



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1312

Introduced 2/9/2017, by Sen. Antonio Muñoz

SYNOPSIS AS INTRODUCED:

730 ILCS 167/20

Amends the Veterans and Servicemembers Court Treatment Act. Provides that a defendant may be admitted into a Veterans and Servicemembers Court program post-adjudication only with the approval of the court. Provides that a "crime of violence" includes rather than means first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping and kidnapping, aggravated battery resulting in great bodily harm or permanent disability, stalking, aggravated stalking, or any offense involving the discharge of a firearm or where occurred serious bodily injury or death to any person.

LRB100 08459 RLC 18577 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Veterans and Servicemembers Court Treatment
5 Act is amended by changing Section 20 as follows:

6 (730 ILCS 167/20)

7 Sec. 20. Eligibility. Veterans and Servicemembers are
8 eligible for Veterans and Servicemembers Courts, provided the
9 following:

10 (a) A defendant, who is eligible for probation based on the
11 nature of the crime convicted of and in consideration of his or
12 her criminal background, if any, may be admitted into a
13 Veterans and Servicemembers Court program before adjudication
14 only upon the agreement of the prosecutor and the defendant and
15 with the approval of the Court. A defendant may be admitted
16 into a Veterans and Servicemembers Court program
17 post-adjudication only with the approval of the court.

18 (b) A defendant shall be excluded from Veterans and
19 Servicemembers Court program if any of one of the following
20 applies:

21 (1) The crime is a crime of violence as set forth in
22 clause (3) of this subsection (b).

23 (2) The defendant does not demonstrate a willingness to

1 participate in a treatment program.

2 (3) The defendant has been convicted of a crime of
3 violence within the past 10 years excluding incarceration
4 time, including ~~. As used in this Section, "crime of~~
5 ~~violence" means:~~ first degree murder, second degree
6 murder, predatory criminal sexual assault of a child,
7 aggravated criminal sexual assault, criminal sexual
8 assault, armed robbery, aggravated arson, arson,
9 aggravated kidnapping and kidnapping, aggravated battery
10 resulting in great bodily harm or permanent disability,
11 stalking, aggravated stalking, or any offense involving
12 the discharge of a firearm or where occurred serious bodily
13 injury or death to any person.

14 (4) (Blank).

15 (5) The crime for which the defendant has been
16 convicted is non-probationable.

17 (6) The sentence imposed on the defendant, whether the
18 result of a plea or a finding of guilt, renders the
19 defendant ineligible for probation.

20 (Source: P.A. 98-152, eff. 1-1-14; 99-480, eff. 9-9-15.)