

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.)

21 Section 10. The Mental Health Court Treatment Act is  
22 amended by changing Section 20 as follows:

23 (730 ILCS 168/20)

24 Sec. 20. Eligibility.

1 (a) A defendant, who is eligible for probation based on the  
2 nature of the crime convicted of and in consideration of his or  
3 her criminal background, if any, may be admitted into a mental  
4 health court program only upon the agreement of ~~the prosecutor~~  
5 ~~and~~ the defendant and with the approval of the court.

6 (b) A defendant shall be excluded from a mental health  
7 court program if any one of the following applies:

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

10 (2) The defendant does not demonstrate a willingness to  
11 participate in a treatment program.

12 (3) The defendant has been convicted of a crime of  
13 violence within the past 10 years excluding incarceration  
14 time. As used in this paragraph (3), "crime of violence"  
15 means: ~~specifically~~ first degree murder, second degree  
16 murder, predatory criminal sexual assault of a child,  
17 aggravated criminal sexual assault, criminal sexual  
18 assault, armed robbery, aggravated arson, arson,  
19 aggravated kidnapping, kidnapping, aggravated battery  
20 resulting in great bodily harm or permanent disability,  
21 stalking, aggravated stalking, or any offense involving  
22 the discharge of a firearm.

23 (4) (Blank).

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

26 (6) The sentence imposed on the defendant, whether the

1 result of a plea or a finding of guilt, renders the  
2 defendant ineligible for probation.

3 (c) A defendant charged with prostitution under Section  
4 11-14 of the Criminal Code of 2012 may be admitted into a  
5 mental health court program, if available in the jurisdiction  
6 and provided that the requirements in subsections (a) and (b)  
7 are satisfied. Mental health court programs may include  
8 specialized service programs specifically designed to address  
9 the trauma associated with prostitution and human trafficking,  
10 and may offer those specialized services to defendants admitted  
11 to the mental health court program. Judicial circuits  
12 establishing these specialized programs shall partner with  
13 prostitution and human trafficking advocates, survivors, and  
14 service providers in the development of the programs.

15 (Source: P.A. 97-946, eff. 8-13-12; 98-152, eff. 1-1-14;  
16 98-538, eff. 8-23-13; 98-621, eff. 1-7-14.)