

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 adding Section 10-65 as follows:

6 (20 ILCS 301/10-65 new)

7 Sec. 10-65. DUI Service Provider Effectiveness Program
8 Exploratory Committee.

9 (a) As used in this Section:

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

12 "Court" means a court of law, traffic tribunal, or circuit
13 court of Illinois, including a judge of a court of law, traffic
14 tribunal, or circuit court of Illinois.

15 "DUI" means a conviction under Section 11-501 of the
16 Illinois Vehicle Code.

17 "DUI service provider" means a provider that provides DUI
18 evaluation and risk education services and programs to DUI
19 offenders, including, but not limited to, court-ordered DUI
20 evaluation, intervention, or treatment services and that:

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

23 (2) possesses an intervention license as provided in 77

1 Ill. Adm. Code 2060.201 and provides DUI Risk Education or
2 Recovery Home Services as defined in 77 Ill. Adm. Code
3 2060.201.

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

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

18 (1) One State's Attorney appointed by the President of
19 the Illinois State's Attorneys Association.

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

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

25 (4) One physician licensed to practice medicine in all
26 its branches appointed by the Governor with due regard for

1 the appointee's knowledge in the field of alcoholism and
2 other drug abuse and dependency.

3 (5) One representative of a trade or professional
4 organization that advocates on behalf of DUI service
5 providers.

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

9 (7) One representative of an organization that
10 advocates on behalf of persons who suffer with mental
11 illness and substance abuse disorders and who live in rural
12 areas or medically underserved areas.

13 (8) At least 2 but no more than 6 members of the
14 Illinois House of Representatives, half of whom shall be
15 appointed by the Speaker of the House and half of whom
16 shall be appointed by the House Minority Leader.

17 (9) At least 2 but no more than 6 members of the
18 Illinois Senate, half of whom shall be appointed by the
19 Senate President and half of whom shall be appointed by the
20 Senate Minority Leader.

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

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

25 (12) Twenty public members appointed as follows:

26 (A) 8 by the Governor, 2 of whom shall be

1 representatives of alcoholism or other drug abuse and
2 dependency treatment or intervention programs and 2 of
3 whom shall be researchers with experience in outcome
4 analysis and research studies as defined in paragraph
5 (1) of subsection (j); and

6 (B) 3 each by the President of the Senate, the
7 Minority Leader of the Senate, the Speaker of the House
8 of Representatives, and the Minority Leader of the
9 House of Representatives.

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

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

17 (15) The Chair of the Criminal Justice Information
18 Authority or other chief administrative officer, ex
19 officio.

20 (16) The Secretary of State, ex officio, or his or her
21 designee.

22 (17) At least one but no more than 3 persons who have
23 received DUI intervention or treatment services from DUI
24 service providers, with a preference toward those persons
25 who have committed more than one violation of Section
26 11-501 of the Illinois Vehicle Code subsequent to receiving

1 treatment or intervention services from multiple DUI
2 service providers.

3 (18) The Director of the Illinois State Police, ex
4 officio, or his or her designee.

5 (d) The Chief Justice of the Illinois Supreme Court shall
6 select, from among one of his or her appointments made under
7 paragraph (2) of subsection (c), a traffic judge to be the
8 Chairperson of the Committee. The Chairperson shall schedule
9 meetings, take attendance, and perform other tasks as deemed
10 necessary to perform the functions of the Committee.

11 (e) All initial appointments under this Section shall be
12 made at least 60 days but no later than 90 days after the
13 effective date of this amendatory Act of the 100th General
14 Assembly. Vacancies on the Committee shall be filled by
15 individuals possessing the same membership requirements as the
16 original appointee whom the replacement is taking the place of.
17 The Committee shall meet quarterly and at such other times as
18 the Chairperson determines necessary for the Committee to
19 perform its functions under the Act. However, the Committee's
20 initial meeting shall take place at least 45 days but no later
21 than 60 days after the date upon which all appointments under
22 subsection (c) are made.

23 (f) A quorum of the members of the Committee must be
24 present to convene an official meeting and shall consist of
25 one-third of the then appointed members. However, if a member
26 has made it known that he or she will be in attendance at a

1 scheduled meeting but has not arrived at the meeting at the
2 appointed time, the Chairperson may wait for that absent member
3 to arrive before having the Committee conduct official
4 business. Members shall service on the Committee without
5 compensation.

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

1 that permits at least an audio connection between the Committee
2 and the member who is unable to be physically present at the
3 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. As used in this paragraph,
24 "outcome analysis and research" means studies of the end
25 results of the structure and processes of the health care
26 system on the health and well-being of patients and

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

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

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

1 of the outcome studies can be reviewed by courts, DUI
2 service providers, and any persons interested in DUI
3 treatment or intervention services. The Committee shall
4 also determine how often such analyses shall be developed,
5 conducted, managed, and maintained, as well as how often
6 information needed to create such analyses shall be
7 collected.

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

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

20 (A) the availability of psychiatrists or medical
21 practitioners;

22 (B) costs charged for providing services;

23 (C) the level of difficulty individuals have with
24 gaining access to facilities and the reasons thereof;

25 (D) transportation issues or costs;

26 (E) multilingual capabilities or barriers to

1 communicating and effectively teaching those who speak
2 a different language; and

3 (F) access to care for those who are persons with
4 an intellectual or physical disability or persons who
5 require additional accommodations.

6 The Committee shall also develop an auditing and
7 evaluation process for the Department to verify the
8 information provided under this paragraph (5).

9 (6) 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 (7) 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 the Department will collect, analyze, interpret,

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

11 Information collected and published in the central
12 publication shall be made accessible to interested persons
13 through a subscriber-based online repository to be established
14 and maintained by the Department. Participating DUI service
15 providers and courts that are interested in accessing the
16 central publication contained in the online repository may be
17 charged a small fee that is no greater than needed to cover
18 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. The Department may also audit the DUI Service
25 Providers information in the same manner as determined under
26 paragraph (4).

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

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

16 The Committee shall dissolve upon submitting its report to
17 the General Assembly and the Department of Human Services as
18 provided in subsection (h). Upon the dissolution of the
19 Committee, the Department may modify, add, or remove
20 information collected and published within the central
21 publication as well as modify the auditing and evaluation
22 measures used in analyzing such information for the central
23 publication.

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

1 (625 ILCS 5/11-501.01)

2 Sec. 11-501.01. Additional administrative sanctions.

3 (a) After a finding of guilt and prior to any final
4 sentencing or an order for supervision, for an offense based
5 upon an arrest for a violation of Section 11-501 or a similar
6 provision of a local ordinance, individuals shall be required
7 to undergo a professional evaluation to determine if an
8 alcohol, drug, or intoxicating compound abuse problem exists
9 and the extent of the problem, and undergo the imposition of
10 treatment as appropriate. Programs conducting these
11 evaluations shall be licensed by the Department of Human
12 Services. The cost of any professional evaluation shall be paid
13 for by the individual required to undergo the professional
14 evaluation. Upon completing a professional evaluation and any
15 subsequent treatment as required under this subsection, all
16 individuals shall complete a treatment review survey. All
17 information provided in the treatment review survey by an
18 individual as required under this subsection shall be
19 confidential in accordance with the Confidentiality of Alcohol
20 and Drug Abuse Patient Records regulations (42 CFR 2 (1987)) of
21 the Alcohol, Drug Abuse, and Mental Health Administration of
22 the Public Health Service of the United States Department of
23 Health and Human Services, Article 30 of the Alcoholism and
24 Other Drug Abuse and Dependency Act, and the rules set forth
25 under 77 Ill. Adm. Code 2060.319.

1 (b) Any person who is found guilty of or pleads guilty to
2 violating Section 11-501, including any person receiving a
3 disposition of court supervision for violating that Section,
4 may be required by the Court to attend a victim impact panel
5 offered by, or under contract with, a county State's Attorney's
6 office, a probation and court services department, Mothers
7 Against Drunk Driving, or the Alliance Against Intoxicated
8 Motorists. All costs generated by the victim impact panel shall
9 be paid from fees collected from the offender or as may be
10 determined by the court.

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

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

20 (e) The Secretary of State shall require the use of
21 ignition interlock devices for a period not less than 5 years
22 on all vehicles owned by a person who has been convicted of a
23 second or subsequent offense of Section 11-501 or a similar
24 provision of a local ordinance. The person must pay to the
25 Secretary of State DUI Administration Fund an amount not to
26 exceed \$30 for each month that he or she uses the device. The

1 Secretary shall establish by rule and regulation the procedures
2 for certification and use of the interlock system, the amount
3 of the fee, and the procedures, terms, and conditions relating
4 to these fees. During the time period in which a person is
5 required to install an ignition interlock device under this
6 subsection (e), that person shall only operate vehicles in
7 which ignition interlock devices have been installed, except as
8 allowed by subdivision (c)(5) or (d)(5) of Section 6-205 of
9 this Code.

10 (f) In addition to any other penalties and liabilities, a
11 person who is found guilty of or pleads guilty to violating
12 Section 11-501, including any person placed on court
13 supervision for violating Section 11-501, shall be assessed
14 \$750, payable to the circuit clerk, who shall distribute the
15 money as follows: \$350 to the law enforcement agency that made
16 the arrest, and \$400 shall be forwarded to the State Treasurer
17 for deposit into the General Revenue Fund. If the person has
18 been previously convicted of violating Section 11-501 or a
19 similar provision of a local ordinance, the fine shall be
20 \$1,000, and the circuit clerk shall distribute \$200 to the law
21 enforcement agency that made the arrest and \$800 to the State
22 Treasurer for deposit into the General Revenue Fund. In the
23 event that more than one agency is responsible for the arrest,
24 the amount payable to law enforcement agencies shall be shared
25 equally. Any moneys received by a law enforcement agency under
26 this subsection (f) shall be used for enforcement and

1 prevention of driving while under the influence of alcohol,
2 other drug or drugs, intoxicating compound or compounds or any
3 combination thereof, as defined by Section 11-501 of this Code,
4 including but not limited to the purchase of law enforcement
5 equipment and commodities that will assist in the prevention of
6 alcohol related criminal violence throughout the State; police
7 officer training and education in areas related to alcohol
8 related crime, including but not limited to DUI training; and
9 police officer salaries, including but not limited to salaries
10 for hire back funding for safety checkpoints, saturation
11 patrols, and liquor store sting operations. Any moneys received
12 by the Department of State Police under this subsection (f)
13 shall be deposited into the State Police DUI Fund and shall be
14 used to purchase law enforcement equipment that will assist in
15 the prevention of alcohol related criminal violence throughout
16 the State.

17 (g) The Secretary of State Police DUI Fund is created as a
18 special fund in the State treasury. All moneys received by the
19 Secretary of State Police under subsection (f) of this Section
20 shall be deposited into the Secretary of State Police DUI Fund
21 and, subject to appropriation, shall be used for enforcement
22 and prevention of driving while under the influence of alcohol,
23 other drug or drugs, intoxicating compound or compounds or any
24 combination thereof, as defined by Section 11-501 of this Code,
25 including but not limited to the purchase of law enforcement
26 equipment and commodities to assist in the prevention of

1 alcohol related criminal violence throughout the State; police
2 officer training and education in areas related to alcohol
3 related crime, including but not limited to DUI training; and
4 police officer salaries, including but not limited to salaries
5 for hire back funding for safety checkpoints, saturation
6 patrols, and liquor store sting operations.

7 (h) Whenever an individual is sentenced for an offense
8 based upon an arrest for a violation of Section 11-501 or a
9 similar provision of a local ordinance, and the professional
10 evaluation recommends remedial or rehabilitative treatment or
11 education, neither the treatment nor the education shall be the
12 sole disposition and either or both may be imposed only in
13 conjunction with another disposition. The court shall monitor
14 compliance with any remedial education or treatment
15 recommendations contained in the professional evaluation.
16 Programs conducting alcohol or other drug evaluation or
17 remedial education must be licensed by the Department of Human
18 Services. If the individual is not a resident of Illinois,
19 however, the court may accept an alcohol or other drug
20 evaluation or remedial education program in the individual's
21 state of residence. Programs providing treatment must be
22 licensed under existing applicable alcoholism and drug
23 treatment licensure standards.

24 (i) In addition to any other fine or penalty required by
25 law, an individual convicted of a violation of Section 11-501,
26 Section 5-7 of the Snowmobile Registration and Safety Act,

1 Section 5-16 of the Boat Registration and Safety Act, or a
2 similar provision, whose operation of a motor vehicle,
3 snowmobile, or watercraft while in violation of Section 11-501,
4 Section 5-7 of the Snowmobile Registration and Safety Act,
5 Section 5-16 of the Boat Registration and Safety Act, or a
6 similar provision proximately caused an incident resulting in
7 an appropriate emergency response, shall be required to make
8 restitution to a public agency for the costs of that emergency
9 response. The restitution may not exceed \$1,000 per public
10 agency for each emergency response. As used in this subsection
11 (i), "emergency response" means any incident requiring a
12 response by a police officer, a firefighter carried on the
13 rolls of a regularly constituted fire department, or an
14 ambulance. With respect to funds designated for the Department
15 of State Police, the moneys shall be remitted by the circuit
16 court clerk to the State Police within one month after receipt
17 for deposit into the State Police DUI Fund. With respect to
18 funds designated for the Department of Natural Resources, the
19 Department of Natural Resources shall deposit the moneys into
20 the Conservation Police Operations Assistance Fund.

21 (j) A person that is subject to a chemical test or tests of
22 blood under subsection (a) of Section 11-501.1 or subdivision
23 (c) (2) of Section 11-501.2 of this Code, whether or not that
24 person consents to testing, shall be liable for the expense up
25 to \$500 for blood withdrawal by a physician authorized to
26 practice medicine, a licensed physician assistant, a licensed

1 advanced practice nurse, a registered nurse, a trained
2 phlebotomist, a licensed paramedic, or a qualified person other
3 than a police officer approved by the Department of State
4 Police to withdraw blood, who responds, whether at a law
5 enforcement facility or a health care facility, to a police
6 department request for the drawing of blood based upon refusal
7 of the person to submit to a lawfully requested breath test or
8 probable cause exists to believe the test would disclose the
9 ingestion, consumption, or use of drugs or intoxicating
10 compounds if:

11 (1) the person is found guilty of violating Section
12 11-501 of this Code or a similar provision of a local
13 ordinance; or

14 (2) the person pleads guilty to or stipulates to facts
15 supporting a violation of Section 11-503 of this Code or a
16 similar provision of a local ordinance when the plea or
17 stipulation was the result of a plea agreement in which the
18 person was originally charged with violating Section
19 11-501 of this Code or a similar local ordinance.

20 (Source: P.A. 98-292, eff. 1-1-14; 98-463, eff. 8-16-13;
21 98-973, eff. 8-15-14; 99-289, eff. 8-6-15; 99-296, eff. 1-1-16;
22 99-642, eff. 7-28-16.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.