

AN ACT concerning criminal law.

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

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

Section 5. Findings and declaration of policy.

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

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

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

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

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

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

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

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

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

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

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

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

Section 10. Definitions.

(a) In this Act:

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

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

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

"Committed person" has the meaning ascribed to it in

Section 1-2 of the Unified Code of Corrections.

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

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

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

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

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

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

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

burden to the State's correctional system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3-7-2. Facilities.

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

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

(b) (Blank).

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

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

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

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

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

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

(f-5) (Blank).

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

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

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

(B) the hours of in-person visits;

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

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

visitors under 18 years of age.

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

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

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

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

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

(1) The point of contact person shall maintain

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

(A) the parties making the submission;

(B) any commissary-related concerns;

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

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

(E) any concerns about the institution or facility;

(F) any discipline-related concerns;

(G) any concerns about earned sentencing credits;

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

(I) any concerns about health-related matters;

(J) any mental health concerns;

(K) any concerns about personal property;

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

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

(N) any staffing-related concerns;

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

(P) any concerns about visitation; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3-7-2. Facilities.

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

(b) (Blank).

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

facility.

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

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

(f) All of the institutions and facilities of the Department shall permit every committed person to receive in-person visitors and video contact, if available, except in case of abuse of the visiting privilege or when the chief administrative officer determines that such visiting would be harmful or dangerous to the security, safety or morale of the institution or facility. Each committed person is entitled to 7 visits per month. Every committed person may submit a list of at least 30 persons to the Department that are authorized to

visit the committed person. The list shall be kept in an electronic format by the Department beginning on August 1, 2019, as well as available in paper form for Department employees. The chief administrative officer shall have the right to restrict visitation to non-contact visits, video, or other forms of non-contact visits for reasons of safety, security, and order, including, but not limited to, restricting contact visits for committed persons engaged in gang activity. No committed person in a super maximum security facility or on disciplinary segregation is allowed contact visits. Any committed person found in possession of illegal drugs or who fails a drug test shall not be permitted contact visits for a period of at least 6 months. Any committed person involved in gang activities or found guilty of assault committed against a Department employee shall not be permitted contact visits for a period of at least 6 months. The Department shall offer every visitor appropriate written information concerning HIV and AIDS, including information concerning how to contact the Illinois Department of Public Health for counseling information. The Department shall develop the written materials in consultation with the Department of Public Health. The Department shall ensure that all such information and materials are culturally sensitive and reflect cultural diversity as appropriate. Implementation of the changes made to this Section by Public Act 94-629 is subject to appropriation. The Department shall seek the lowest

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

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

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

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(J) any mental health concerns;

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

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

and

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

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

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

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