Executive Order 2020-50

(COVID-19 EXECUTIVE ORDER NO. 11)

July 27, 2020

EXECUTIVE ORDER IN RESPONSE TO COVID-19
(COVID-19 EXECUTIVE ORDER NO. 46)

WHEREAS, Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness, has rapidly spread throughout Illinois in a short period of time, necessitating stringent guidance from federal, state, and local public health officials and significant measures to respond to the increasing public health disaster; and,

WHEREAS, COVID-19 can spread among people through respiratory transmissions, asymptomatic people can transmit the virus, and there is currently no effective treatment or vaccine; and,

WHEREAS, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area on March 9, 2020 ("Gubernatorial Disaster Proclamation") in response to the outbreak of Coronavirus Disease 2019 ("COVID-19"); and,

WHEREAS, in a short period of time, COVID-19 has rapidly spread throughout Illinois, necessitating updated and more stringent guidance from federal, state, and local public health officials; and,

WHEREAS, for the preservation of public health and safety throughout the entire State of Illinois, and to ensure that our healthcare delivery system is capable of serving those who are sick, I have found it necessary to take additional measures consistent with public health guidance to slow and stop the spread of COVID-19; and,

WHEREAS, on April 1, 2020, I declared all counties in the State of Illinois as a disaster area due to the exponential spread of COVID-19; and,

WHEREAS, on April 30, 2020, due to the continuing spread of COVID-19, the resulting health impacts across the State, and the need to address the potential shortages of hospital beds, ICU beds, ventilators, personal protective equipment and materials for testing for the virus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on May 29, 2020, due to the thousands of lives lost to COVID-19 in Illinois, the continued increase of cases, the continued threat of shortages of hospital beds, ER beds, and ventilators, the improved but still insufficient testing capacity, and the economic devastation caused by the virus, I again declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on June 26, 2020, due to the ongoing burden on hospital resources, the expected continuing spread of COVID-19, and the ongoing health and economic impacts caused by COVID-19, I again declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on July 24, 2020, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that that will be felt over the coming month by people across the State, I again declared all counties in the State of Illinois as a disaster area (together with the previous proclamations identified in this Executive Order, the Gubernatorial Disaster Proclamations); and,

WHEREAS, numerous counties all around the State (Gallatin, Union, St. Clair, Cass, Hardin, Saline, Jackson, Randolph, Jo Daviess, Adams, Coles, Madison, Alexander, Lawrence, Kankakee, Rock Island, Logan, Scott, Champaign, White, Johnson, Peoria, Perry, Monroe, Whiteside, Washington, Mercer, Iroquois, DuPage, McHenry, Sangamon, Clinton and LaSalle) have reported more than 75 cases per 100,000 people over the past 10 days; and,

WHEREAS, social distancing, which consists of maintaining at least a six-foot distance between people, is the paramount strategy for minimizing the spread of COVID-19 in our communities; and,

WHEREAS, certain populations are at a higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic health conditions such as heart disease, diabetes, lung disease or other mental or physical conditions; and,

WHEREAS, the Illinois Department of Corrections (IDOC) currently has a population of more than 31,000 male and female individuals in 28 facilities, the vast majority of whom, because of their close proximity and contact with each other in housing units and dining halls, are especially vulnerable to contracting and spreading COVID-19; and,

WHEREAS, the Centers for Disease Control (CDC) have issued recommendations specific to correctional and detention settings in order to control the spread of COVID-19 in those uniquely situated environments, available at **https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/testing.html**; and,

WHEREAS, the CDC recommends that in order to effectively isolate COVID-positive individuals and quarantine those who have come into contact with COVID-positive individuals, correctional facilities must consider a number of operational factors; and,

WHEREAS, although it has taken significant steps throughout the COVID-19 pandemic to reduce the number of individuals in each facility, IDOC continues to have limited housing capacity to isolate and quarantine individuals who present as symptomatic of, or test positive for, COVID-19; and,

WHEREAS, individuals in county jails awaiting transfer to IDOC facilities, because of their close proximity to and contact with each other, may have been infected with COVID-19; and,

WHEREAS, IDOC historically receives daily transfers of individuals from county jails who have been convicted of criminal offenses and sentenced by Illinois courts to the custody and control of IDOC; and,

WHEREAS, it remains critical that the Director of IDOC take all necessary steps, consistent with public health guidance, to prevent the spread of COVID-19 in the IDOC facilities and provide necessary healthcare to those impacted by COVID-19; and,

WHEREAS, on March 26, 2020, I issued Executive Order 2020-13, which suspended all admissions to the Illinois Department of Corrections from all Illinois county jails, with exceptions at the Director's discretion; and,

WHEREAS, in Executive Order 2020-48, I re-issued Executive Order 2020-13 and extended it through August 22, 2020;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, and pursuant to Sections 7(1), 7(2), 7(8), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers set forth in the State's public health laws, I hereby order the following, effective July 27, 2020 at 5:00 pm and for the remainder of the duration of the Gubernatorial Disaster Proclamation, which currently extends through August 22, 2020:

Section 1. The Illinois Department of Corrections (IDOC) will resume accepting the transfer of individuals from Illinois county jails. The scheduling of the arrival of individuals from county jails and the intake process to ensure the health and safety of the transferring individuals, as well as all individuals and staff at IDOC, shall be within the sole discretion of the Director of IDOC. In determining the timing of the arrival of individuals from county jails and the specific process for transfers to IDOC, the Director shall take into account several health and safety factors including (a) the capacity and safety of IDOC reception centers, and (b) whether the individuals to be transferred have been quarantined for 14 days and, following that quarantine period, have tested negative for COVID-19 before their transfer to IDOC. All approved transfers to IDOC shall follow the protocol established by IDOC in conjunction with the Illinois Department of Public Health (IDPH), available at https://www2.illinois.gov/idoc/facilities/Pages/Covid19Response.aspx. The Director of IDOC will work closely with county sheriffs and other partners in the criminal justice system to determine whether transfer from specific county jails is feasible and to ensure that the guidelines will be implemented.

Section 2. Executive Order 2020-13 is hereby rescinded.

Section 3. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor July 27, 2020
Filed by the Secretary of State July 27, 2020