



Rep. Kelly M. Cassidy

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10300HB5431ham001

LRB103 39388 AWJ 71862 a

1 AMENDMENT TO HOUSE BILL 5431

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5431 by replacing  
3 everything after the enacting clause with the following:

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

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

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

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

1 (b) To have charge of all committed persons ~~prisoners~~ held  
2 in any institution, center or other facility in the county  
3 over which it has jurisdiction under subsection (a) of this  
4 Section, whether they are misdemeanants, felons, persons held  
5 for trial, persons held in protective custody, persons held  
6 for transfer to other detention facilities or persons held for  
7 non-payment of fines, for violations of ordinances or any  
8 other quasi-criminal charges. Nothing in this Division applies  
9 to minors subject to proceedings under the Juvenile Court Act  
10 of 1987. It may transfer or recommit any committed person  
11 ~~prisoner~~ from one institution, center or other such facility  
12 to any other institution, center or other facility whenever it  
13 determines that such transfer or recommitment would promote  
14 the welfare or rehabilitation of the committed person  
15 ~~prisoner~~, or that such transfer or recommitment is necessary  
16 to relieve overcrowding.

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

21 (d) To establish, whenever feasible, separate detention  
22 and commitment facilities and utilize the facilities over  
23 which it has jurisdiction under subsection (a) of this Section  
24 in a manner which provides separate detention and commitment  
25 facilities.

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

1 (55 ILCS 5/3-15003.6)

2 Sec. 3-15003.6. Pregnant committed persons ~~female~~  
3 ~~prisoners~~.

4 (a) Definitions. For the purpose of this Section and the  
5 Sections preceding Section 3-15004 ~~Sections 3-15003.7,~~  
6 ~~3-15003.8, 3-15003.9, and 3-15003.10:~~

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

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

23 (3) "Postpartum" means the 6-week period following  
24 birth unless determined to be a longer period by a  
25 physician, advanced practice registered nurse, physician

1 assistant, or other qualified medical professional.

2 ~~"Post partum" means, as determined by her physician,~~  
3 ~~advanced practice registered nurse, or physician~~  
4 ~~assistant, the period immediately following delivery,~~  
5 ~~including the entire period a woman is in the hospital or~~  
6 ~~infirmery after birth.~~

7 (4) "Correctional institution" means any entity under  
8 the authority of a county law enforcement division ~~of a~~  
9 ~~county of more than 3,000,000 inhabitants~~ that has the  
10 power to detain or restrain, or both, a person under the  
11 laws of the State.

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

15 (6) "Committed person" ~~"Prisoner"~~ means any person  
16 incarcerated or detained in any facility who is accused  
17 of, convicted of, sentenced for, or adjudicated delinquent  
18 for, violations of criminal law or the terms and  
19 conditions of parole, probation, pretrial release, or  
20 diversionary program, and any person detained under the  
21 immigration laws of the United States at any correctional  
22 facility.

23 (7) "Extraordinary circumstance" means an  
24 extraordinary medical or security circumstance, including  
25 a substantial flight risk, that dictates restraints be  
26 used to ensure the safety and security of the committed

1 person prisoner, the staff of the correctional institution  
2 or medical facility, other committed persons prisoners, or  
3 the public.

4 (8) "Participant" means an individual placed into an  
5 electronic monitoring program, as defined by Section  
6 5-8A-2 of the Unified Code of Corrections.

7 (b) A county department of corrections shall not apply  
8 security restraints to a committed person prisoner that has  
9 been determined by a qualified medical professional to be  
10 pregnant or otherwise ~~and~~ is known by the county department of  
11 corrections to be pregnant or in postpartum recovery, ~~which is~~  
12 ~~the entire period a woman is in the medical facility after~~  
13 ~~birth~~, unless the corrections official makes an individualized  
14 determination that the committed person prisoner presents a  
15 substantial flight risk or some other extraordinary  
16 circumstance that dictates security restraints be used to  
17 ensure the safety and security of the committed person  
18 ~~prisoner~~, committed person's ~~her~~ child or unborn child, the  
19 staff of the county department of corrections or medical  
20 facility, other committed persons prisoners, or the public.  
21 The protections set out in clauses (b)(3) and (b)(4) of this  
22 Section shall apply to security restraints used pursuant to  
23 this subsection. The corrections official shall immediately  
24 remove all restraints upon the written or oral request of  
25 medical personnel. The corrections official shall immediately  
26 remove all approved electronic monitoring devices, as that

1 term is defined in Section 5-8A-2 of the Unified Code of  
2 Corrections, of a pregnant participant during labor and  
3 delivery or earlier upon the written or oral request of  
4 medical personnel. Oral requests made by medical personnel  
5 shall be verified in writing as promptly as reasonably  
6 possible.

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

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

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

7 (4) When a pregnant or postpartum committed person  
8 ~~prisoner~~ must be restrained, restraints used shall be the  
9 least restrictive restraints possible to ensure the safety  
10 and security of the committed person ~~prisoner~~, the  
11 committed person's ~~her~~ child, unborn child, the staff of  
12 the county department of corrections or medical facility,  
13 other committed persons ~~prisoners~~, or the public, and in  
14 no case shall include leg irons, shackles or waist  
15 shackles.

16 (5) Upon the pregnant committed person's ~~prisoner's~~  
17 entry into a hospital room, and completion of initial room  
18 inspection, a corrections official shall be posted  
19 immediately outside the hospital room, unless requested to  
20 be in the room by medical personnel attending to the  
21 committed person's ~~prisoner's~~ medical needs.

22 (6) The county department of corrections shall provide  
23 adequate corrections personnel to monitor the pregnant  
24 committed person ~~prisoner~~ during the committed person's  
25 ~~her~~ transport to and from the hospital and during the  
26 committed person's ~~her~~ stay at the hospital.

1           (7) Where the county department of corrections  
2 requires committed person ~~prisoner~~ safety assessments, a  
3 corrections official may enter the hospital room to  
4 conduct periodic committed person ~~prisoner~~ safety  
5 assessments, except during a medical examination or the  
6 delivery process.

7           (8) (Blank). ~~Upon discharge from a medical facility,~~  
8 ~~postpartum prisoners shall be restrained only with~~  
9 ~~handcuffs in front of the body during transport to the~~  
10 ~~county department of corrections. A corrections official~~  
11 ~~shall immediately remove all security restraints upon~~  
12 ~~written or oral request by medical personnel. Oral~~  
13 ~~requests made by medical personnel shall be verified in~~  
14 ~~writing as promptly as reasonably possible.~~

15           (c) Enforcement. No later than 30 days before the end of  
16 each fiscal year, the county sheriff or corrections official  
17 of the correctional institution where a pregnant or postpartum  
18 committed person ~~prisoner~~ has been restrained pursuant to this  
19 Section during that previous fiscal year, shall submit a  
20 written report to the Jail and Detention Standards Unit of the  
21 Department of Corrections, in a form and manner prescribed by  
22 the Department, Illinois General Assembly and the Office of  
23 ~~the Governor~~ that includes an account of every instance of  
24 ~~prisoner~~ restraint pursuant to this Section. The written  
25 report shall state the date, time, location and rationale for  
26 each instance in which restraints are used. The written report



1 shall not contain any individually identifying information of  
2 any committed person ~~prisoner~~. Such reports shall be made  
3 available for public inspection.

4 (d) Data reporting. No later than 30 days before the end of  
5 each fiscal year, each county sheriff shall submit a written  
6 report to the Jail and Detention Standards Unit of the  
7 Department of Corrections, in a form and manner prescribed by  
8 the Department, that includes the number of pregnant committed  
9 persons in custody each year and the number of people who  
10 deliver or miscarry while in custody. The written reports  
11 shall not contain any individually identifying information of  
12 a committed person. The written reports shall be made  
13 available for public inspection.

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

15 (55 ILCS 5/3-15003.7)

16 Sec. 3-15003.7. Corrections official training related to  
17 pregnant committed persons ~~prisoners~~.

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

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

24 (2) any other county department of corrections  
25 employee whose duties involve contact with pregnant

1        committed persons ~~prisoners~~.

2        (b) The training must include information regarding:

3            (1) appropriate care for pregnant committed persons  
4        ~~prisoners~~; and

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

7            (A) the use of restraints;

8            (B) placement in administrative segregation; and

9            (C) invasive searches.

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

11        (55 ILCS 5/3-15003.8)

12        Sec. 3-15003.8. Educational programming and information  
13        for pregnant committed persons ~~prisoners~~.

14        (a) The Illinois Department of Public Health shall provide  
15        the county department of corrections with educational  
16        programming relating to pregnancy and parenting and the county  
17        department of corrections shall provide the programming to  
18        pregnant committed persons ~~prisoners~~. The programming must  
19        include instruction regarding:

20            (1) appropriate prenatal care and hygiene;

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

23            (3) parenting skills; and

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

1       (b) Each county department of corrections shall provide  
2 written informational materials concerning the laws pertaining  
3 to pregnant committed persons to any pregnant or postpartum  
4 individual. The Department of Public Health shall provide  
5 these informational materials to the warden of the county  
6 department of corrections at no cost to the county and the  
7 county may accept informational materials from community-based  
8 organizations specializing in the rights of pregnant committed  
9 persons. The informational materials must include information  
10 regarding:

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

12           (2) rules concerning the treatment of pregnant  
13 committed persons, including those relating to bed height  
14 and supplemental nutrition;

15           (3) the right to spend time with a child following  
16 delivery;

17           (4) the requirement to provide educational  
18 programming;

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

20           (6) the procedure for obtaining an abortion, if so  
21 desired;

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

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

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

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

5        (55 ILCS 5/3-15003.9)

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

10        (1) the infant is allowed to remain with the committed  
11 person prisoner, unless a medical professional determines  
12 doing so would pose a health or safety risk to the  
13 committed person prisoner or infant; and

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

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

18        (55 ILCS 5/3-15003.10)

19        Sec. 3-15003.10. Housing requirements applicable to  
20 pregnant committed persons prisoners.

21        (a) A county department of corrections may not place in  
22 administrative segregation a committed person prisoner who is  
23 pregnant or who gave birth during the preceding 30 days unless  
24 the director of the county department of corrections or the

1 director's designee determines that the placement is necessary  
2 based on a reasonable belief that the committed person  
3 ~~prisoner~~ will harm herself, the committed person's ~~prisoner's~~  
4 infant, or any other person or will attempt escape.

5 (b) A county department of corrections may not assign a  
6 pregnant committed person ~~prisoner~~ to any bed that is elevated  
7 more than 3 feet above the floor.

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

9 (55 ILCS 5/3-15003.11 new)

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

17 (55 ILCS 5/3-15003.12 new)

18 Sec. 3-15003.12. Pregnancy test. When a person with a  
19 uterus is committed to a county jail, the person shall take a  
20 pregnancy test.

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

1 (210 ILCS 160/30)

2 Sec. 30. Medical care for committed persons.

3 (a) If a committed person receives medical care and  
4 treatment at a place other than an institution or facility of  
5 the Department of Corrections, a county, or a municipality,  
6 then the institution or facility shall:

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

13 (2) to the greatest extent practicable, ensure the  
14 transferred committed person is accompanied by the most  
15 comprehensive medical records possible;

16 (3) provide at least one guard trained in custodial  
17 escort and custody of high-risk committed persons to  
18 accompany any committed person. The custodial agency shall  
19 attest to such training for custodial escort and custody  
20 of high-risk committed persons through: (A) the training  
21 of the Department of Corrections, Department of Juvenile  
22 Justice, or Illinois State Police; (B) law enforcement  
23 training that is substantially equivalent to the training  
24 of the Department of Corrections, Department of Juvenile  
25 Justice, or Illinois State Police; or (C) the training  
26 described in Section 35. Under no circumstances may leg

1       irons or shackles or waist shackles be used on any  
2       pregnant committed person ~~female prisoner~~ who is in labor.  
3       In addition, restraint of a pregnant committed person  
4       ~~female prisoner in the custody of the Cook County~~ shall  
5       comply with Section 3-15003.6 of the Counties Code.  
6       Additionally, restraints shall not be used on a committed  
7       person if medical personnel determine that the restraints  
8       would impede medical treatment; and

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

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

20               (B) the visitor shall submit to the search of his  
21       or her person or any personal property under his or her  
22       control at any time; and

23               (C) the custodial agency may deny the committed  
24       person access to a telephone or limit the number of  
25       visitors the committed person may receive for purposes  
26       of safety.

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

21           The hospital or medical facility may establish protocols  
22 for the receipt of committed persons in collaboration with the  
23 Department of Corrections, county, or municipality,  
24 specifically with regard to potentially violent persons.

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



1 the Department of Juvenile Justice, then the institution or  
2 facility shall:

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

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

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

25 (4) ensure that only medical personnel, Department of  
26 Juvenile Justice personnel, and visitors on the committed

1 person's approved institutional visitors list may visit  
2 the committed person. Visitation by a person on the  
3 committed person's approved institutional visitors list  
4 shall be subject to the rules and procedures of the  
5 hospital or medical facility and the Department of  
6 Juvenile Justice. In any situation in which a committed  
7 person is being visited:

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

10 (B) the visitor shall submit to the search of his  
11 or her person or any personal property under his or her  
12 control at any time; and

13 (C) the custodial agency may deny the committed  
14 person access to a telephone or limit the number of  
15 visitors the committed person may receive for purposes  
16 of safety.

17 If a committed person receives medical care and treatment  
18 at a place other than an institution or facility of the  
19 Department of Juvenile Justice, then the Department of  
20 Juvenile Justice shall ensure that the committed person is  
21 wearing security restraints on either his or her wrists or  
22 ankles in accordance with the rules and procedures of the  
23 Department of Juvenile Justice if the Department of Juvenile  
24 Justice determines that restraints are necessary for the  
25 following reasons: (i) to prevent physical harm to the  
26 committed person or another person; (ii) because the committed

1 person has a history of disruptive behavior that has placed  
2 others in potentially harmful situations or presents a  
3 substantial risk of inflicting physical harm on himself or  
4 herself or others as evidenced by recent behavior; or (iii)  
5 there is a well-founded belief that the committed person  
6 presents a substantial risk of flight. Any restraints used on  
7 a committed person under this paragraph shall be the least  
8 restrictive restraints necessary to prevent flight or physical  
9 harm to the committed person or another person. Restraints  
10 shall not be used on the committed person as provided in this  
11 paragraph if medical personnel determine that the restraints  
12 would impede medical treatment. Under no circumstances may leg  
13 irons or shackles or waist shackles be used on any pregnant  
14 committed person ~~female prisoner~~ who is in labor. In addition,  
15 restraint of a pregnant committed person ~~female prisoner in~~  
16 ~~the custody of the Cook County~~ shall comply with Section  
17 3-15003.6 of the Counties Code.

18 The hospital or medical facility may establish protocols  
19 for the receipt of committed persons in collaboration with the  
20 Department of Juvenile Justice, specifically with regard to  
21 persons recently exhibiting violence.

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

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

1 (730 ILCS 5/3-6-0.5 new)

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

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

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

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

22 "Restraints" means any physical restraint or mechanical  
23 device used to control the movement of a committed person's  
24 body or limbs, or both, including, but not limited to, flex  
25 cuffs, soft restraints, hard metal handcuffs, a black box,

1 Chubb cuffs, leg irons, belly chains, a security (tether)  
2 chain, or a convex shield, or shackles of any kind.

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

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

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

25 (1) Qualified authorized health staff shall have the

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

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

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

25 (4) When a pregnant or postpartum committed person  
26 must be restrained, restraints used shall be the least

1 restrictive restraints possible to ensure the safety and  
2 security of the committed person, the committed person's  
3 child, unborn child, the staff of the Department or  
4 medical facility, other committed persons, or the public,  
5 and in no case shall include leg irons, shackles, or waist  
6 shackles.

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

13 (6) The Department shall provide adequate corrections  
14 personnel to monitor the pregnant committed person during  
15 the committed person's transport to and from the hospital  
16 and during the committed person's stay at the hospital.

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

23 (b) No later than 30 days before the end of each fiscal  
24 year, the Department shall submit a written report to the  
25 Illinois General Assembly and the Office of the Governor that  
26 includes an account of every instance where a pregnant or

1 postpartum committed person had restraints used pursuant to  
2 this Section during the previous fiscal year. The written  
3 report shall state the date, time, location and rationale for  
4 each instance in which restraints are used. The written report  
5 shall include information provided to the Jail and Detention  
6 Standards Unit by each county department of corrections and  
7 county jail. The Department's written report shall also  
8 include information on county department of corrections and  
9 county jails that did not report as required. The written  
10 report shall not contain any individually identifying  
11 information of any committed person. The report shall be made  
12 available for public inspection.

13 (c) No later than 30 days before the end of each fiscal  
14 year, the Department shall submit a written report to the  
15 Illinois General Assembly and the Office of the Governor that  
16 includes the number of pregnant committed persons in custody  
17 each year and the number of people who deliver or miscarry  
18 while in custody. The written report shall include information  
19 provided to the Jail and Detention Standards Unit by each  
20 county department of corrections and county jail. The  
21 Department's written report shall also include information on  
22 county department of corrections and county jails that did not  
23 report as required. The written report shall not contain any  
24 individually identifying information of a committed person.  
25 The written report shall be made available for public  
26 inspection ~~Notwithstanding any other statute, directive, or~~



1 ~~administrative regulation, when a pregnant female committed~~  
2 ~~person is brought to a hospital from an Illinois correctional~~  
3 ~~center for the purpose of delivering her baby, no handcuffs,~~  
4 ~~shackles, or restraints of any kind may be used during her~~  
5 ~~transport to a medical facility for the purpose of delivering~~  
6 ~~her baby. Under no circumstances may leg irons or shackles or~~  
7 ~~waist shackles be used on any pregnant female committed person~~  
8 ~~who is in labor. Upon the pregnant female committed person's~~  
9 ~~entry to the hospital delivery room, a correctional officer~~  
10 ~~must be posted immediately outside the delivery room. The~~  
11 ~~Department must provide for adequate personnel to monitor the~~  
12 ~~pregnant female committed person during her transport to and~~  
13 ~~from the hospital and during her stay at the hospital.~~

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

15 (730 ILCS 5/3-6-7.2)

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

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

22 (1) appropriate prenatal care and hygiene;

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

25 (3) parenting skills; and

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

3 (b) The Department shall provide informational materials  
4 concerning the laws pertaining to pregnant committed persons  
5 to any pregnant or postpartum individual. The Department of  
6 Public Health and community-based organizations specializing  
7 in the rights of pregnant committed persons shall provide  
8 these informational materials to the warden at no cost to the  
9 Department of Corrections or the Department of Juvenile  
10 Justice. The informational materials must include information  
11 regarding:

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

13 (2) rules concerning the treatment of pregnant  
14 committed persons, including those relating to bed height  
15 and supplemental nutrition;

16 (3) the right to spend time with a child following  
17 delivery;

18 (4) the requirement to provide educational  
19 programming;

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

21 (6) the procedure for obtaining an abortion, if so  
22 desired;

23 (7) any new or additional laws concerning the rights  
24 of pregnant committed persons; and

25 (8) address or contact information for community  
26 organizations specializing in the rights of pregnant

1       committed persons for questions or concerns;

2       (c) The Department must also post informational flyers  
3 provided by the Department of Public Health wherever pregnant  
4 committed persons may be housed.

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

6               (730 ILCS 5/3-6-7.3)

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

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

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

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

1 (730 ILCS 5/3-6-7.5 new)

2 Sec. 3-6-7.5. Supplemental nutrition during pregnancy or  
3 lactation. A committed person who is pregnant or lactating,  
4 including a committed person who is nursing a baby or pumping  
5 breastmilk, shall be provided supplemental nutrition of at  
6 least 300 calories per day. This supplemental nutrition shall  
7 be in addition to any regularly provided food and shall be  
8 available outside of regular mealtimes.

9 (730 ILCS 5/3-6-7.6 new)

10 Sec. 3-6-7.6. Pregnancy test. When a person with a uterus  
11 is committed to a facility, the person shall take a pregnancy  
12 test.

13 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

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

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

1 limited to, the following:

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

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

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

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

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

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

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

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

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

1 calendar day, as outlined by the court in the order  
2 placing the person on home confinement.

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

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

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

20 (E) The participant shall maintain the following:

21 (1) access to a working telephone;

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

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

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

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

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

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

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

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

18 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;  
19 102-687, eff. 12-17-21; 102-1104, eff. 12-6-22.)

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

24 (730 ILCS 125/2) (from Ch. 75, par. 102)

1           Sec. 2. The Sheriff of each county in this State shall be  
2 the warden of the jail of the county, and have the custody of  
3 all committed persons ~~prisoners~~ in the jail, except when  
4 otherwise provided in the "County Department of Corrections  
5 Act".

6           (Source: P.A. 83-1073.)

7           (730 ILCS 125/2.1) (from Ch. 75, par. 102.1)

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

13           (Source: P.A. 87-645.)

14           (730 ILCS 125/4) (from Ch. 75, par. 104)

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

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

24           (Source: P.A. 86-570.)



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

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

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

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

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

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

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

23 (730 ILCS 125/7) (from Ch. 75, par. 107)

24 Sec. 7. On the first day of each month, the warden of the  
25 jail of the county shall prepare a list of all committed

1 persons ~~prisoners~~ in his custody, specifying the causes for  
2 which and the persons by whom they were committed, and make  
3 available to the court his calendar of committed persons  
4 ~~prisoners~~.

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

6 (730 ILCS 125/9) (from Ch. 75, par. 109)

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

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

17 (730 ILCS 125/10) (from Ch. 75, par. 110)

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

1 defendant shall pay the expenses, in the same manner as if the  
2 imprisonment had taken place in the same county where the suit  
3 was commenced.

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

5 (730 ILCS 125/10.5 new)

6 Sec. 10.5. Pregnancy test. When a person with a uterus is  
7 committed to a jail, the person shall take a pregnancy test.

8 (730 ILCS 125/11) (from Ch. 75, par. 111)

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

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

20 (730 ILCS 125/12) (from Ch. 75, par. 112)

21 Sec. 12. Whenever the Warden of the jail of any county  
22 deems such jail insufficient to secure the committed persons  
23 ~~prisoners~~ confined therein, he shall give notice thereof to

1 the county board.

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

3 (730 ILCS 125/13) (from Ch. 75, par. 113)

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

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

13 (730 ILCS 125/14) (from Ch. 75, par. 114)

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

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

19 (1) the sentence imposed;

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

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

24 (4) any presentence reports;

25 (5) any sex offender evaluations;

26 (6) any substance abuse treatment eligibility

1 screening and assessment of the criminal detainee by an  
2 agent designated by the State to provide assessments for  
3 Illinois courts;

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

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

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

25 (10) any victim impact statements;

26 (11) name of municipalities where the arrest of the

1 criminal detainee and the commission of the offense  
2 occurred, if the municipality has a population of more  
3 than 25,000 persons;

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

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

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

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

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

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



1 calculation factor of 0.5 for the total court-awarded  
2 credit.

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

4 (730 ILCS 125/15) (from Ch. 75, par. 115)

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

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

17 (730 ILCS 125/16) (from Ch. 75, par. 116)

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

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

23 (730 ILCS 125/17) (from Ch. 75, par. 117)

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

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

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

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

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

8 (730 ILCS 125/17.5)

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

1 ~~pregnant female prisoner during her transport to and from the~~  
2 ~~hospital and during her stay at the hospital.~~

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

4 (730 ILCS 125/17.6)

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

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

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

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

15 (b) The training must include information regarding:

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

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

20 (A) the use of restraints;

21 (B) placement in administrative segregation; and

22 (C) invasive searches.

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

24 (730 ILCS 125/17.7)

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

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

8                   (1) appropriate prenatal care and hygiene;

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

11                   (3) parenting skills; and

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

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

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

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

1           (3) the right to spend time with a child following  
2           delivery;

3           (4) the requirement to provide educational  
4           programming;

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

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

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

10           (8) address or contact information for community  
11           organizations specializing in the rights of pregnant  
12           committed persons for questions or concerns.

13           (c) Each sheriff must also post informational flyers  
14           provided by the Department of Public Health wherever pregnant  
15           committed persons may be housed.

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

17           (730 ILCS 125/17.8)

18           Sec. 17.8. Committed person postpartum ~~Prisoner~~  
19           ~~post-partum~~ recovery requirements. The sheriff shall ensure  
20           that, for a period of 72 hours after the birth of an infant by  
21           a committed person ~~prisoner~~:

22           (1) the infant is allowed to remain with the committed  
23           person ~~prisoner~~, unless a medical professional determines  
24           doing so would pose a health or safety risk to the  
25           committed person ~~prisoner~~ or infant; and

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

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

5           (730 ILCS 125/17.9)

6           Sec. 17.9. Housing requirements applicable to pregnant  
7           committed persons ~~prisoners~~.

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

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

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

18          (730 ILCS 125/17.10)

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

20          (a) In each county other than Cook, during the medical  
21          admissions exam, the warden of the jail, a correctional  
22          officer at the jail, or a member of the jail medical staff must  
23          provide the committed person ~~prisoner~~ with appropriate written  
24          information concerning human immunodeficiency virus (HIV) and



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

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

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

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

9 (d) Implementation of this Section is subject to  
10 appropriation.

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

13 (730 ILCS 125/17.11 new)

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

21 (730 ILCS 125/19) (from Ch. 75, par. 119)

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

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

2 (730 ILCS 125/19.5)

3 Sec. 19.5. Release of committed persons ~~prisoners~~ to law  
4 enforcement personnel or State's Attorney. The sheriff may  
5 adopt and implement a written policy that provides for the  
6 release of a person who is in the custody of the sheriff for  
7 any criminal or supposed criminal matter to sworn law  
8 enforcement personnel or to the State's Attorney for the  
9 purpose of furthering investigations into criminal matters  
10 that are unrelated to the criminal matter for which the person  
11 is held in custody. The written policy must, at a minimum,  
12 require that there be a written request, signed by an  
13 authorized agent of the law enforcement agency or State's  
14 Attorney office, to take custody of the committed person  
15 ~~prisoner~~ and that the written request shall include the name  
16 of the individual authorized to take custody of the committed  
17 person ~~prisoner~~, the purpose and scope of the criminal matter  
18 under investigation, and a statement of the fact that the  
19 individual taking custody and agency they are employed by  
20 understand the limitation of the sheriff's liability as  
21 described in this Act. Upon the release of a person to law  
22 enforcement personnel or the State's Attorney under written  
23 policy of the sheriff, the sheriff shall not be liable for any  
24 injury of any kind, including but not limited to death, to  
25 either the person released or to any third party that occurs

1 during the time period that the person is in custody of other  
2 law enforcement personnel or the State's Attorney unless the  
3 sheriff or a deputy sheriff, correctional guard, lockup  
4 keeper, or county employee is guilty of willful and wanton  
5 conduct that proximately caused the injury.

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

7 (730 ILCS 125/20) (from Ch. 75, par. 120)

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

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

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

1 confinement. The funds recovered shall be paid into the county  
2 treasury.

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

24 (b) When a committed person ~~prisoner~~ is released from the  
25 county jail after the completion of his or her sentence and has  
26 money credited to his or her account in the commissary fund,

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

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

12 (730 ILCS 125/21) (from Ch. 75, par. 121)

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

23 The County Board of the county in which the crime was  
24 committed, may require convicted committed persons ~~prisoners~~  
25 transferred from such county to reimburse the county for the

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