



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3140

Introduced 2/17/2023, by Rep. Suzanne M. Ness

SYNOPSIS AS INTRODUCED:

New Act

Creates the End Youth Solitary Confinement Act. Provides that the use of room confinement at a juvenile or correctional facility for discipline, punishment, retaliation, or any reason other than as a temporary response to a juvenile's behavior that poses a serious and immediate risk of physical harm to any individual, including the juvenile, is prohibited. Provides that a covered juvenile (any person under 18 years of age incarcerated in a correctional facility, jail, or detention facility of any kind operated by the Department of Juvenile Justice, a county, or a municipality) may be placed on an administrative hold and confined when temporarily being housed in a particular juvenile detention center or for administrative or security purposes as personally determined by the chief administrative officer. Provides that whenever a covered juvenile is on an administrative hold, the Department shall provide the covered juvenile with access to the same programs and services received by covered juveniles in the general population. Provides that any restrictions on movement or access to programs and services shall be documented and justified by the chief administrative officer. Provides that if a covered juvenile poses a serious and immediate risk of physical harm to any individual, including the juvenile, before a staff member of the facility places a covered juvenile in room confinement, the staff member shall attempt to use other less restrictive options, unless attempting those options poses a threat to the safety or security of any minor or staff. Provides that if a covered juvenile is placed in room confinement because the covered juvenile poses a serious and immediate risk of physical harm to himself or herself, or to others, establishes when the covered juvenile shall be released. Defines terms.

LRB103 29861 RLC 56270 b

1 AN ACT concerning juveniles.

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

4 Section 1. Short title. This Act may be cited as the End
5 Youth Solitary Confinement Act.

6 Section 5. Purpose. The purpose of this Act is to end the
7 use of solitary confinement for young detainees in prisons,
8 jails, and other detention centers for any purpose other than
9 preventing immediate physical harm.

10 Section 10. Covered juvenile confinement.

11 (a) In this Act:

12 "Administrative hold" means the status assigned to a
13 covered juvenile who is temporarily being housed in a
14 particular covered juvenile center and includes, but is not
15 limited to: a covered juvenile awaiting transfer to the
16 Department of Corrections or another juvenile detention
17 center, a covered juvenile permanently assigned to another
18 juvenile detention center being temporarily housed for
19 purposes of attending court, the covered juvenile awaiting
20 release, and the covered juvenile who was transferred to the
21 Department of Corrections by mistake.

22 "Behavioral hold" means the status assigned to a covered

1 juvenile who is confined to the covered juvenile's own room or
2 another area because he or she is engaging in dangerous
3 behavior that poses a serious and immediate threat to his or
4 her own safety, the safety of others, or the security of the
5 juvenile detention center.

6 "Chief administrative officer" means the highest ranking
7 official of a juvenile detention center.

8 "Confinement" means any instance when an individual
9 covered juvenile is held for 15 minutes or more in a room,
10 cell, or other area separated from other covered juveniles.
11 Confinement may occur in locked or unlocked rooms.
12 "Confinement" includes an administrative hold, behavioral
13 hold, or investigative status. "Confinement" does not include
14 medical isolation or quarantine, situations when a covered
15 juvenile requests to go to his or her room, the movement of the
16 covered juvenile between offices and classrooms while
17 attending school, a covered juvenile who receives individual
18 counseling or other therapeutic services, or staff who are in
19 ongoing continuous conversation or processing with the covered
20 juvenile such as a cool down.

21 "Covered juvenile" means any person under 18 years of age
22 incarcerated in a correctional facility, jail, or detention
23 facility of any kind operated by the Department of Juvenile
24 Justice, a county, or a municipality.

25 "Investigative status" means a status assigned to a
26 covered juvenile for whom confinement is necessary for the

1 efficient and effective investigation of a Tier 2 or Tier 3
2 offense, as defined in the Department of Juvenile Justice's
3 Administrative Directive 04.01.140.

4 "Tier 2" or "Tier 3" offense means a major rules violation
5 that results in immediate disciplinary consequences that are
6 assigned by the staff of the facility reporting the violation.

7 (b) The use of room confinement at a juvenile or
8 correctional facility for discipline, punishment, retaliation,
9 or any reason other than as a temporary response to a
10 juvenile's behavior that poses a serious and immediate risk of
11 physical harm to any individual, including the juvenile, is
12 prohibited.

13 (b-5) A covered juvenile may be placed on an
14 administrative hold and confined when temporarily being housed
15 in a particular juvenile detention center or for
16 administrative or security purposes as personally determined
17 by the chief administrative officer.

18 (b-6) Placement on administrative hold shall be subject to
19 the following time limitations:

20 (1) when the covered juvenile is awaiting transfer to
21 the Department of Corrections or a more secure setting,
22 the administrative hold may not exceed 3 business days;
23 and

24 (2) the administrative hold may not exceed 7 calendar
25 days when the covered juvenile is temporarily transferred
26 to a different facility for the purposes of placement

1 interviews, court appearances, or medical treatment.

2 (b-7) Whenever a covered juvenile is on an administrative
3 hold, the Department shall provide the covered juvenile with
4 access to the same programs and services received by covered
5 juveniles in the general population. Any restrictions on
6 movement or access to programs and services shall be
7 documented and justified by the chief administrative officer.

8 (c) If a covered juvenile poses a serious and immediate
9 risk of physical harm to any individual, including the
10 juvenile, before a staff member of the facility places a
11 covered juvenile in room confinement, the staff member shall
12 attempt to use other less restrictive options, unless
13 attempting those options poses a threat to the safety or
14 security of any minor or staff.

15 (d) If a covered juvenile is placed in room confinement
16 because the covered juvenile poses a serious and immediate
17 risk of physical harm to himself or herself, or to others, the
18 covered juvenile shall be released:

19 (1) immediately when the covered juvenile has
20 sufficiently gained control so as to no longer engage in
21 behavior that threatens serious and immediate risk of
22 physical harm to himself or herself, or to others; or

23 (2) no more than 24 hours after being placed in room
24 confinement if a covered juvenile does not sufficiently
25 gain control as described in paragraph (1) of this
26 subsection (d) and poses a serious and immediate risk of

1 physical harm to himself or herself or others, not later
2 than:

3 (A) 3 hours after being placed in room
4 confinement, in the case of a covered juvenile who
5 poses a serious and immediate risk of physical harm to
6 others; or

7 (B) 30 minutes after being placed in room
8 confinement, in the case of a covered juvenile who
9 poses a serious and immediate risk of physical harm
10 only to himself or herself.

11 (e) If, after the applicable maximum period of confinement
12 has expired, a covered juvenile continues to pose a serious
13 and immediate risk of physical harm to others:

14 (1) the covered juvenile shall be transferred to
15 another juvenile facility or internal location where
16 services can be provided to the covered juvenile without
17 relying on room confinement; or

18 (2) if a qualified mental health professional believes
19 the level of crisis service needed is not currently
20 available, a staff member of the facility shall initiate a
21 referral to a location that can meet the needs of the
22 covered juvenile.

23 (f) Each facility detaining covered juveniles shall report
24 the use of each incident of room confinement to an independent
25 ombudsperson for the Department of Juvenile Justice each
26 month, including:

- 1 (1) the name of the covered juvenile;
- 2 (2) demographic data, including, at a minimum, age,
3 race, gender, and primary language;
- 4 (3) the reason for room confinement, including how
5 detention facility officials determined the covered
6 juvenile posed an immediate risk of physical harm to
7 others or to him or herself;
- 8 (4) the length of room confinement;
- 9 (5) the number of covered juveniles transferred to
10 another facility or referral to a separate crisis location
11 covered under subsection (e); and
- 12 (6) the name of detention facility officials involved
13 in each instance of room confinement.
- 14 (g) An independent ombudsperson for the Department of
15 Juvenile Justice shall be empowered to review and enforce a
16 detention facility's adherence to this Section.