



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3806

by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

See Index

Amends the Alcoholism and Other Drug Abuse and Dependency Act. Requires the Department of Human Services, upon request, to provide DUI service providers licensed by the State and any court, as defined, with copies of identification and arrest data the Department receives from federal, State, and local law enforcement agencies. Establishes the DUI Service Provider Effectiveness Program Exploratory Committee to create an audit and evaluation process that permits the evaluation of treatment and intervention outcomes of licensed DUI service providers so that persons interested in DUI treatment or intervention services can make informed decisions concerning provider selection and courts can better determine which DUI service providers to keep on their approved-provider lists. Contains provisions concerning membership on the Committee, initial appointments, voting rights, reporting requirements, and other matters. Requires the Committee to prepare and publish in a central publication information obtained through the audit and evaluation process established by the Committee, but not before performing certain tasks, including the development of: (i) a process and statistical method of outcome analysis and research that targets DUI recidivism as a measure of the treatment or intervention effectiveness of each DUI service provider; and (ii) a standardized method or process by which a court may consult and collaborate with a DUI service provider whose program of DUI treatment or intervention services fails to meet or adequately address the needs of clients residing within the court's judicial circuit. Amends the Illinois Vehicle Code. Adds a requirement concerning DUI treatment review surveys. Effective immediately.

LRB100 05230 KTG 21839 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Alcoholism and Other Drug Abuse and
5 Dependency Act is amended by changing Section 5-10 and by
6 adding Section 10-65 as follows:

7 (20 ILCS 301/5-10)

8 Sec. 5-10. Functions of the Department.

9 (a) In addition to the powers, duties and functions vested
10 in the Department by this Act, or by other laws of this State,
11 the Department shall carry out the following activities:

12 (1) Design, coordinate and fund a comprehensive and
13 coordinated community-based and culturally and
14 gender-appropriate array of services throughout the State
15 for the prevention, intervention, treatment and
16 rehabilitation of alcohol and other drug abuse and
17 dependency that is accessible and addresses the needs of
18 at-risk or addicted individuals and their families.

19 (2) Act as the exclusive State agency to accept,
20 receive and expend, pursuant to appropriation, any public
21 or private monies, grants or services, including those
22 received from the federal government or from other State
23 agencies, for the purpose of providing an array of services

1 for the prevention, intervention, treatment and
2 rehabilitation of alcoholism or other drug abuse or
3 dependency. Monies received by the Department shall be
4 deposited into appropriate funds as may be created by State
5 law or administrative action.

6 (3) Coordinate a statewide strategy among State
7 agencies for the prevention, intervention, treatment and
8 rehabilitation of alcohol and other drug abuse and
9 dependency. This strategy shall include the development of
10 an annual comprehensive State plan for the provision of an
11 array of services for education, prevention, intervention,
12 treatment, relapse prevention and other services and
13 activities to alleviate alcoholism and other drug abuse and
14 dependency. The plan shall be based on local
15 community-based needs and upon data including, but not
16 limited to, that which defines the prevalence of and costs
17 associated with the abuse of and dependency upon alcohol
18 and other drugs. This comprehensive State plan shall
19 include identification of problems, needs, priorities,
20 services and other pertinent information, including the
21 needs of minorities and other specific populations in the
22 State, and shall describe how the identified problems and
23 needs will be addressed. For purposes of this paragraph,
24 the term "minorities and other specific populations" may
25 include, but shall not be limited to, groups such as women,
26 children, intravenous drug users, persons with AIDS or who

1 are HIV infected, African-Americans, Puerto Ricans,
2 Hispanics, Asian Americans, the elderly, persons in the
3 criminal justice system, persons who are clients of
4 services provided by other State agencies, persons with
5 disabilities and such other specific populations as the
6 Department may from time to time identify. In developing
7 the plan, the Department shall seek input from providers,
8 parent groups, associations and interested citizens.

9 Beginning with State fiscal year 1996, the annual
10 comprehensive State plan developed under this Section
11 shall include an explanation of the rationale to be used in
12 ensuring that funding shall be based upon local community
13 needs, including, but not limited to, the incidence and
14 prevalence of, and costs associated with, the abuse of and
15 dependency upon alcohol and other drugs, as well as upon
16 demonstrated program performance.

17 The annual comprehensive State plan developed under
18 this Section shall contain a report detailing the
19 activities of and progress made by the programs for the
20 care and treatment of addicted pregnant women, addicted
21 mothers and their children established under subsection
22 (j) of Section 35-5 of this Act.

23 Each State agency which provides or funds alcohol or
24 drug prevention, intervention and treatment services shall
25 annually prepare an agency plan for providing such
26 services, and these shall be used by the Department in

1 preparing the annual comprehensive statewide plan. Each
2 agency's annual plan for alcohol and drug abuse services
3 shall contain a report on the activities and progress of
4 such services in the prior year. The Department may provide
5 technical assistance to other State agencies, as required,
6 in the development of their agency plans.

7 (4) Lead, foster and develop cooperation, coordination
8 and agreements among federal and State governmental
9 agencies and local providers that provide assistance,
10 services, funding or other functions, peripheral or
11 direct, in the prevention, intervention, treatment or
12 rehabilitation of alcoholism and other drug abuse and
13 dependency. This shall include, but shall not be limited
14 to, the following:

15 (A) Cooperate with and assist the Department of
16 Corrections and the Department on Aging in
17 establishing and conducting programs relating to
18 alcoholism and other drug abuse and dependency among
19 those populations which they respectively serve.

20 (B) Cooperate with and assist the Illinois
21 Department of Public Health in the establishment,
22 funding and support of programs and services for the
23 promotion of maternal and child health and the
24 prevention and treatment of infectious diseases,
25 including but not limited to HIV infection, especially
26 with respect to those persons who may abuse drugs by

1 intravenous injection, or may have been sexual
2 partners of drug abusers, or may have abused substances
3 so that their immune systems are impaired, causing them
4 to be at high risk.

5 (C) Supply to the Department of Public Health and
6 prenatal care providers a list of all alcohol and other
7 drug abuse service providers for addicted pregnant
8 women in this State.

9 (D) Assist in the placement of child abuse or
10 neglect perpetrators (identified by the Illinois
11 Department of Children and Family Services) who have
12 been determined to be in need of alcohol or other drug
13 abuse services pursuant to Section 8.2 of the Abused
14 and Neglected Child Reporting Act.

15 (E) Cooperate with and assist the Illinois
16 Department of Children and Family Services in carrying
17 out its mandates to:

18 (i) identify alcohol and other drug abuse
19 issues among its clients and their families; and

20 (ii) develop programs and services to deal
21 with such problems.

22 These programs and services may include, but shall not
23 be limited to, programs to prevent the abuse of alcohol
24 or other drugs by DCFS clients and their families,
25 rehabilitation services, identifying child care needs
26 within the array of alcohol and other drug abuse

1 services, and assistance with other issues as
2 required.

3 (F) Cooperate with and assist the Illinois
4 Criminal Justice Information Authority with respect to
5 statistical and other information concerning drug
6 abuse incidence and prevalence.

7 (G) Cooperate with and assist the State
8 Superintendent of Education, boards of education,
9 schools, police departments, the Illinois Department
10 of State Police, courts and other public and private
11 agencies and individuals in establishing prevention
12 programs statewide and preparing curriculum materials
13 for use at all levels of education. An agreement shall
14 be entered into with the State Superintendent of
15 Education to assist in the establishment of such
16 programs.

17 (H) Cooperate with and assist the Illinois
18 Department of Healthcare and Family Services in the
19 development and provision of services offered to
20 recipients of public assistance for the treatment and
21 prevention of alcoholism and other drug abuse and
22 dependency.

23 (I) Provide training recommendations to other
24 State agencies funding alcohol or other drug abuse
25 prevention, intervention, treatment or rehabilitation
26 services.

1 (5) From monies appropriated to the Department from the
2 Drunk and Drugged Driving Prevention Fund, make grants to
3 reimburse DUI evaluation and remedial education programs
4 licensed by the Department for the costs of providing
5 indigent persons with free or reduced-cost services
6 relating to a charge of driving under the influence of
7 alcohol or other drugs.

8 (6) Promulgate regulations to provide appropriate
9 standards for publicly and privately funded programs as
10 well as for levels of payment to government funded programs
11 which provide an array of services for prevention,
12 intervention, treatment and rehabilitation for alcoholism
13 and other drug abuse or dependency.

14 (7) In consultation with local service providers,
15 specify a uniform statistical methodology for use by
16 agencies, organizations, individuals and the Department
17 for collection and dissemination of statistical
18 information regarding services related to alcoholism and
19 other drug use and abuse. This shall include prevention
20 services delivered, the number of persons treated,
21 frequency of admission and readmission, and duration of
22 treatment.

23 (8) Receive data and assistance from federal, State and
24 local governmental agencies, and obtain copies of
25 identification and arrest data from all federal, State and
26 local law enforcement agencies for use in carrying out the

1 purposes and functions of the Department. Upon request, the
2 Department shall provide DUI service providers licensed by
3 the State and any court copies of the identification and
4 arrest data the Department receives under this paragraph.
5 If the Department is unable or refuses to fulfill a request
6 for identification or arrest data and the DUI service
7 provider or court must obtain such information from the
8 Secretary of State, the Department shall reimburse the DUI
9 service provider or court for any costs or fees charged by
10 the Secretary of State for the requested identification or
11 arrest data. As used in this paragraph, "court" means a
12 court of law, traffic tribunal, or circuit court of
13 Illinois, including a judge of a court of law, traffic
14 tribunal, or circuit court of Illinois and "DUI service
15 provider" has the meaning ascribed to that term in Section
16 10-65.

17 (9) Designate and license providers to conduct
18 screening, assessment, referral and tracking of clients
19 identified by the criminal justice system as having
20 indications of alcoholism or other drug abuse or dependency
21 and being eligible to make an election for treatment under
22 Section 40-5 of this Act, and assist in the placement of
23 individuals who are under court order to participate in
24 treatment.

25 (10) Designate medical examination and other programs
26 for determining alcoholism and other drug abuse and

1 dependency.

2 (11) Encourage service providers who receive financial
3 assistance in any form from the State to assess and collect
4 fees for services rendered.

5 (12) Make grants with funds appropriated from the Drug
6 Treatment Fund in accordance with Section 7 of the
7 Controlled Substance and Cannabis Nuisance Act, or in
8 accordance with Section 80 of the Methamphetamine Control
9 and Community Protection Act, or in accordance with
10 subsections (h) and (i) of Section 411.2 of the Illinois
11 Controlled Substances Act.

12 (13) Encourage all health and disability insurance
13 programs to include alcoholism and other drug abuse and
14 dependency as a covered illness.

15 (14) Make such agreements, grants-in-aid and
16 purchase-care arrangements with any other department,
17 authority or commission of this State, or any other state
18 or the federal government or with any public or private
19 agency, including the disbursement of funds and furnishing
20 of staff, to effectuate the purposes of this Act.

21 (15) Conduct a public information campaign to inform
22 the State's Hispanic residents regarding the prevention
23 and treatment of alcoholism.

24 (b) In addition to the powers, duties and functions vested
25 in it by this Act, or by other laws of this State, the
26 Department may undertake, but shall not be limited to, the

1 following activities:

2 (1) Require all programs funded by the Department to
3 include an education component to inform participants
4 regarding the causes and means of transmission and methods
5 of reducing the risk of acquiring or transmitting HIV
6 infection, and to include funding for such education
7 component in its support of the program.

8 (2) Review all State agency applications for federal
9 funds which include provisions relating to the prevention,
10 early intervention and treatment of alcoholism and other
11 drug abuse and dependency in order to ensure consistency
12 with the comprehensive statewide plan developed pursuant
13 to this Act.

14 (3) Prepare, publish, evaluate, disseminate and serve
15 as a central repository for educational materials dealing
16 with the nature and effects of alcoholism and other drug
17 abuse and dependency. Such materials may deal with the
18 educational needs of the citizens of Illinois, and may
19 include at least pamphlets which describe the causes and
20 effects of fetal alcohol syndrome, which the Department may
21 distribute free of charge to each county clerk in
22 sufficient quantities that the county clerk may provide a
23 pamphlet to the recipients of all marriage licenses issued
24 in the county.

25 (4) Develop and coordinate, with regional and local
26 agencies, education and training programs for persons

1 engaged in providing the array of services for persons
2 having alcoholism or other drug abuse and dependency
3 problems, which programs may include specific HIV
4 education and training for program personnel.

5 (5) Cooperate with and assist in the development of
6 education, prevention and treatment programs for employees
7 of State and local governments and businesses in the State.

8 (6) Utilize the support and assistance of interested
9 persons in the community, including recovering addicts and
10 alcoholics, to assist individuals and communities in
11 understanding the dynamics of addiction, and to encourage
12 individuals with alcohol or other drug abuse or dependency
13 problems to voluntarily undergo treatment.

14 (7) Promote, conduct, assist or sponsor basic
15 clinical, epidemiological and statistical research into
16 alcoholism and other drug abuse and dependency, and
17 research into the prevention of those problems either
18 solely or in conjunction with any public or private agency.

19 (8) Cooperate with public and private agencies,
20 organizations and individuals in the development of
21 programs, and to provide technical assistance and
22 consultation services for this purpose.

23 (9) Publish or provide for the publishing of a manual
24 to assist medical and social service providers in
25 identifying alcoholism and other drug abuse and dependency
26 and coordinating the multidisciplinary delivery of

1 services to addicted pregnant women, addicted mothers and
2 their children. The manual may be used only to provide
3 information and may not be used by the Department to
4 establish practice standards. The Department may not
5 require recipients to use specific providers nor may they
6 require providers to refer recipients to specific
7 providers. The manual may include, but need not be limited
8 to, the following:

9 (A) Information concerning risk assessments of
10 women seeking prenatal, natal, and postnatal medical
11 care.

12 (B) Information concerning risk assessments of
13 infants who may be substance-affected.

14 (C) Protocols that have been adopted by the
15 Illinois Department of Children and Family Services
16 for the reporting and investigation of allegations of
17 child abuse or neglect under the Abused and Neglected
18 Child Reporting Act.

19 (D) Summary of procedures utilized in juvenile
20 court in cases of children alleged or found to be
21 abused or neglected as a result of being born to
22 addicted women.

23 (E) Information concerning referral of addicted
24 pregnant women, addicted mothers and their children by
25 medical, social service, and substance abuse treatment
26 providers, by the Departments of Children and Family

1 Services, Public Aid, Public Health, and Human
2 Services.

3 (F) Effects of substance abuse on infants and
4 guidelines on the symptoms, care, and comfort of
5 drug-withdrawing infants.

6 (G) Responsibilities of the Illinois Department of
7 Public Health to maintain statistics on the number of
8 children in Illinois addicted at birth.

9 (10) To the extent permitted by federal law or
10 regulation, establish and maintain a clearinghouse and
11 central repository for the development and maintenance of a
12 centralized data collection and dissemination system and a
13 management information system for all alcoholism and other
14 drug abuse prevention, early intervention and treatment
15 services.

16 (11) Fund, promote or assist programs, services,
17 demonstrations or research dealing with addictive or
18 habituating behaviors detrimental to the health of
19 Illinois citizens.

20 (12) With monies appropriated from the Group Home Loan
21 Revolving Fund, make loans, directly or through
22 subcontract, to assist in underwriting the costs of housing
23 in which individuals recovering from alcohol or other drug
24 abuse or dependency may reside in groups of not less than 6
25 persons, pursuant to Section 50-40 of this Act.

26 (13) Promulgate such regulations as may be necessary

1 for the administration of grants or to otherwise carry out
2 the purposes and enforce the provisions of this Act.

3 (14) Fund programs to help parents be effective in
4 preventing substance abuse by building an awareness of
5 drugs and alcohol and the family's role in preventing abuse
6 through adjusting expectations, developing new skills, and
7 setting positive family goals. The programs shall include,
8 but not be limited to, the following subjects: healthy
9 family communication; establishing rules and limits; how
10 to reduce family conflict; how to build self-esteem,
11 competency, and responsibility in children; how to improve
12 motivation and achievement; effective discipline; problem
13 solving techniques; and how to talk about drugs and
14 alcohol. The programs shall be open to all parents.

15 (Source: P.A. 94-556, eff. 9-11-05; 95-331, eff. 8-21-07.)

16 (20 ILCS 301/10-65 new)

17 Sec. 10-65. DUI Service Provider Effectiveness Program
18 Exploratory Committee.

19 (a) As used in this Section:

20 "Client" means a person who receives DUI treatment or
21 intervention services from a DUI service provider.

22 "Court" means a court of law, traffic tribunal, or circuit
23 court of Illinois, including a judge of a court of law, traffic
24 tribunal, or circuit court of Illinois.

25 "DUI" means driving under the influence of alcohol or other

1 substances which may cause impairment of driving ability.

2 "DUI service provider" means a provider that provides DUI
3 evaluation and risk education services and programs to DUI
4 offenders, including, but not limited to, court-ordered DUI
5 evaluation, intervention, or treatment services and that:

6 (1) possesses a treatment license as provided in 77
7 Ill. Adm. Code 2060.201; or

8 (2) possesses an intervention license as provided in 77
9 Ill. Adm. Code 2060.201 and provides DUI Risk Education or
10 Recovery Home Services as defined in 77 Ill. Adm. Code
11 2060.201.

12 (b) The DUI Service Provider Effectiveness Program
13 Exploratory Committee is established to create an audit and
14 evaluation process that permits the evaluation of treatment and
15 intervention outcomes of DUI service providers licensed in the
16 State so that persons interested in DUI treatment or
17 intervention services can make informed decisions concerning
18 provider selection and courts can better determine which DUI
19 service providers to keep on their approved-provider lists.
20 Information obtained through the audit and evaluation process
21 shall be made accessible to persons interested in DUI treatment
22 or intervention services, including DUI service providers,
23 courts, and the public, through a central publication as
24 provided in subsection (j).

25 (c) The Committee shall consist of the following members:

26 (1) One State's Attorney appointed by the President of

1 the Illinois State's Attorneys Association.

2 (2) At least one but no more than 3 traffic judges
3 appointed by the Chief Justice of the Illinois Supreme
4 Court.

5 (3) At least one but no more than 3 local law
6 enforcement officers appointed by the Governor.

7 (4) One physician licensed to practice medicine in all
8 its branches appointed by the Governor with due regard for
9 the appointee's knowledge in the field of alcoholism and
10 other drug abuse and dependency.

11 (5) One representative of a trade or professional
12 organization that advocates on behalf of DUI service
13 providers.

14 (6) One representative of a trade or professional
15 organization that advocates on behalf of physicians
16 trained in psychiatry.

17 (7) One representative of an organization that
18 advocates on behalf of persons who suffer with mental
19 illness and substance abuse disorders and who live in rural
20 areas or medically underserved areas.

21 (8) At least 2 but no more than 6 members of the
22 Illinois House of Representatives, half of whom shall be
23 appointed by the Speaker of the House and half of whom
24 shall be appointed by the House Minority Leader.

25 (9) At least 2 but no more than 6 members of the
26 Illinois Senate, half of whom shall be appointed by the

1 Senate President and half of whom shall be appointed by the
2 Senate Minority Leader.

3 (10) The President of the Illinois Alcoholism and Drug
4 Dependence Association or his or her designee.

5 (11) The President of the Community Behavioral
6 Healthcare Association of Illinois or his or her designee.

7 (12) Twenty public members appointed as follows:

8 (A) 8 by the Governor, 2 of whom shall be
9 representatives of alcoholism or other drug abuse and
10 dependency treatment or intervention programs and 2 of
11 whom shall be researchers with experience in outcome
12 analysis and research studies as defined in paragraph
13 (1) of subsection (j); and

14 (B) 3 each by the President of the Senate, the
15 Minority Leader of the Senate, the Speaker of the House
16 of Representatives, and the Minority Leader of the
17 House of Representatives.

18 (13) The Director, Secretary, or other chief
19 administrative officer, ex officio, or his or her designee,
20 of each of the following: the Department of Public Health
21 and the Administrative Office of the Illinois Courts.

22 (14) The Assistant Director of the Division of
23 Probation Services within the Administrative Office of the
24 Illinois Courts, ex officio, or his or her designee.

25 (15) The Chair of the Criminal Justice Information
26 Authority or other chief administrative officer, ex

1 officio.

2 (16) The Secretary of State, ex officio, or his or her
3 designee.

4 (17) At least one but no more than 3 persons who have
5 received DUI intervention or treatment services from DUI
6 service providers, with a preference towards those persons
7 who have committed more than one violation of Section
8 11-501 of the Illinois Vehicle Code subsequent to receiving
9 treatment or intervention services from multiple DUI
10 service providers.

11 (d) The Chief Justice of the Illinois Supreme Court shall
12 select, from among one of his or her appointments made under
13 paragraph (2) of subsection (c), a traffic judge to be the
14 Chairperson of the Committee. The Chairperson shall schedule
15 meetings, take attendance, and perform other tasks as deemed
16 necessary to perform the functions of the Committee.

17 (e) All initial appointments under this Section shall be
18 made at least 60 days but no later than 90 days after the
19 effective date of this amendatory Act of the 100th General
20 Assembly. Vacancies on the Committee shall be filled in the
21 same manner as the original appointments. The Committee shall
22 meet quarterly and at such other times as the Chairperson
23 determines necessary for the Committee to perform its functions
24 under the Act. However, the Committee's initial meeting shall
25 take place at least 45 days but no later than 60 days after the
26 date upon which all appointments under subsection (c) are made.

1 (f) A quorum of the members of the Committee must be
2 present to convene an official meeting and shall consist of
3 one-third of the appointed members. However, if a member has
4 made it know that he or she will be in attendance at a
5 scheduled meeting but has not arrived at the meeting at the
6 appointed time, the Chairperson may wait for that absent member
7 to arrive before having the Committee conduct official
8 business. Members shall service on the Committee without
9 compensation.

10 (g) The Committee shall have voting members and non-voting
11 members. The voting rights of each member shall be based upon
12 the number of meetings the member attends. The Chairperson
13 shall determine the requisite number of meetings members must
14 attend to be awarded voting rights at the initial meeting and
15 that number shall not be changed except upon a three-fifths
16 vote of the entire Committee at any time. However, an absent
17 member may designate another member who meets the same criteria
18 as the original member to attend a meeting on his or her
19 behalf. A member who attends a meeting on behalf of or as a
20 substitute for an absent member shall be credited the
21 attendance time of that absent member and such time shall be
22 counted towards the member's participation quota when
23 considering if the member attended the requisite number of
24 meetings to be awarded voting rights. Members may be permitted
25 to attend a meeting by means other than physical presence,
26 including by means of a live video broadcast transmitted across

1 the Internet, a call-in, or any other means that permits at
2 least an audio connection between the Committee and the member
3 who is unable to be physically present at the meeting.

4 (h) The Committee shall submit a report concerning its
5 findings and recommendations to the General Assembly and the
6 Department of Human Services for the purposes of facilitating
7 the assembly of the central publication and proposing
8 legislation and rules on when publication will be first
9 published no later than 15 months after the date upon which the
10 Committee convenes its initial meeting.

11 (i) The Department of Human Services shall provide
12 administrative support and staff to the Committee.

13 (j) The Committee shall prepare and publish in a central
14 publication the following information obtained through the
15 audit and evaluation process established by the Committee and
16 conducted on each DUI service provider, but not before
17 performing the following tasks:

18 (1) In determining how best to measure recidivism rates
19 at the State, county, and provider or therapist level, the
20 Committee must specify a process and statistical method of
21 outcome analysis and research that targets DUI recidivism
22 as a measure of the treatment or intervention effectiveness
23 of each DUI service provider. Outcomes must be evaluated by
24 identifying outcome target measures that are tied to
25 treatment or intervention effectiveness. As used in this
26 paragraph, "outcome analysis and research" means studies

1 of the end results of the structure and processes of the
2 health care system on the health and well-being of patients
3 and populations which may involve, but are not limited to,
4 health service research that (i) focuses on identifying
5 variations in medical procedures and associated health
6 outcomes and (ii) evaluates the quality of care, safety,
7 access, effectiveness, equity, efficiency, timeliness,
8 system responsiveness, and patient-centeredness of those
9 services.

10 (2) In evaluating and determining which outcome
11 analysis to use, the Committee must examine, but does not
12 have to adopt, survival analysis studies. As used in this
13 paragraph, "survival analysis studies" means studies that
14 measure the time between the application or termination of
15 DUI treatment or intervention services and a specified
16 outcome. Such studies shall include, but shall not be
17 limited to, the overall rate at which persons who have
18 completed a program of DUI treatment or intervention
19 services commit one or more subsequent violations of
20 Section 11-501 of the Illinois Vehicle Code within a
21 certain period of time following completion of the program
22 of DUI treatment or intervention services.

23 (3) The Committee shall explore how often the analyses
24 under paragraphs (1) and (2) should be developed,
25 conducted, managed, and maintained and how the information
26 obtained from those analyses should be presented to the

1 public through the central publication so that the results
2 of the outcome studies can be reviewed by courts, DUI
3 service providers, and any persons interested in DUI
4 treatment or intervention services.

5 (4) The Committee shall identify and formulate an
6 auditing process to collect the necessary information
7 needed to conduct the analyses under paragraphs (1) and (2)
8 and to confirm the information collected, all of which
9 shall be contained within the central publication
10 consistent with the investigatory and auditing authority
11 of the Department under 77 Ill. Adm. Code 2060.335.

12 (5) At the same time as the auditing and collections
13 are conducted as provided in paragraph (5), the Committee
14 shall be responsible for collecting follow-up data from the
15 Secretary of State on the driving records of persons who
16 have committed repeated violations of Section 11-501 of the
17 Illinois Vehicle Code.

18 (6) The Committee shall be responsible for deciding the
19 scope of information to include in the central publication
20 with respect to resources a DUI service provider has
21 available for clients and the various issues clients face
22 regarding access to care, including, but not limited to:

23 (A) the availability of psychiatrists or medical
24 practitioners;

25 (B) costs charged for providing services;

26 (C) the level of difficulty individuals have with

1 gaining access to facilities and the reasons thereof;

2 (D) transportation issues or costs;

3 (E) multilingual capabilities or barriers to
4 communicating and effectively teaching those who speak
5 a different language; and

6 (F) access to care for those who are persons with
7 an intellectual or physical disability or persons who
8 require additional accommodations.

9 (7) The Committee shall develop a standardized method
10 or process by which a court may consult and collaborate
11 with a DUI service provider whose program of DUI treatment
12 or intervention services fails to meet or adequately
13 address the needs of clients residing within the court's
14 judicial circuit because of a lack of resources or program
15 deficiencies. The method or process shall encourage, but
16 not require, a court to:

17 (A) notify a DUI service provider of the court's
18 intention to remove the provider from the court's
19 approved-provider list;

20 (B) specify and discuss those client needs that the
21 DUI services provider has failed to meet or adequately
22 address through its program of treatment or
23 intervention services; and

24 (C) assist the DUI service provider in remedying
25 program deficiencies.

26 The standardized method or process may also provide

1 protocols on a corrective plan of action a DUI service
2 provider may take to address the particular client needs or
3 program deficiencies noted by a court during a
4 collaborative consultation, including protocols on: (i) a
5 specific timeline for implementing corrective actions or
6 objectives and (ii) the establishment of evaluation
7 measures to measure such progress. The standardized method
8 or process shall also be accessible to a court that wants
9 to remedy an isolated issue or program deficiency that does
10 not necessitate removing a DUI service provider from the
11 court's approved-provider list. Nothing in this paragraph
12 shall be construed to interfere with a court's discretion
13 as to which DUI service providers to place, retain, or
14 remove from the court's approved-provider list or with any
15 court policies or procedures concerning attraction,
16 retention, or removal of a DUI service provider from a
17 court's approved-provider list.

18 (8) The Committee shall develop a standard treatment
19 review survey to be administered by the courts and
20 completed by all individuals who complete a professional
21 evaluation and treatment for an alcohol, drug, or
22 intoxicating compound abuse problem as provided under
23 Section 11-501.01 of the Illinois Vehicle Code. The
24 Committee shall determine what questions and subjects will
25 appear in the survey. The Committee shall also determine
26 how best to collect, analyze, interpret, calculate, and

1 summarize for publication in the central publication the
2 aggregate information obtained from the treatment review
3 surveys in order to help courts decide which DUI service
4 providers to retain or remove from their approved-provider
5 lists. Any analysis of the aggregate information obtained
6 from the treatment review surveys shall include
7 calculations of: (i) the average response score and the
8 standard deviation for each questioned item and (ii) the
9 median and mode response values for each questioned item.

10 Information collected and published in the central
11 publication shall be made accessible to interested persons
12 through a subscriber-based online repository to be established
13 and maintained by the Department. Access codes for the online
14 repository shall be given to courts and DUI service providers.
15 Participating DUI service providers and courts that are
16 interested in accessing the central publication contained in
17 the online repository may be charged a small fee that is no
18 greater than needed to cover administrative costs.

19 Each DUI service provider shall contribute to the contents
20 of the central publication by providing a description of the
21 types of educational, prevention, intervention, treatment,
22 relapse, and other services and activities offered by the
23 provider to alleviate alcoholism and other drug abuse and
24 dependency.

25 To facilitate more targeted recruitment of effective DUI
26 service providers, a court may submit for publication in the

1 central publication information that identifies the specific
2 problems, priorities, and needs of persons residing in the
3 court's judicial circuit that concern DUI treatment or
4 intervention services, including the needs of residents who are
5 racial or language minorities or who are from other specific
6 populations. The Committee shall create a process to facilitate
7 courts in submitting such information for publication.

8 Any additional administrative costs incurred from the
9 maintenance of the central publication or the subscriber-based
10 online repository or from the collection of data from the
11 Secretary of State shall come from a portion of the funds
12 received by each judicial circuit from court costs charged to
13 persons who violate Section 11-501 of the Illinois Vehicle
14 Code.

15 Section 10. The Illinois Vehicle Code is amended by
16 changing Section 11-501.01 as follows:

17 (625 ILCS 5/11-501.01)

18 Sec. 11-501.01. Additional administrative sanctions.

19 (a) After a finding of guilt and prior to any final
20 sentencing or an order for supervision, for an offense based
21 upon an arrest for a violation of Section 11-501 or a similar
22 provision of a local ordinance, individuals shall be required
23 to undergo a professional evaluation to determine if an
24 alcohol, drug, or intoxicating compound abuse problem exists

1 and the extent of the problem, and undergo the imposition of
2 treatment as appropriate. Programs conducting these
3 evaluations shall be licensed by the Department of Human
4 Services. The cost of any professional evaluation shall be paid
5 for by the individual required to undergo the professional
6 evaluation. Upon completing a professional evaluation and any
7 subsequent treatment as required under this subsection, all
8 individuals shall complete a treatment review survey. All
9 information provided in the treatment review survey by an
10 individual as required under this subsection shall be
11 confidential in accordance with the Confidentiality of Alcohol
12 and Drug Abuse Patient Records regulations (42 CFR 2 (1987)) of
13 the Alcohol, Drug Abuse, and Mental Health Administration of
14 the Public Health Service of the United States Department of
15 Health and Human Services, Article 30 of the Alcoholism and
16 Other Drug Abuse and Dependency Act, and the rules set forth
17 under 77 Ill. Adm. Code 2060.319.

18 (b) Any person who is found guilty of or pleads guilty to
19 violating Section 11-501, including any person receiving a
20 disposition of court supervision for violating that Section,
21 may be required by the Court to attend a victim impact panel
22 offered by, or under contract with, a county State's Attorney's
23 office, a probation and court services department, Mothers
24 Against Drunk Driving, or the Alliance Against Intoxicated
25 Motorists. All costs generated by the victim impact panel shall
26 be paid from fees collected from the offender or as may be

1 determined by the court.

2 (c) Every person found guilty of violating Section 11-501,
3 whose operation of a motor vehicle while in violation of that
4 Section proximately caused any incident resulting in an
5 appropriate emergency response, shall be liable for the expense
6 of an emergency response as provided in subsection (i) of this
7 Section.

8 (d) The Secretary of State shall revoke the driving
9 privileges of any person convicted under Section 11-501 or a
10 similar provision of a local ordinance.

11 (e) The Secretary of State shall require the use of
12 ignition interlock devices for a period not less than 5 years
13 on all vehicles owned by a person who has been convicted of a
14 second or subsequent offense of Section 11-501 or a similar
15 provision of a local ordinance. The person must pay to the
16 Secretary of State DUI Administration Fund an amount not to
17 exceed \$30 for each month that he or she uses the device. The
18 Secretary shall establish by rule and regulation the procedures
19 for certification and use of the interlock system, the amount
20 of the fee, and the procedures, terms, and conditions relating
21 to these fees. During the time period in which a person is
22 required to install an ignition interlock device under this
23 subsection (e), that person shall only operate vehicles in
24 which ignition interlock devices have been installed, except as
25 allowed by subdivision (c) (5) or (d) (5) of Section 6-205 of
26 this Code.

1 (f) In addition to any other penalties and liabilities, a
2 person who is found guilty of or pleads guilty to violating
3 Section 11-501, including any person placed on court
4 supervision for violating Section 11-501, shall be assessed
5 \$750, payable to the circuit clerk, who shall distribute the
6 money as follows: \$350 to the law enforcement agency that made
7 the arrest, and \$400 shall be forwarded to the State Treasurer
8 for deposit into the General Revenue Fund. If the person has
9 been previously convicted of violating Section 11-501 or a
10 similar provision of a local ordinance, the fine shall be
11 \$1,000, and the circuit clerk shall distribute \$200 to the law
12 enforcement agency that made the arrest and \$800 to the State
13 Treasurer for deposit into the General Revenue Fund. In the
14 event that more than one agency is responsible for the arrest,
15 the amount payable to law enforcement agencies shall be shared
16 equally. Any moneys received by a law enforcement agency under
17 this subsection (f) shall be used for enforcement and
18 prevention of driving while under the influence of alcohol,
19 other drug or drugs, intoxicating compound or compounds or any
20 combination thereof, as defined by Section 11-501 of this Code,
21 including but not limited to the purchase of law enforcement
22 equipment and commodities that will assist in the prevention of
23 alcohol related criminal violence throughout the State; police
24 officer training and education in areas related to alcohol
25 related crime, including but not limited to DUI training; and
26 police officer salaries, including but not limited to salaries

1 for hire back funding for safety checkpoints, saturation
2 patrols, and liquor store sting operations. Any moneys received
3 by the Department of State Police under this subsection (f)
4 shall be deposited into the State Police DUI Fund and shall be
5 used to purchase law enforcement equipment that will assist in
6 the prevention of alcohol related criminal violence throughout
7 the State.

8 (g) The Secretary of State Police DUI Fund is created as a
9 special fund in the State treasury. All moneys received by the
10 Secretary of State Police under subsection (f) of this Section
11 shall be deposited into the Secretary of State Police DUI Fund
12 and, subject to appropriation, shall be used for enforcement
13 and prevention of driving while under the influence of alcohol,
14 other drug or drugs, intoxicating compound or compounds or any
15 combination thereof, as defined by Section 11-501 of this Code,
16 including but not limited to the purchase of law enforcement
17 equipment and commodities to assist in the prevention of
18 alcohol related criminal violence throughout the State; police
19 officer training and education in areas related to alcohol
20 related crime, including but not limited to DUI training; and
21 police officer salaries, including but not limited to salaries
22 for hire back funding for safety checkpoints, saturation
23 patrols, and liquor store sting operations.

24 (h) Whenever an individual is sentenced for an offense
25 based upon an arrest for a violation of Section 11-501 or a
26 similar provision of a local ordinance, and the professional

1 evaluation recommends remedial or rehabilitative treatment or
2 education, neither the treatment nor the education shall be the
3 sole disposition and either or both may be imposed only in
4 conjunction with another disposition. The court shall monitor
5 compliance with any remedial education or treatment
6 recommendations contained in the professional evaluation.
7 Programs conducting alcohol or other drug evaluation or
8 remedial education must be licensed by the Department of Human
9 Services. If the individual is not a resident of Illinois,
10 however, the court may accept an alcohol or other drug
11 evaluation or remedial education program in the individual's
12 state of residence. Programs providing treatment must be
13 licensed under existing applicable alcoholism and drug
14 treatment licensure standards.

15 (i) In addition to any other fine or penalty required by
16 law, an individual convicted of a violation of Section 11-501,
17 Section 5-7 of the Snowmobile Registration and Safety Act,
18 Section 5-16 of the Boat Registration and Safety Act, or a
19 similar provision, whose operation of a motor vehicle,
20 snowmobile, or watercraft while in violation of Section 11-501,
21 Section 5-7 of the Snowmobile Registration and Safety Act,
22 Section 5-16 of the Boat Registration and Safety Act, or a
23 similar provision proximately caused an incident resulting in
24 an appropriate emergency response, shall be required to make
25 restitution to a public agency for the costs of that emergency
26 response. The restitution may not exceed \$1,000 per public

1 agency for each emergency response. As used in this subsection
2 (i), "emergency response" means any incident requiring a
3 response by a police officer, a firefighter carried on the
4 rolls of a regularly constituted fire department, or an
5 ambulance. With respect to funds designated for the Department
6 of State Police, the moneys shall be remitted by the circuit
7 court clerk to the State Police within one month after receipt
8 for deposit into the State Police DUI Fund. With respect to
9 funds designated for the Department of Natural Resources, the
10 Department of Natural Resources shall deposit the moneys into
11 the Conservation Police Operations Assistance Fund.

12 (j) A person that is subject to a chemical test or tests of
13 blood under subsection (a) of Section 11-501.1 or subdivision
14 (c) (2) of Section 11-501.2 of this Code, whether or not that
15 person consents to testing, shall be liable for the expense up
16 to \$500 for blood withdrawal by a physician authorized to
17 practice medicine, a licensed physician assistant, a licensed
18 advanced practice nurse, a registered nurse, a trained
19 phlebotomist, a licensed paramedic, or a qualified person other
20 than a police officer approved by the Department of State
21 Police to withdraw blood, who responds, whether at a law
22 enforcement facility or a health care facility, to a police
23 department request for the drawing of blood based upon refusal
24 of the person to submit to a lawfully requested breath test or
25 probable cause exists to believe the test would disclose the
26 ingestion, consumption, or use of drugs or intoxicating

1 compounds if:

2 (1) the person is found guilty of violating Section
3 11-501 of this Code or a similar provision of a local
4 ordinance; or

5 (2) the person pleads guilty to or stipulates to facts
6 supporting a violation of Section 11-503 of this Code or a
7 similar provision of a local ordinance when the plea or
8 stipulation was the result of a plea agreement in which the
9 person was originally charged with violating Section
10 11-501 of this Code or a similar local ordinance.

11 (Source: P.A. 98-292, eff. 1-1-14; 98-463, eff. 8-16-13;
12 98-973, eff. 8-15-14; 99-289, eff. 8-6-15; 99-296, eff. 1-1-16;
13 99-642, eff. 7-28-16.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 20 ILCS 301/5-10

4 20 ILCS 301/10-65 new

5 625 ILCS 5/11-501.01