



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2092

Introduced 2/26/2021, by Sen. Christopher Belt

SYNOPSIS AS INTRODUCED:

730 ILCS 167/1
730 ILCS 167/5
730 ILCS 167/10
730 ILCS 167/15
730 ILCS 167/20
730 ILCS 167/25
730 ILCS 167/30
730 ILCS 167/35

Amends the Veterans and Servicemembers Court Treatment Act. Changes the title of the Act to the Veterans, Servicemembers, and Families Court Treatment Act. Provides that the Act also applies to defendants who are family members of veterans and servicemembers. Provides that a defendant shall be evaluated for eligibility to be admitted into a Veterans, Servicemembers, and Families Court Treatment program by a Court Assessment Service if the defendant is a family member of a veteran or servicemember. Defines terms.

LRB102 15363 KMF 20724 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 Sections 1, 5, 10, 15, 20, 25, 30,
6 and 35 as follows:

7 (730 ILCS 167/1)

8 Sec. 1. Short title. This Act may be cited as the Veterans,
9 ~~and~~ Servicemembers, and Families Court Treatment Act.

10 (Source: P.A. 96-924, eff. 6-14-10.)

11 (730 ILCS 167/5)

12 Sec. 5. Purposes. The General Assembly recognizes that
13 veterans and active, Reserve and National Guard servicemembers
14 have provided or are currently providing an invaluable service
15 to our country. In so doing, some may suffer the effects of,
16 including but not limited to, post traumatic stress disorder,
17 traumatic brain injury, depression and may also suffer drug
18 and alcohol dependency or addiction and co-occurring mental
19 illness and substance abuse problems. As a result of this,
20 some veterans or active duty servicemembers and their families
21 come into contact with the criminal justice system and are
22 charged with felony or misdemeanor offenses. There is a

1 critical need for the criminal justice system to recognize
2 these veterans and their families, provide accountability for
3 their wrongdoing, provide for the safety of the public and
4 provide for the treatment of our veterans and their families.
5 It is the intent of the General Assembly to create specialized
6 veteran and servicemember and their families courts or
7 programs with the necessary flexibility to meet the
8 specialized problems faced by these veteran and servicemember
9 defendants and their families.

10 (Source: P.A. 96-924, eff. 6-14-10.)

11 (730 ILCS 167/10)

12 Sec. 10. Definitions. In this Act:

13 "Combination Veterans, ~~and~~ Servicemembers, and Families
14 Court program" means a court program that includes a
15 pre-adjudicatory and a post-adjudicatory Veterans, ~~and~~
16 Servicemembers, and Families court program.

17 "Court" means Veterans, ~~and~~ Servicemembers, and Families
18 Court.

19 "Family member" means any spouse, former spouse, widow or
20 widower, child (naturally born, adopted, step child or ward)
21 of a servicemember or veteran.

22 "IDVA" means the Illinois Department of Veterans' Affairs.

23 "Peer recovery coach" means a volunteer veteran mentor
24 assigned to a veteran or servicemember during participation in
25 a veteran treatment court program who has been trained and

1 certified by the court to guide and mentor the participant to
2 successfully complete the assigned requirements.

3 "Post-adjudicatory Veterans, ~~and~~ Servicemembers, and
4 Families Court Program" means a program in which the defendant
5 has admitted guilt or has been found guilty and agrees, along
6 with the prosecution, to enter a Veterans, ~~and~~ Servicemembers, and
7 Families Court program as part of the defendant's
8 sentence.

9 "Pre-adjudicatory Veterans, ~~and~~ Servicemembers, and
10 Families Court Program" means a program that allows the
11 defendant with the consent of the prosecution, to expedite the
12 defendant's criminal case before conviction or before filing
13 of a criminal case and requires successful completion of the
14 Veterans, ~~and~~ Servicemembers, and Families Court programs as
15 part of the agreement.

16 "Servicemember" means a person who is currently serving in
17 the Army, Air Force, Marines, Navy, or Coast Guard on active
18 duty, reserve status or in the National Guard.

19 "VA" means the United States Department of Veterans'
20 Affairs.

21 "VAC" means a veterans assistance commission.

22 "Veteran" means a person who served in the active
23 military, naval, or air service and who was discharged or
24 released therefrom under conditions other than dishonorable.

25 "Veterans, ~~and~~ Servicemembers, and Families Court
26 professional" means a member of the Veterans, ~~and~~

1 Servicemembers, and Families Court team, including but not
2 limited to a judge, prosecutor, defense attorney, probation
3 officer, coordinator, treatment provider, or peer recovery
4 coach.

5 "Veterans, ~~and~~ Servicemembers, and Families Court" means a
6 court or program with an immediate and highly structured
7 judicial intervention process for substance abuse treatment,
8 mental health, or other assessed treatment needs of eligible
9 veteran and servicemember and family member defendants that
10 brings together substance abuse professionals, mental health
11 professionals, VA professionals, local social programs and
12 intensive judicial monitoring in accordance with the
13 nationally recommended 10 key components of drug courts.

14 "Ward" means a ward as defined by the Probate Act of 1975.
15 (Source: P.A. 99-314, eff. 8-7-15; 99-819, eff. 8-15-16.)

16 (730 ILCS 167/15)

17 Sec. 15. Authorization. The Chief Judge of each judicial
18 circuit shall establish a Veterans, ~~and~~ Servicemembers, and
19 Families Court program including a format under which it
20 operates under this Act. The Veterans, ~~and~~ Servicemembers, and
21 Families Court may, at the discretion of the Chief Judge, be a
22 separate court or a program of a problem-solving court,
23 including but not limited to a drug court or mental health
24 court. At the discretion of the Chief Judge, the Veterans, ~~and~~
25 Servicemembers, and Families Court program may be operated in

1 one or more counties in the Circuit, and allow veteran and
2 servicemember defendants and family member of veteran and
3 servicemember defendants from all counties within the Circuit
4 to participate.

5 (Source: P.A. 99-807, eff. 1-1-18; 100-88, eff. 1-1-18.)

6 (730 ILCS 167/20)

7 Sec. 20. Eligibility. Veterans and Servicemembers and
8 families of Veterans and Servicemembers are eligible for
9 Veterans, ~~and~~ Servicemembers, and Families Courts, provided
10 the following:

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

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

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

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

1 (3) The defendant has been convicted of a crime of
2 violence within the past 10 years excluding incarceration
3 time, including first degree murder, second degree murder,
4 predatory criminal sexual assault of a child, aggravated
5 criminal sexual assault, criminal sexual assault, armed
6 robbery, aggravated arson, arson, aggravated kidnapping
7 and kidnapping, aggravated battery resulting in great
8 bodily harm or permanent disability, stalking, aggravated
9 stalking, or any offense involving the discharge of a
10 firearm.

11 (4) (Blank).

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

14 (6) The sentence imposed on the defendant, whether the
15 result of a plea or a finding of guilt, renders the
16 defendant ineligible for probation.

17 (Source: P.A. 99-480, eff. 9-9-15; 100-426, eff. 1-1-18.)

18 (730 ILCS 167/25)

19 Sec. 25. Procedure.

20 (a) The Court shall order the defendant to submit to an
21 eligibility screening and an assessment through the VA, VAC,
22 and/or the IDVA to provide information on the defendant's
23 veteran or servicemember status or family member status.

24 (b) The Court shall order the defendant to submit to an
25 eligibility screening and mental health and drug/alcohol

1 screening and assessment of the defendant by the VA, VAC, or by
2 the IDVA or a Court Assessment Service for a family member to
3 provide assessment services for Illinois Courts. The
4 assessment shall include a risks assessment and be based, in
5 part, upon the known availability of treatment resources
6 available to the Veterans, ~~and~~ Servicemembers, and Families
7 Court. The assessment shall also include recommendations for
8 treatment of the conditions which are indicating a need for
9 treatment under the monitoring of the Court and be reflective
10 of a level of risk assessed for the individual seeking
11 admission. An assessment need not be ordered if the Court
12 finds a valid screening and/or assessment related to the
13 present charge pending against the defendant has been
14 completed within the previous 60 days.

15 (c) The judge shall inform the defendant that if the
16 defendant fails to meet the conditions of the Veterans, ~~and~~
17 Servicemembers, and Families, and Families Court program,
18 eligibility to participate in the program may be revoked and
19 the defendant may be sentenced or the prosecution continued as
20 provided in the Unified Code of Corrections for the crime
21 charged.

22 (d) The defendant shall execute a written agreement with
23 the Court as to his or her participation in the program and
24 shall agree to all of the terms and conditions of the program,
25 including but not limited to the possibility of sanctions or
26 incarceration for failing to abide or comply with the terms of

1 the program.

2 (e) In addition to any conditions authorized under the
3 Pretrial Services Act and Section 5-6-3 of the Unified Code of
4 Corrections, the Court may order the defendant to complete
5 substance abuse treatment in an outpatient, inpatient,
6 residential, or jail-based custodial treatment program, order
7 the defendant to complete mental health counseling in an
8 inpatient or outpatient basis, comply with physicians'
9 recommendation regarding medications and all follow up
10 treatment. This treatment may include but is not limited to
11 post-traumatic stress disorder, traumatic brain injury and
12 depression.

13 (f) The Court may establish a mentorship program that
14 provides access and support to program participants by peer
15 recovery coaches. Courts shall be responsible to administer
16 the mentorship program with the support of volunteer veterans
17 and local veteran service organizations, including a VAC. Peer
18 recovery coaches shall be trained and certified by the Court
19 prior to being assigned to participants in the program.

20 (Source: P.A. 99-314, eff. 8-7-15; 99-819, eff. 8-15-16.)

21 (730 ILCS 167/30)

22 Sec. 30. Mental health and substance abuse treatment.

23 (a) The Veterans, ~~and~~ Servicemembers, and Families Court
24 program may maintain a network of substance abuse treatment
25 programs representing a continuum of graduated substance abuse

1 treatment options commensurate with the needs of defendants;
2 these shall include programs with the VA, IDVA, a VAC, the
3 State of Illinois and community-based programs supported and
4 sanctioned by either or both.

5 (b) Any substance abuse treatment program to which
6 defendants are referred must meet all of the rules and
7 governing programs in Parts 2030 and 2060 of Title 77 of the
8 Illinois Administrative Code.

9 (c) The Veterans, ~~and~~ Servicemembers, and Families Court
10 program may, in its discretion, employ additional services or
11 interventions, as it deems necessary on a case by case basis.

12 (d) The Veterans, ~~and~~ Servicemembers, and Families Court
13 program may maintain or collaborate with a network of mental
14 health treatment programs and, if it is a co-occurring mental
15 health and substance abuse court program, a network of
16 substance abuse treatment programs representing a continuum of
17 treatment options commensurate with the needs of the defendant
18 and available resources including programs with the VA, the
19 IDVA, a VAC, and the State of Illinois.

20 (Source: P.A. 99-819, eff. 8-15-16.)

21 (730 ILCS 167/35)

22 Sec. 35. Violation; termination; discharge.

23 (a) If the Court finds from the evidence presented
24 including but not limited to the reports or proffers of proof
25 from the Veterans, ~~and~~ Servicemembers, and Families Court

1 professionals that:

2 (1) the defendant is not performing satisfactorily in
3 the assigned program;

4 (2) the defendant is not benefitting from education,
5 treatment, or rehabilitation;

6 (3) the defendant has engaged in criminal conduct
7 rendering him or her unsuitable for the program; or

8 (4) the defendant has otherwise violated the terms and
9 conditions of the program or his or her sentence or is for
10 any reason unable to participate; the Court may impose
11 reasonable sanctions under prior written agreement of the
12 defendant, including but not limited to imprisonment or
13 dismissal of the defendant from the program and the Court
14 may reinstate criminal proceedings against him or her or
15 proceed under Section 5-6-4 of the Unified Code of
16 Corrections for a violation of probation, conditional
17 discharge, or supervision hearing.

18 (b) Upon successful completion of the terms and conditions
19 of the program, the Court may dismiss the original charges
20 against the defendant or successfully terminate the
21 defendant's sentence or otherwise discharge him or her from
22 any further proceedings against him or her in the original
23 prosecution.

24 (Source: P.A. 96-924, eff. 6-14-10.)