

# ILLINOIS DEPARTMENT OF CORRECTIONS

## SECOND NOTICE SUBMISSION

- 1) Agency: Illinois Department of Corrections
- 2) Code citation: Rights and Privileges (20 Ill. Adm. Code 525)
- 3) *Illinois Register* citation: 49 Ill. Reg. 12567; October 10, 2025. Issue 41.
- 4) Full text of changes: See Appendix D.
- 5) Changes requested by the Code Division: None.
- 6) Incorporations by reference: The rules do not contain incorporations by reference pursuant to the Illinois Administrative Procedure Act.
- 7) A final regulatory flexibility analysis, which shall include the following:
  - A) A summary of the issues raised by small businesses during the first notice period; and
  - B) A description of actions taken on any alternatives to the proposed rulemaking suggested by small businesses during the first notice period, including reasons for rejecting any alternatives not utilized. None. The Department has not received comments from “small business” as defined by the Illinois Procedure Act, 5 ILCS 100/5-30(c)(4). The majority of entities that have commented on the proposed rule are educational institutions, not-for-profit corporations, and state and local agencies providing legal representation.
- 8) A statement of the methods used by the agency to comply with Section 5-30 of the Act and 1 Ill. Adm. Code 220.285. The Department engaged in a robust outreach campaign on the proposed permanent rule, holding a series of listening sessions with not-for-profit corporations such as advocacy groups and legal aid clinics to directly notify them of the current emergency rule and proposed permanent rule. The listening sessions provided opportunities for verbal and subsequent written feedback from various entities in addition to received public comments. Specific to Multi-Factor Authentication for Privileged Mail (“MFA”), the Department hosted live training sessions on the new system with members of the Illinois Bar spanning state agencies, legal aid clinics, public interest law firms, criminal defense, and plaintiffs’ civil prison litigation groups. Training invites were sent to such organizations as the Illinois Public Defender’s Association, ACLU of Illinois, Roderick and Solange MacArthur Justice Center, Uptown People’s Law Center, the John Howard Association, the Illinois State Bar Association’s civil practice section, and numerous others. These training sessions included a real-time look at the Department’s MFA system while offering extensive Q&A opportunities at the end of each session. Continuing Legal Education Credits were offered during one live training session hosted through the Cook County Public Defender’s Office.

Through listening and training sessions, the Department was further able to coordinate follow-up meetings and received oral and written feedback on language suggestions for the rule as well as broader comments for the Department’s consideration. Suggested language changes that the Department has considered include, but are not limited to, removal of the phrase “direct” from the rule’s reference to legal representation. The

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Department has also leveraged the interim emergency rule period to roll-out a “soft” implementation of the MFA system, allowing MFA users in and outside of the legal community to gain experience with the system while providing extended feedback.

The Department engaged in meetings with the Illinois Attorney Registration and Discipline Commission (“ARDC”) and the Clerk of the Illinois Supreme Court. From these meetings, the Department received clarity on such matters as potential impacts on pro se filers communicating with the courts and on the nature of ARDC correspondence with individuals in custody. The ARDC and the Clerk’s office both received training on how the MFA system operates. Across all sessions, the Department provided system user guides and hyperlinks to FAQ documents and other guidance concerning Department changes to mail as well as the MFA system’s official website.

The Department also revised the following page on its website to further ensure compliance and to strengthen outreach intended to deliver more comprehensive information about MFA: <https://idoc.illinois.gov/aboutus/attorneyfaq.html>

- 9) Evaluation of all comments received by the agency: See Appendix A.
- 10) Justification and rationale for the rulemaking:
  - A) Citations to changes in Illinois laws that require the rulemaking: No changes in Illinois law require this rulemaking.
  - B) Explanation of changes in agency policies and procedures that require the rulemaking; The Illinois Department of Corrections (IDOC) is committed to enhancing the integrity of safety and security within the correctional system, which strengthens safety of the general public. Preventing contraband is a well-known challenge. With the evolution of technology and deceptive ingenuity, smuggling tactics have grown, and it is the IDOC's responsibility to continuously explore ways to combat the problem. Ways of smuggling contraband into the facility include, but are not limited to, bringing it in within a body cavity or clothing during in-person visitation and dropping it over the security perimeter fencing via drone. Additionally, examples of smuggling in contraband through the mail and within publications include, but are not limited to:
    - Letters and magazines sprayed or soaked in intoxicating and hazardous substances.
    - Books with weapons hidden inside.
    - Mail with hidden communications commonly used to aid in escape or for purposes of targeting or assaulting other individuals in custody and staff.
    - Books with electronic devices such as, cell phones, chargers, and wireless headsets hidden inside.

Implementation of an electronic mail and mail copy processing system and a policy that allows individuals in custody to receive publications delivered to the facility from the publisher only will significantly enhance the integrity of safety and security

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and public interest.

- C) Citations to federal laws, rules, or regulations or to funding requirements that require the rulemaking: None.
  - D) Citations and copies of court orders or decisions that require the rulemaking: None.
  - E) A complete explanation of any other reasons for the proposed rulemaking: No other reasons for this rulemaking.
- 11) Name of contact:
- Illinois Department of Corrections  
Attention: Glen Austin, Rules Coordinator  
1021 North Grand Ave. East  
Springfield, Illinois 62702  
Office: (217) 786-6904  
Email: DOC.ProposedRulemaking@illinois.gov
- 12) State Mandates Act Questionnaire: See Appendix B.
- 13) Analysis of economic and budgetary effects: See Appendix C.
- 14) New or revised forms: None.