

1 AN ACT concerning health.

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

4 Section 5. The Mental Health and Developmental
5 Disabilities Code is amended by changing Sections 3-100 and
6 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
17 as charged with a felony within the meaning of this Chapter.
18 Court proceedings under Article VIII of this Chapter may be
19 instituted as to any such inmate at any time within 90 days
20 prior to discharge of such inmate by expiration of sentence or
21 otherwise, and if such inmate is found to be subject to
22 involuntary admission, the order of the court ordering
23 hospitalization or other disposition shall become effective at

1 the time of discharge of the inmate from penal custody.

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

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

6 (405 ILCS 5/3-812) (from Ch. 91 1/2, par. 3-812)

7 Sec. 3-812. Court ordered admission on an outpatient
8 basis; modification; revocation.

9 (a) If a respondent is found subject to involuntary
10 admission on an outpatient basis, the court may issue an
11 order: (i) placing the respondent in the care and custody of a
12 relative or other person willing and able to properly care for
13 him or her; or (ii) committing the respondent to alternative
14 treatment at a community mental health provider.

15 (b) An order placing the respondent in the care and
16 custody of a relative or other person shall specify the powers
17 and duties of the custodian. Unless the respondent is charged
18 with a felony, an ~~An~~ order of care and custody entered pursuant
19 to this Section may grant the custodian the authority to
20 consent to the admission of ~~admit~~ a respondent to a hospital if
21 the respondent fails to comply with the conditions of the
22 order. If necessary in order to obtain the hospitalization of
23 the respondent, the custodian may apply to the court for an
24 order authorizing an officer of the peace to take the
25 respondent into custody and transport the respondent to a

1 mental health facility. The provisions of Section 3-605 shall
2 govern the transportation of the respondent to a mental health
3 facility, except to the extent that those provisions are
4 inconsistent with this Section. No person admitted to a
5 hospital pursuant to this subsection shall be detained for
6 longer than 24 hours, excluding Saturdays, Sundays, and
7 holidays, unless, within that period, a petition for
8 involuntary admission on an inpatient basis and a certificate
9 supporting such petition have been filed as provided in
10 Section 3-611.

11 (c) Alternative treatment shall not be ordered unless the
12 program being considered is capable of providing adequate and
13 humane treatment in the least restrictive setting which is
14 appropriate to the respondent's condition. The court shall
15 have continuing authority to modify an order for alternative
16 treatment if the recipient fails to comply with the order or is
17 otherwise found unsuitable for alternative treatment. Prior to
18 modifying such an order, the court shall receive a report from
19 the facility director of the program specifying why the
20 alternative treatment is unsuitable. The recipient shall be
21 notified and given an opportunity to respond when modification
22 of the order for alternative treatment is considered. If the
23 court determines that the respondent has violated the order
24 for alternative treatment in the community or that alternative
25 treatment in the community will no longer provide adequate
26 assurances for the safety of the respondent or others, the

1 court may revoke the order for alternative treatment in the
2 community and may order a peace officer to take the recipient
3 into custody and transport him to an inpatient mental health
4 facility. The provisions of Section 3-605 shall govern the
5 transportation of the respondent to a mental health facility,
6 except to the extent that those provisions are inconsistent
7 with this Section. No person admitted to a hospital pursuant
8 to this subsection shall be detained for longer than 24 hours,
9 excluding Saturdays, Sundays, and holidays, unless, within
10 that period, a petition for involuntary admission on an
11 inpatient basis and a certificate supporting such petition
12 have been filed as provided in Section 3-611.

13 (d) Noncompliance with an order placing the respondent in
14 the care and custody of a relative or other person willing and
15 able to properly care for him or her or committing the
16 respondent to alternative treatment at a community mental
17 health provider shall not be a basis for a finding of contempt.

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

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

21 (705 ILCS 105/27.1c)

22 Sec. 27.1c. Assessment report.

23 (a) Not later than March 1, 2022, and March 1 of every year
24 thereafter, the clerk of the circuit court shall submit to the

1 Administrative Office of the Illinois Courts an annual report
2 for the period January 1 through December 31 of the previous
3 year. The report shall contain, with respect to each of the 4
4 categories of civil cases established by the Supreme Court
5 pursuant to Section 27.1b of this Act:

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

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

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

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

13 (5) the amount of filing fees collected for
14 counterclaims or third party complaints pursuant to
15 subsection (c) of Section 27.1b;

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

18 (7) the number of cases for which, pursuant to Section
19 5-105 of the Code of Civil Procedure, there were waivers
20 of fees, costs, and charges of 25%, 50%, 75%, or 100%,
21 respectively, and the associated amount of fees, costs,
22 and charges that were waived.

23 (b) The Administrative Office of the Illinois Courts shall
24 publish the reports submitted under this Section on its
25 website.

26 (c) (Blank).

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

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