

HB4846



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4846

Introduced 2/18/2020, by Rep. Lindsay Parkhurst

SYNOPSIS AS INTRODUCED:

730 ILCS 166/20

Amends the Drug Court Treatment Act. Provides that before a defendant is admitted into a drug court program, the court must make a finding that the crime for which the defendant is to be admitted into the drug court program had a nexus to the defendant's "substance use disorder" as defined in the Substance Use Disorder Act. Lists additional offenses that exclude a defendant from admission into a drug court program.

LRB101 18093 RLC 67532 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Drug Court Treatment Act is amended by
5 changing Section 20 as follows:

6 (730 ILCS 166/20)

7 Sec. 20. Eligibility.

8 (a) A defendant may be admitted into a drug court program
9 only upon the agreement of the defendant and with the approval
10 of the court.

11 (a-5) Before a defendant is admitted into a drug court
12 program, the court must make a finding that the crime for which
13 the defendant is to be admitted into the drug court program had
14 a nexus to the defendant's "substance use disorder" as defined
15 in Section 1-10 of the Substance Use Disorder Act.

16 (b) A defendant shall be excluded from a drug court program
17 if any of one of the following apply:

18 (1) The crime is a crime of violence as set forth in
19 clause (4) of this subsection (b).

20 (2) The defendant denies his or her use of or addiction
21 to drugs.

22 (3) The defendant does not demonstrate a willingness to
23 participate in a treatment program.

1 (4) The defendant has been convicted of a crime of
2 violence within the past 10 years excluding incarceration
3 time.

4 As used in this Section, "crime of violence" means:
5 first degree murder, second degree murder, predatory
6 criminal sexual assault of a child, aggravated criminal
7 sexual assault, criminal sexual assault, armed robbery,
8 aggravated arson, arson, aggravated kidnaping, kidnaping,
9 aggravated battery resulting in great bodily harm or
10 permanent disability, stalking, aggravated stalking, or
11 any offense involving the discharge of a firearm. "Crime of
12 violence" also means: aggravated domestic battery in
13 violation of Section 12-3.3 of the Criminal Code of 2012;
14 robbery; aggravated robbery; aggravated assault if a
15 deadly weapon was used during the offense; aggravated
16 unlawful use of a weapon; aggravated battery if the victim
17 of the offense is a peace officer who was (i) performing
18 his or her official duties, (ii) battered to prevent the
19 performance of his or her official duties, or (iii)
20 battered in retaliation for performing his or her official
21 duties; non-consensual dissemination of private sexual
22 images; violation of an order of protection; failure to
23 register as a sexual predator or sex offender or failure to
24 report to a law enforcement agency as required under the
25 Sex Offender Registration Act; failure to register as a
26 violent offender against youth or failure to report to a

1 law enforcement agency as required under the Murderer and
2 Violent Offender Against Youth Registration Act;
3 aggravated driving under the influence of alcohol, other
4 drug or drugs, or intoxicating compound or compounds, or
5 any combination thereof; domestic battery; or any offense
6 requiring registration under the Sex Offender Registration
7 Act or the Murderer and Violent Offender Against Youth
8 Registration Act.

9 (c) Notwithstanding subsection (a), the defendant may be
10 admitted into a drug court program only upon the agreement of
11 the prosecutor if:

12 (1) the defendant is charged with a Class 2 or greater
13 felony violation of:

14 (A) Section 401, 401.1, 405, or 405.2 of the
15 Illinois Controlled Substances Act;

16 (B) Section 5, 5.1, or 5.2 of the Cannabis Control
17 Act;

18 (C) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56,
19 or 65 of the Methamphetamine Control and Community
20 Protection Act; or

21 (2) the defendant has previously, on 3 or more
22 occasions, either completed a drug court program, been
23 discharged from a drug court program, or been terminated
24 from a drug court program.

25 (Source: P.A. 99-480, eff. 9-9-15.)