

1 AMENDMENT TO SENATE BILL 1641

2 AMENDMENT NO. _____. Amend Senate Bill 1641, AS AMENDED,
3 as follows:

4 by replacing everything after the enacting clause with the
5 following:

6 "Section 5. The Mental Health and Developmental
7 Disabilities Administrative Act is amended by adding Section
8 72 as follows:

9 (20 ILCS 1705/72 new)

10 Sec. 72. Database to assist county jails in assessing
11 the risks posed by mentally ill inmates.

12 (a) Subject to appropriations made by the General
13 Assembly for this purpose, the Department shall create and
14 maintain, no later than January 1, 2004, an electronic system
15 accessible over the Internet to the sheriff of each county
16 enabling the sheriff to determine within 24 hours of
17 admission whether any person admitted to a jail operated by
18 the sheriff has received mental health services in a facility
19 operated by the Department within the past 90 days and
20 whether the Department has information suggesting that the
21 inmate poses a threat to himself or herself or others. The

1 Department shall take appropriate precautions to protect the
2 security of the information transmitted under this subsection
3 (a), including but not limited to the use of access codes.

4 (b) The Department shall take reasonable steps to add to
5 this electronic system the information set forth in
6 subsection (a) of this Section relating to any person who has
7 received mental health services from other providers funded
8 by the Department.

9 Section 10. The Unified Code of Corrections is amended
10 by changing Section 3-15-3 as follows:

11 (730 ILCS 5/3-15-3) (from Ch. 38, par. 1003-15-3)

12 Sec. 3-15-3. Persons with mental illness and
13 developmental disabilities.

14 (a) The Department must, by rule, establish standards
15 and procedures for the provision of mental health and
16 developmental disability services to persons with mental
17 illness and persons with a developmental disability confined
18 in a local jail or juvenile detention facility as set forth
19 under Section 3-7-7 of this Code.

20 Those standards and procedures must address screening and
21 classification, the use of psychotropic medications, suicide
22 prevention, qualifications of staff, staffing levels, staff
23 training, discharge, linkage and aftercare, the
24 confidentiality of mental health records, and such other
25 issues as are necessary to ensure that inmates with mental
26 illness receive adequate and humane care and services.

27 Those standards and procedures must include a requirement
28 that the sheriff of each county whose jail has access to the
29 Internet make arrangements with the Department of Human
30 Services, under Section 72 of the Mental Health and
31 Developmental Disabilities Administrative Act, no later than
32 January 1, 2004 enabling the sheriff to determine whether any

1 person admitted to the jail has received mental health
2 services within the past 90 days and, if so, whether there is
3 information suggesting that the person poses a risk to his or
4 her own safety or that of others.

5 Those standards shall further include a requirement that
6 the sheriff of any county whose jail does not have access to
7 the Internet must provide Internet access to the jail no
8 later than January 1, 2005, and, upon obtaining Internet
9 access, make arrangements with the Department of Human
10 Services, under Section 72 of the Mental Health and
11 Developmental Disabilities Administrative Act, to determine
12 whether any person admitted to the jail has received mental
13 health services within the past 90 days and, if so, whether
14 there is information suggesting that the person poses a risk
15 to his or her own safety or that of others.

16 The Office of Mental Health and any sheriff may enter
17 into such agreements, including but not limited to the
18 sharing or provision of computer software or hardware, as
19 they may deem appropriate to facilitate the sharing of the
20 information in a prompt and effective manner.

21 Information obtained by the sheriffs under this Section
22 shall be used only to determine if an inmate poses a risk to
23 his or her own safety or that of others at the jail or to
24 provide treatment to the inmate and may not be redisclosed
25 for any other purpose or investigation.

26 (b) At least once each year, the Department must inspect
27 each local jail and juvenile detention facility for
28 compliance with the standards and procedures established. The
29 results of the inspection must be made available by the
30 Department for public inspection. If any jail or juvenile
31 detention facility does not comply with the standards and
32 procedures established, the Director of Corrections must give
33 notice to the county board and the sheriff of such
34 noncompliance, specifying the particular standards and

1 procedures that have not been met by the jail or juvenile
2 detention facility. If the jail or juvenile detention
3 facility is not in compliance with the standards and
4 procedures when 6 months have elapsed from the giving of such
5 notice, the Director of Corrections may petition the
6 appropriate court for an order requiring the jail or juvenile
7 detention facility to comply with the standards and
8 procedures established by the Department or for other
9 appropriate relief.

10 (Source: P.A. 92-469, eff. 1-1-02.)

11 Section 15. The Mental Health and Developmental
12 Disabilities Confidentiality Act is amended by changing
13 Section 9.2 as follows:

14 (740 ILCS 110/9.2)

15 Sec. 9.2. Interagency disclosure of recipient
16 information. For the purposes of continuity of care, the
17 Department of Human Services (as successor to the Department
18 of Mental Health and Developmental Disabilities), community
19 agencies funded by the Department of Human Services in that
20 capacity, and jails operated by any county of this State may
21 disclose a recipient's record or communications, without
22 consent, to each other, but only for the purpose of
23 admission, treatment, planning, or discharge. Entities shall
24 not redisclose any personally identifiable information,
25 unless necessary for admission, treatment, planning, or
26 discharge of the identified recipient to another setting. No
27 records or communications may be disclosed to a county jail
28 pursuant to this Section unless the Department has entered
29 into a written agreement with the county jail requiring that
30 the county jail adopt written policies and procedures
31 designed to ensure that the records and communications are
32 disclosed only to those persons employed by or under contract

1 to the county jail who are involved in the provision of
2 mental health services to inmates and that the records and
3 communications are protected from further disclosure. The
4 Department of Human Services shall enter into such agreements
5 whenever it receives a written request to do so from any
6 sheriff. The agreements shall provide for the prompt
7 transmission of records to the designated employees or agents
8 of the sheriff as is necessary to ensure the safety of the
9 inmate or others. Mental health records provided by the
10 Department of Human Services or community agencies funded by
11 the Department of Human Services and obtained by the sheriffs
12 shall be used only to determine if the inmate poses a risk to
13 his or her safety or that of others at the jail or to provide
14 treatment to an inmate and may not be redisclosed for any
15 other purpose. Notwithstanding the provisions of this
16 Section, disclosure shall be made to sheriffs or their
17 designees pursuant to Section 3-15-3 of the Unified Code of
18 Corrections if the disclosures are limited to whether the
19 inmate had received mental health services from the
20 Department or community agencies funded by the Department and
21 whether the inmate poses a risk to the safety of the inmate
22 or that of others at the jail.

23 (Source: P.A. 91-536, eff. 1-1-00.)

24 Section 99. Effective date. This Act takes effect on
25 January 1, 2003."