



Sen. Antonio Muñoz

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10000SB1312sam001

LRB100 08459 RLC 23225 a

1 AMENDMENT TO SENATE BILL 1312

2 AMENDMENT NO. _____. Amend Senate Bill 1312 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Veterans and Servicemembers Court
5 Treatment 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

1 post-adjudication only with the approval of the court.

2 (b) A defendant shall be excluded from Veterans and
3 Servicemembers Court program if any of one of the following
4 applies:

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

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

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

21 (4) (Blank).

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

24 (6) The sentence imposed on the defendant, whether the
25 result of a plea or a finding of guilt, renders the
26 defendant ineligible for probation.

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

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

4 (730 ILCS 168/20)

5 Sec. 20. Eligibility.

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

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

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

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

17 (3) The defendant has been convicted of a crime of
18 violence within the past 10 years excluding incarceration
19 time. As used in this paragraph (3), "crime of violence"
20 means: ~~specifically~~ first degree murder, second degree
21 murder, predatory criminal sexual assault of a child,
22 aggravated criminal sexual assault, criminal sexual
23 assault, armed robbery, aggravated arson, arson,
24 aggravated kidnapping, kidnapping, aggravated battery

1 resulting in great bodily harm or permanent disability,
2 stalking, aggravated stalking, or any offense involving
3 the discharge of a firearm.

4 (4) (Blank).

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

7 (6) The sentence imposed on the defendant, whether the
8 result of a plea or a finding of guilt, renders the
9 defendant ineligible for probation.

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

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