



Rep. Tracy Katz Muhl

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LRB104 08542 RLC 23666 a

1 AMENDMENT TO HOUSE BILL 2387

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2387 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Mental Health and Developmental  
5 Disabilities Code is amended by changing Sections 3-100,  
6 3-752, 3-753, and 3-812 as follows:

7 (405 ILCS 5/3-100) (from Ch. 91 1/2, par. 3-100)

8 Sec. 3-100. Jurisdiction over involuntary admissions.

9 (a) The circuit court has jurisdiction under this Chapter  
10 over persons not charged with a felony who are subject to  
11 involuntary admission.

12 (b) The circuit court has jurisdiction over all persons  
13 who are subject to involuntary admission on an outpatient  
14 basis under Article VII-A of this Chapter. This subsection (b)  
15 is inoperative on and after January 1, 2030.

16 (c) Inmates of penal institutions shall not be considered

1 as charged with a felony within the meaning of this Chapter.  
2 Court proceedings under Article VIII of this Chapter may be  
3 instituted as to any such inmate at any time within 90 days  
4 prior to discharge of such inmate by expiration of sentence or  
5 otherwise, and if such inmate is found to be subject to  
6 involuntary admission, the order of the court ordering  
7 hospitalization or other disposition shall become effective at  
8 the time of discharge of the inmate from penal custody.

9 (d) The circuit court has jurisdiction over all persons  
10 alleged to be in need of treatment under Section 2-107.1 of  
11 this Code, whether or not they are charged with a felony.

12 (Source: P.A. 99-179, eff. 7-29-15.)

13 (405 ILCS 5/3-752)

14 Sec. 3-752. Certificate.

15 (a) The petition may be accompanied by the certificate of  
16 a physician, qualified examiner, psychiatrist, advanced  
17 practice psychiatric nurse, or clinical psychologist which  
18 certifies that the respondent is subject to involuntary  
19 admission on an outpatient basis. The certificate shall  
20 indicate that the physician, qualified examiner, psychiatrist,  
21 advanced practice psychiatric nurse, or clinical psychologist  
22 personally examined the respondent not more than 72 hours  
23 prior to the completion of the certificate. It shall also  
24 contain the physician's, qualified examiner's, psychiatrist's,  
25 advanced practice psychiatric nurse's, or clinical

1 psychologist's clinical observations, other factual  
2 information relied upon in reaching a diagnosis, and a  
3 statement as to whether the respondent was advised of his or  
4 her rights under Section 3-208.

5 (b) Upon receipt of the petition either with or without a  
6 certificate, if the court finds the documents are in order, it  
7 may make such orders pursuant to Section 3-753 as are  
8 necessary to provide for examination of the respondent. If the  
9 petition is not accompanied by a certificate ~~2 certificates~~  
10 executed pursuant to Section 3-753, the court may order the  
11 respondent to present himself or herself for examination at a  
12 time and place designated by the court. If the petition is  
13 accompanied by a certificate ~~2 certificates~~ executed pursuant  
14 to Section 3-753 and the court finds the documents are in  
15 order, the court shall set the matter for hearing.

16 (Source: P.A. 101-587, eff. 1-1-20.)

17 (405 ILCS 5/3-753)

18 Sec. 3-753. Examination. If no certificate was filed, the  
19 respondent shall be examined separately by a physician,  
20 clinical psychologist, advanced practice psychiatric nurse, ~~or~~  
21 qualified examiner, or ~~and by a psychiatrist. If a certificate~~  
22 ~~executed by a psychiatrist was filed, the respondent shall be~~  
23 ~~examined by a physician, clinical psychologist, qualified~~  
24 ~~examiner, advanced practice psychiatric nurse, or~~  
25 ~~psychiatrist. If a certificate executed by a qualified~~

1 ~~examiner, clinical psychologist, advanced practice psychiatric~~  
2 ~~nurse, or a physician who is not a psychiatrist was filed, the~~  
3 ~~respondent shall be examined by a psychiatrist.~~ The examining  
4 physician, clinical psychologist, qualified examiner, advanced  
5 practice psychiatric nurse, or psychiatrist may interview by  
6 telephone or in person any witnesses or other persons listed  
7 in the petition for involuntary admission. If, as a result of  
8 an examination, a certificate is executed, the certificate  
9 shall be promptly filed with the court. If a certificate is  
10 executed, the examining physician, clinical psychologist,  
11 qualified examiner, advanced practice psychiatric nurse, or  
12 psychiatrist may also submit for filing with the court a  
13 report in which his or her findings are described in detail,  
14 and may rely upon such findings for his opinion that the  
15 respondent is subject to involuntary admission. Copies of the  
16 certificates shall be made available to the attorneys for the  
17 parties upon request prior to the hearing.

18 (Source: P.A. 101-587, eff. 1-1-20.)

19 (405 ILCS 5/3-812) (from Ch. 91 1/2, par. 3-812)

20 Sec. 3-812. Court ordered admission on an outpatient  
21 basis; modification; revocation.

22 (a) If a respondent is found subject to involuntary  
23 admission on an outpatient basis, the court may issue an  
24 order: (i) placing the respondent in the care and custody of a  
25 relative or other person willing and able to properly care for

1 him or her; or (ii) committing the respondent to alternative  
2 treatment at a community mental health provider.

3 (b) An order placing the respondent in the care and  
4 custody of a relative or other person shall specify the powers  
5 and duties of the custodian. Unless the respondent is charged  
6 with a felony, an ~~An~~ order of care and custody entered pursuant  
7 to this Section may grant the custodian the authority to admit  
8 a respondent to a hospital if the respondent fails to comply  
9 with the conditions of the order. If necessary in order to  
10 obtain the hospitalization of the respondent, the custodian  
11 may apply to the court for an order authorizing an officer of  
12 the peace to take the respondent into custody and transport  
13 the respondent to a mental health facility. The provisions of  
14 Section 3-605 shall govern the transportation of the  
15 respondent to a mental health facility, except to the extent  
16 that those provisions are inconsistent with this Section. No  
17 person admitted to a hospital pursuant to this subsection  
18 shall be detained for longer than 24 hours, excluding  
19 Saturdays, Sundays, and holidays, unless, within that period,  
20 a petition for involuntary admission on an inpatient basis and  
21 a certificate supporting such petition have been filed as  
22 provided in Section 3-611.

23 (c) Alternative treatment shall not be ordered unless the  
24 program being considered is capable of providing adequate and  
25 humane treatment in the least restrictive setting which is  
26 appropriate to the respondent's condition. The court shall

1 have continuing authority to modify an order for alternative  
2 treatment if the recipient fails to comply with the order or is  
3 otherwise found unsuitable for alternative treatment. Prior to  
4 modifying such an order, the court shall receive a report from  
5 the facility director of the program specifying why the  
6 alternative treatment is unsuitable. The recipient shall be  
7 notified and given an opportunity to respond when modification  
8 of the order for alternative treatment is considered. If the  
9 court determines that the respondent has violated the order  
10 for alternative treatment in the community or that alternative  
11 treatment in the community will no longer provide adequate  
12 assurances for the safety of the respondent or others, the  
13 court may revoke the order for alternative treatment in the  
14 community and may order a peace officer to take the recipient  
15 into custody and transport him to an inpatient mental health  
16 facility. The provisions of Section 3-605 shall govern the  
17 transportation of the respondent to a mental health facility,  
18 except to the extent that those provisions are inconsistent  
19 with this Section. No person admitted to a hospital pursuant  
20 to this subsection shall be detained for longer than 24 hours,  
21 excluding Saturdays, Sundays, and holidays, unless, within  
22 that period, a petition for involuntary admission on an  
23 inpatient basis and a certificate supporting such petition  
24 have been filed as provided in Section 3-611.

25 (d) A court order placing the respondent in the care and  
26 custody of a relative or other person willing and able to

1 properly care for him or her or committing the respondent to  
2 alternative treatment at a community mental health provider  
3 may include provisions requiring that the respondent  
4 participate in: case management services, individual or group  
5 therapy, day or partial day programs, educational or  
6 vocational training, supervised living, assertive community  
7 treatment team services, and any other mental health treatment  
8 that would help prevent relapse or deterioration resulting in  
9 hospitalization; however, psychotropic medication or  
10 electroconvulsive therapy and accompanying tests may be  
11 ordered only pursuant to Section 2-107.1. Unless the  
12 respondent is charged with a felony, the court may also order  
13 the custodian or treatment provider to file under seal  
14 periodic reports with the court reflecting the respondent's  
15 participation in treatment and his or her clinical condition  
16 and provide copies to the State's Attorney and respondent's  
17 counsel. If the respondent is charge with a felony, no  
18 document filed pursuant to this Section shall be admissible in  
19 any other proceeding, including, but not limited to,  
20 proceedings related to the felony, except that such documents  
21 may be admissible in a proceeding under Section 2-107.1.

22 (e) Noncompliance with an order placing the respondent in  
23 the care and custody of a relative or other person willing and  
24 able to properly care for him or her or committing the  
25 respondent to alternative treatment at a community mental  
26 health provider shall not be a basis for a finding of contempt.

1 (Source: P.A. 98-221, eff. 1-1-14.)

2 Section 10. The Clerks of Courts Act is amended by  
3 changing Section 27.1c as follows:

4 (705 ILCS 105/27.1c)

5 Sec. 27.1c. Assessment report.

6 (a) Not later than March 1, 2022, and March 1 of every year  
7 thereafter, the clerk of the circuit court shall submit to the  
8 Administrative Office of the Illinois Courts an annual report  
9 for the period January 1 through December 31 of the previous  
10 year. The report shall contain, with respect to each of the 4  
11 categories of civil cases established by the Supreme Court  
12 pursuant to Section 27.1b of this Act:

13 (1) the total number of cases that were filed;

14 (2) the amount of filing fees that were collected  
15 pursuant to subsection (a) of Section 27.1b;

16 (3) the amount of appearance fees that were collected  
17 pursuant to subsection (b) of Section 27.1b;

18 (4) the amount of fees collected pursuant to  
19 subsection (b-5) of Section 27.1b;

20 (5) the amount of filing fees collected for  
21 counterclaims or third party complaints pursuant to  
22 subsection (c) of Section 27.1b;

23 (6) the nature and amount of any fees collected  
24 pursuant to subsection (y) of Section 27.1b; and

1           (7) the number of cases for which, pursuant to Section  
2           5-105 of the Code of Civil Procedure, there were waivers  
3           of fees, costs, and charges of 25%, 50%, 75%, or 100%,  
4           respectively, and the associated amount of fees, costs,  
5           and charges that were waived.

6           (b) The Administrative Office of the Illinois Courts shall  
7           publish the reports submitted under this Section on its  
8           website.

9           (c) (Blank).

10          (c-5) Not later than March 1, 2026, and March 1 of every  
11 year thereafter, the clerk of the circuit court shall submit  
12 to the Administrative Office of the Illinois Courts a report  
13 for the previous calendar year containing the total number of  
14 petitions filed asserting that a person is subject to  
15 involuntary admission on an outpatient basis pursuant to  
16 Section 3-751 of the Mental Health and Developmental  
17 Disabilities Code. This subsection (c) is inoperative on and  
18 after January 1, 2030.

19          (Source: P.A. 101-645, eff. 6-26-20; 102-145, eff. 7-23-21.)".