

1 AN ACT in relation to criminal law.

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

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

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

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

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

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

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

30 (d) The Department shall provide educational programs  
31 for all committed persons so that all persons have an

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

27 (e) A person committed to the Department who becomes in  
28 need of medical or surgical treatment but is incapable of  
29 giving consent thereto shall receive such medical or surgical  
30 treatment by the chief administrative officer consenting on  
31 the person's behalf. Before the chief administrative officer  
32 consents, he or she shall obtain the advice of one or more  
33 physicians licensed to practice medicine in all its branches  
34 in this State. If such physician or physicians advise:

1           (1) that immediate medical or surgical treatment is  
2 required relative to a condition threatening to cause  
3 death, damage or impairment to bodily functions, or  
4 disfigurement; and

5           (2) that the person is not capable of giving  
6 consent to such treatment; the chief administrative  
7 officer may give consent for such medical or surgical  
8 treatment, and such consent shall be deemed to be the  
9 consent of the person for all purposes, including, but  
10 not limited to, the authority of a physician to give such  
11 treatment.

12          (f) In the event that the person requires medical care  
13 and treatment at a place other than the institution or  
14 facility, the person may be removed therefrom under  
15 conditions prescribed by the Department. The Department shall  
16 require the committed person receiving medical or dental  
17 services on a non-emergency basis to pay a \$2 co-payment to  
18 the Department for each visit for medical or dental services.  
19 The amount of each co-payment shall be deducted from the  
20 committed person's individual account. A committed person who  
21 has a chronic illness, as defined by Department rules and  
22 regulations, shall be exempt from the \$2 co-payment for  
23 treatment of the chronic illness. A committed person shall  
24 not be subject to a \$2 co-payment for follow-up visits  
25 ordered by a physician, who is employed by, or contracts  
26 with, the Department. A committed person who is indigent is  
27 exempt from the \$2 co-payment and is entitled to receive  
28 medical or dental services on the same basis as a committed  
29 person who is financially able to afford the co-payment.  
30 Notwithstanding any other provision in this subsection (f) to  
31 the contrary, any person committed to any facility operated  
32 by the Juvenile Division, as set forth in subsection (b) of  
33 Section 3-2-5 of this Code, is exempt from the co-payment  
34 requirement for the duration of confinement in those

1 facilities.

2 (g) Any person having sole custody of a child at the  
3 time of commitment or any woman giving birth to a child after  
4 her commitment, may arrange through the Department of  
5 Children and Family Services for suitable placement of the  
6 child outside of the Department of Corrections. The Director  
7 of the Department of Corrections may determine that there are  
8 special reasons why the child should continue in the custody  
9 of the mother until the child is 6 years old.

10 (h) The Department may provide Family Responsibility  
11 Services which may consist of, but not be limited to the  
12 following:

- 13 (1) family advocacy counseling;
- 14 (2) parent self-help group;
- 15 (3) parenting skills training;
- 16 (4) parent and child overnight program;
- 17 (5) parent and child reunification counseling,  
18 either separately or together, preceding the inmate's  
19 release; and
- 20 (6) a prerelease reunification staffing involving  
21 the family advocate, the inmate and the child's  
22 counselor, or both and the inmate.

23 (i) Prior to the release of any inmate who has a  
24 documented history of intravenous drug use, and upon the  
25 receipt of that inmate's written informed consent, the  
26 Department shall provide for the testing of such inmate for  
27 infection with human immunodeficiency virus (HIV) and any  
28 other identified causative agent of acquired immunodeficiency  
29 syndrome (AIDS). The testing provided under this subsection  
30 shall consist of an enzyme-linked immunosorbent assay (ELISA)  
31 test or such other test as may be approved by the Illinois  
32 Department of Public Health. If the test result is positive,  
33 the Western Blot Assay or more reliable confirmatory test  
34 shall be administered. All inmates tested in accordance with

1 the provisions of this subsection shall be provided with  
2 pre-test and post-test counseling. Notwithstanding any  
3 provision of this subsection to the contrary, the Department  
4 shall not be required to conduct the testing and counseling  
5 required by this subsection unless sufficient funds to cover  
6 all costs of such testing and counseling are appropriated for  
7 that purpose by the General Assembly.

8 (Source: P.A. 90-14, eff. 7-1-97; 90-590, eff. 1-1-99;  
9 91-912, eff. 7-7-00.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.