



Sen. Laura Fine

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10400HB2387sam002

LRB104 08542 RLC 26629 a

1 AMENDMENT TO HOUSE BILL 2387

2 AMENDMENT NO. _____. Amend House Bill 2387, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Mental Health and Developmental
6 Disabilities Code is amended by changing Sections 3-100 and
7 3-812 as follows:

8 (405 ILCS 5/3-100) (from Ch. 91 1/2, par. 3-100)

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

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

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

1 (c) Inmates of penal institutions shall not be considered
2 as charged with a felony within the meaning of this Chapter.
3 Court proceedings under Article VIII of this Chapter may be
4 instituted as to any such inmate at any time within 90 days
5 prior to discharge of such inmate by expiration of sentence or
6 otherwise, and if such inmate is found to be subject to
7 involuntary admission, the order of the court ordering
8 hospitalization or other disposition shall become effective at
9 the time of discharge of the inmate from penal custody.

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

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

14 (405 ILCS 5/3-812) (from Ch. 91 1/2, par. 3-812)

15 Sec. 3-812. Court ordered admission on an outpatient
16 basis; modification; revocation.

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

23 (b) An order placing the respondent in the care and
24 custody of a relative or other person shall specify the powers
25 and duties of the custodian. Unless the respondent is charged

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

19 (c) Alternative treatment shall not be ordered unless the
20 program being considered is capable of providing adequate and
21 humane treatment in the least restrictive setting which is
22 appropriate to the respondent's condition. The court shall
23 have continuing authority to modify an order for alternative
24 treatment if the recipient fails to comply with the order or is
25 otherwise found unsuitable for alternative treatment. Prior to
26 modifying such an order, the court shall receive a report from

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

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

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

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

3 (705 ILCS 105/27.1c)

4 Sec. 27.1c. Assessment report.

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

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

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

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

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

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

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

24 (7) the number of cases for which, pursuant to Section

1 5-105 of the Code of Civil Procedure, there were waivers
2 of fees, costs, and charges of 25%, 50%, 75%, or 100%,
3 respectively, and the associated amount of fees, costs,
4 and charges that were waived.

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

8 (c) (Blank).

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

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