

# SB2373



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2373

Introduced 2/26/2021, by Sen. John Connor

#### SYNOPSIS AS INTRODUCED:

730 ILCS 166/10  
730 ILCS 166/20

Amends the Drug Court Treatment Act. Includes in the definition of "drug court" judicial monitoring according to the rules adopted by the Illinois Supreme Court and any court that primarily accepts defendants charged with driving while impaired with either alcohol or drugs. Eliminates provision that the defendant may be admitted into a drug court program only upon the agreement of the prosecutor if: (1) the defendant is charged with a Class 2 or greater felony violation of various manufacturing, delivery, trafficking, and drug conspiracy violations of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act; or (2) the defendant has previously, on 3 or more occasions, either completed a drug court program, been discharged from a drug court program, or been terminated from a drug court program. Effective immediately.

LRB102 14160 KMF 19512 b

A BILL FOR

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 Drug Court Treatment Act is amended by  
5 changing Sections 10 and 20 as follows:

6 (730 ILCS 166/10)

7 Sec. 10. Definitions. As used in this Act:

8 "Drug court", "drug court program", or "program" means an  
9 immediate and highly structured judicial intervention process  
10 for substance abuse treatment of eligible defendants that  
11 brings together substance abuse professionals, local social  
12 programs, and intensive judicial monitoring in accordance with  
13 the nationally recommended 10 key components of drug courts  
14 and according to the rules adopted by the Illinois Supreme  
15 Court. "Drug court" also means any court that primarily  
16 accepts defendants charged with driving while impaired with  
17 either alcohol or drugs.

18 "Drug court professional" means a member of the drug court  
19 team, including but not limited to a judge, prosecutor,  
20 defense attorney, probation officer, coordinator, treatment  
21 provider, or peer recovery coach.

22 "Pre-adjudicatory drug court program" means a program that  
23 allows the defendant, with the consent of the prosecution, to

1 expedite the defendant's criminal case before conviction or  
2 before filing of a criminal case and requires successful  
3 completion of the drug court program as part of the agreement.

4 "Post-adjudicatory drug court program" means a program in  
5 which the defendant has admitted guilt or has been found  
6 guilty and agrees, along with the prosecution, to enter a drug  
7 court program as part of the defendant's sentence.

8 "Combination drug court program" means a drug court  
9 program that includes a pre-adjudicatory drug court program  
10 and a post-adjudicatory drug court program.

11 (Source: P.A. 97-946, eff. 8-13-12.)

12 (730 ILCS 166/20)

13 Sec. 20. Eligibility.

14 (a) A defendant may be admitted into a drug court program  
15 only upon the agreement of the defendant and with the approval  
16 of the court.

17 (b) A defendant shall be excluded from a drug court  
18 program if any of one of the following apply:

19 (1) The crime is a crime of violence as set forth in  
20 clause (4) of this subsection (b).

21 (2) The defendant denies his or her use of or  
22 addiction to drugs.

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

25 (4) The defendant has been convicted of a crime of

1 violence within the past 10 years excluding incarceration  
2 time. As used in this Section, "crime of violence" means:  
3 first degree murder, second degree murder, predatory  
4 criminal sexual assault of a child, aggravated criminal  
5 sexual assault, criminal sexual assault, armed robbery,  
6 aggravated arson, arson, aggravated kidnaping, kidnaping,  
7 aggravated battery resulting in great bodily harm or  
8 permanent disability, stalking, aggravated stalking, or  
9 any offense involving the discharge of a firearm.

10 (c) (Blank). ~~Notwithstanding subsection (a), the defendant~~  
11 ~~may be admitted into a drug court program only upon the~~  
12 ~~agreement of the prosecutor if:~~

13 ~~(1) the defendant is charged with a Class 2 or greater~~  
14 ~~felony violation of:~~

15 ~~(A) Section 401, 401.1, 405, or 405.2 of the~~  
16 ~~Illinois Controlled Substances Act;~~

17 ~~(B) Section 5, 5.1, or 5.2 of the Cannabis Control~~  
18 ~~Act;~~

19 ~~(C) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56,~~  
20 ~~or 65 of the Methamphetamine Control and Community~~  
21 ~~Protection Act; or~~

22 ~~(2) the defendant has previously, on 3 or more~~  
23 ~~occasions, either completed a drug court program, been~~  
24 ~~discharged from a drug court program, or been terminated~~  
25 ~~from a drug court program.~~

26 (Source: P.A. 99-480, eff. 9-9-15.)

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.