17 (g) Any person having sole custody of a child at the time  
18 of commitment or any woman giving birth to a child after her  
19 commitment, may arrange through the Department of Children and  
20 Family Services for suitable placement of the child outside of  
21 the Department of Corrections. The Director of the Department  
22 of Corrections may determine that there are special reasons why  
23 the child should continue in the custody of the mother until  
24 the child is 6 years old.

25 (h) The Department may provide Family Responsibility  
26 Services which may consist of, but not be limited to the  
27 following:

- 28 (1) family advocacy counseling;
- 29 (2) parent self-help group;
- 30 (3) parenting skills training;
- 31 (4) parent and child overnight program;
- 32 (5) parent and child reunification counseling, either  
33 separately or together, preceding the inmate's release;  
34 and

1           (6) a prerelease reunification staffing involving the  
2           family advocate, the inmate and the child's counselor, or  
3           both and the inmate.

4           (i) Prior to the release of any inmate who has a documented  
5           history of intravenous drug use, and upon the receipt of that  
6           inmate's written informed consent, the Department shall  
7           provide for the testing of such inmate for infection with human  
8           immunodeficiency virus (HIV) and any other identified  
9           causative agent of acquired immunodeficiency syndrome (AIDS).  
10          The testing provided under this subsection shall consist of an  
11          enzyme-linked immunosorbent assay (ELISA) test or such other  
12          test as may be approved by the Illinois Department of Public  
13          Health. If the test result is positive, the Western Blot Assay  
14          or more reliable confirmatory test shall be administered. All  
15          inmates tested in accordance with the provisions of this  
16          subsection shall be provided with pre-test and post-test  
17          counseling. Notwithstanding any provision of this subsection  
18          to the contrary, the Department shall not be required to  
19          conduct the testing and counseling required by this subsection  
20          unless sufficient funds to cover all costs of such testing and  
21          counseling are appropriated for that purpose by the General  
22          Assembly.

23          (j) Any person convicted of a sex offense as defined in the  
24          Sex Offender Management Board Act shall be required to receive  
25          a sex offender evaluation prior to release into the community  
26          from the Department of Corrections. The sex offender evaluation  
27          shall be conducted in conformance with the standards and  
28          guidelines developed under the Sex Offender Management Board  
29          Act and by an evaluator approved by the Board.

30          (k) Any minor committed to the Department of  
31          Corrections-Juvenile Division for a sex offense as defined by  
32          the Sex Offender Management Board Act shall be required to  
33          undergo sex offender treatment by a treatment provider approved  
34          by the Board and conducted in conformance with the Sex Offender



1 Management Board Act.

2 (1) Prior to the release of any inmate, the Department must  
3 provide the inmate with the option of testing for infection  
4 with human immunodeficiency virus (HIV), as well as counseling  
5 in connection with such testing, with no copayment for the  
6 test. At the same time, the Department shall require each such  
7 inmate to sign a form stating that the inmate has been informed  
8 of his or her rights with respect to the testing required to be  
9 offered under this subsection (1) and providing the inmate with  
10 an opportunity to indicate either that he or she wants to be  
11 tested or that he or she does not want to be tested. The  
12 Department, in consultation with the Department of Public  
13 Health, shall prescribe the contents of the form. The testing  
14 provided under this subsection (1) shall consist of an  
15 enzyme-linked immunosorbent assay (ELISA) test or any other  
16 test approved by the Department of Public Health. If the test  
17 result is positive, the Western Blot Assay or more reliable  
18 confirmatory test shall be administered.

19 Prior to the release of an inmate who the Department knows  
20 has tested positive for infection with HIV, the Department in a  
21 timely manner shall offer the inmate transitional case  
22 management, including referrals to other support services.

23 (Source: P.A. 92-292, eff. 8-9-01; 93-616, eff. 1-1-04; 93-928,  
24 eff. 1-1-05.)

25 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

26 Sec. 3-7-2. Facilities.

27 (a) All institutions and facilities of the Department shall  
28 provide every committed person with access to toilet  
29 facilities, barber facilities, bathing facilities at least  
30 once each week, a library of legal materials and published  
31 materials including newspapers and magazines approved by the  
32 Director. A committed person may not receive any materials that  
33 the Director deems pornographic.

1 (b) (Blank).

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

7 (d) All institutions and facilities of the Department shall  
8 provide every committed person with a wholesome and nutritional  
9 diet at regularly scheduled hours, drinking water, clothing  
10 adequate for the season, bedding, soap and towels and medical  
11 and dental care.

12 (e) All institutions and facilities of the Department shall  
13 permit every committed person to send and receive an unlimited  
14 number of uncensored letters, provided, however, that the  
15 Director may order that mail be inspected and read for reasons  
16 of the security, safety or morale of the institution or  
17 facility.

18 (f) All of the institutions and facilities of the  
19 Department shall permit every committed person to receive  
20 visitors, except in case of abuse of the visiting privilege or  
21 when the chief administrative officer determines that such  
22 visiting would be harmful or dangerous to the security, safety  
23 or morale of the institution or facility. The chief  
24 administrative officer shall have the right to restrict  
25 visitation to non-contact visits for reasons of safety,  
26 security, and order, including, but not limited to, restricting  
27 contact visits for committed persons engaged in gang activity.  
28 No committed person in a super maximum security facility or on  
29 disciplinary segregation is allowed contact visits. Any  
30 committed person found in possession of illegal drugs or who  
31 fails a drug test shall not be permitted contact visits for a  
32 period of at least 6 months. Any committed person involved in  
33 gang activities or found guilty of assault committed against a  
34 Department employee shall not be permitted contact visits for a

1 period of at least 6 months. The Department shall offer every  
2 visitor appropriate written information concerning HIV and  
3 AIDS, including information concerning persons or entities to  
4 contact for local counseling. The Department shall develop the  
5 written materials in consultation with the Department of Public  
6 Health. The Department shall ensure that all such information  
7 and materials are culturally sensitive and reflect cultural  
8 diversity as appropriate.

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

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

17 (Source: P.A. 90-14, eff. 7-1-97; 91-912, eff. 7-7-00.)

18 (730 ILCS 5/3-8-2) (from Ch. 38, par. 1003-8-2)

19 Sec. 3-8-2. Social Evaluation; physical examination;  
20 HIV/AIDS. (a) A social evaluation shall be made of a committed  
21 person's medical, psychological, educational and vocational  
22 condition and history, including the use of alcohol and other  
23 drugs, the circumstances of his offense, and such other  
24 information as the Department may determine. The committed  
25 person shall be assigned to an institution or facility in so  
26 far as practicable in accordance with the social evaluation.  
27 Recommendations shall be made for medical, dental,  
28 psychiatric, psychological and social service treatment.

29 (b) A record of the social evaluation shall be entered in  
30 the committed person's master record file and shall be  
31 forwarded to the institution or facility to which the person is  
32 assigned.

33 (c) Upon admission to a correctional institution each

1 committed person shall be given a physical examination. If he  
2 is suspected of having a communicable disease that in the  
3 judgment of the Department medical personnel requires medical  
4 isolation, the committed person shall remain in medical  
5 isolation until it is no longer deemed medically necessary.

6 (d) Upon arrival at an inmate's final destination, the  
7 Department must provide the committed person with appropriate  
8 written information and counseling concerning HIV and AIDS. The  
9 Department shall develop the written materials in consultation  
10 with the Department of Public Health. At the same time, the  
11 Department also must offer the committed person the option of  
12 being tested, with no copayment, for infection with human  
13 immunodeficiency virus (HIV). The Department shall require  
14 each committed person to sign a form stating that the committed  
15 person has been informed of his or her rights with respect to  
16 the testing required to be offered under this subsection (d)  
17 and providing the committed person with an opportunity to  
18 indicate either that he or she wants to be tested or that he or  
19 she does not want to be tested. The Department, in consultation  
20 with the Department of Public Health, shall prescribe the  
21 contents of the form. The testing provided under this  
22 subsection (d) shall consist of an enzyme-linked immunosorbent  
23 assay (ELISA) test or any other test approved by the Department  
24 of Public Health. If the test result is positive, the Western  
25 Blot Assay or more reliable confirmatory test shall be  
26 administered.

27 (Source: P.A. 87-1256.)

28 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

29 Sec. 3-10-2. Examination of Persons Committed to the  
30 Juvenile Division.

31 (a) A person committed to the Juvenile Division shall be  
32 examined in regard to his medical, psychological, social,  
33 educational and vocational condition and history, including

1 the use of alcohol and other drugs, the circumstances of his  
2 offense and any other information as the Department may  
3 determine.

4 (a-5) Upon admission of a person committed to the Juvenile  
5 Division, the Department must provide the person with  
6 appropriate written information and counseling concerning HIV  
7 and AIDS. The Department shall develop the written materials in  
8 consultation with the Department of Public Health. At the same  
9 time, the Department also must offer the person the option of  
10 being tested, at no charge to the person, for infection with  
11 human immunodeficiency virus (HIV) or any other identified  
12 causative agent of acquired immunodeficiency syndrome (AIDS).  
13 The Department shall require each person committed to the  
14 Juvenile Division to sign a form stating that the person has  
15 been informed of his or her rights with respect to the testing  
16 required to be offered under this subsection (a-5) and  
17 providing the person with an opportunity to indicate either  
18 that he or she wants to be tested or that he or she does not  
19 want to be tested. The Department, in consultation with the  
20 Department of Public Health, shall prescribe the contents of  
21 the form. The testing provided under this subsection (a-5)  
22 shall consist of an enzyme-linked immunosorbent assay (ELISA)  
23 test or any other test approved by the Department of Public  
24 Health. If the test result is positive, the Western Blot Assay  
25 or more reliable confirmatory test shall be administered.

26 Also upon admission of a person committed to the Juvenile  
27 Division, the Department must inform the person of the  
28 Department's obligation to provide the person with medical  
29 care.

30 (b) Based on its examination, the Department may exercise  
31 the following powers in developing a treatment program of any  
32 person committed to the Juvenile Division:

33 (1) Require participation by him in vocational,  
34 physical, educational and corrective training and

1 activities to return him to the community.

2 (2) Place him in any institution or facility of the  
3 Juvenile Division.

4 (3) Order replacement or referral to the Parole and  
5 Pardon Board as often as it deems desirable. The Department  
6 shall refer the person to the Parole and Pardon Board as  
7 required under Section 3-3-4.

8 (4) Enter into agreements with the Secretary of Human  
9 Services and the Director of Children and Family Services,  
10 with courts having probation officers, and with private  
11 agencies or institutions for separate care or special  
12 treatment of persons subject to the control of the  
13 Department.

14 (c) The Department shall make periodic reexamination of all  
15 persons under the control of the Juvenile Division to determine  
16 whether existing orders in individual cases should be modified  
17 or continued. This examination shall be made with respect to  
18 every person at least once annually.

19 (d) A record of the treatment decision including any  
20 modification thereof and the reason therefor, shall be part of  
21 the committed person's master record file.

22 (e) The Department shall by certified mail, return receipt  
23 requested, notify the parent, guardian or nearest relative of  
24 any person committed to the Juvenile Division of his physical  
25 location and any change thereof.

26 (Source: P.A. 89-507, eff. 7-1-97.)

27 Section 95. The County Jail Act is amended by adding  
28 Section 17.10 as follows:

29 (730 ILCS 125/17.10 new)

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

31 (a) During the medical admissions exam, the warden of the  
32 jail must provide the prisoner with appropriate written

1 information and counseling concerning human immunodeficiency  
2 virus (HIV) and acquired immunodeficiency syndrome (AIDS). The  
3 sheriff of the county shall obtain the written materials from  
4 the Department of Public Health. At the same time, the warden  
5 also must offer the prisoner the option of being tested, at no  
6 charge to the prisoner, for infection with HIV. The warden  
7 shall require each prisoner to sign a form stating that the  
8 prisoner has been informed of his or her rights with respect to  
9 the testing required to be offered under this subsection (a)  
10 and providing the prisoner with an opportunity to indicate  
11 either that he or she wants to be tested or that he or she does  
12 not want to be tested. The sheriff of the county, in  
13 consultation with the Department of Public Health, shall  
14 prescribe the contents of the form. The testing provided under  
15 this subsection (a) shall consist of an enzyme-linked  
16 immunosorbent assay (ELISA) test or any other test approved by  
17 the Department of Public Health. If the test result is  
18 positive, the Western Blot Assay or more reliable confirmatory  
19 test shall be administered.

20 Also upon a prisoner's confinement in jail the warden must  
21 inform the prisoner of the county's obligation to provide the  
22 prisoner with medical care.

23 (b) A prisoner committed to a jail is entitled to  
24 confidential testing for infection with human immunodeficiency  
25 virus (HIV) or any other identified causative agent of acquired  
26 immunodeficiency syndrome (AIDS) and to counseling in  
27 connection with such testing, all at no charge to the prisoner.  
28 A prisoner who has tested positive for infection with HIV or  
29 any other identified causative agent of AIDS is entitled to  
30 appropriate medical care, counseling, and case management,  
31 including referrals and support services, in connection with  
32 that positive test result.

33 (c) The warden of the jail must offer every visitor to the  
34 jail appropriate written information concerning HIV and AIDS,

1 including information concerning persons or entities to  
2 contact for local counseling. The sheriff of the county shall  
3 obtain the written materials from the Department of Public  
4 Health.

5 (d) Prior to the release of any prisoner, the warden of the  
6 jail must provide the prisoner with the option of testing for  
7 infection with human immunodeficiency virus (HIV), as well as  
8 counseling in connection with such testing, all at no charge to  
9 the inmate. At the same time, the warden shall require each  
10 such prisoner to sign a form stating that the prisoner has been  
11 informed of his or her rights with respect to the testing  
12 required to be offered under this subsection (d) and providing  
13 the prisoner with an opportunity to indicate either that he or  
14 she wants to be tested or that he or she does not want to be  
15 tested. The sheriff of the county, in consultation with the  
16 Department of Public Health, shall prescribe the contents of  
17 the form. The testing provided under this subsection (d) shall  
18 consist of an enzyme-linked immunosorbent assay (ELISA) test or  
19 any other test approved by the Department of Public Health. If  
20 the test result is positive, the Western Blot Assay or more  
21 reliable confirmatory test shall be administered.

22 Prior to the release of a prisoner who the warden knows has  
23 tested positive for infection with HIV or any other identified  
24 causative agent of AIDS, the warden in a timely manner shall  
25 provide the prisoner with transitional case management,  
26 including referrals to other support services provided by the  
27 Department of Public Health.

28 Section 99. Effective date. This Act takes effect January  
29 1, 2006."