



Sen. John Connor

**Filed: 4/16/2021**

10200SB2373sam001

LRB102 14160 KMF 25336 a

1 AMENDMENT TO SENATE BILL 2373

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2373 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Drug Court Treatment Act is amended by  
5 changing Sections 10, 20 and 35 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 promulgated by the Illinois Supreme  
15 Court. "Drug court" also means any court that primarily  
16 accepts defendants charged with driving while impaired with

1 either alcohol or drugs.

2 "Drug court professional" means a member of the drug court  
3 team, including but not limited to a judge, prosecutor,  
4 defense attorney, probation officer, coordinator, treatment  
5 provider, or peer recovery coach.

6 "Pre-adjudicatory drug court program" means a program that  
7 allows the defendant, with the consent of the prosecution, to  
8 expedite the defendant's criminal case before conviction or  
9 before filing of a criminal case and requires successful  
10 completion of the drug court program as part of the agreement.

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

15 "Combination drug court program" means a drug court  
16 program that includes a pre-adjudicatory drug court program  
17 and a post-adjudicatory drug court program.

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

19 (730 ILCS 166/20)

20 Sec. 20. Eligibility.

21 (a) A defendant may be admitted into a drug court program  
22 only upon the agreement of the defendant and with the approval  
23 of the court.

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

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

3 (2) The defendant denies his or her use of or  
4 addiction to drugs.

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

7 (4) The defendant has been convicted of a crime of  
8 violence within the past 10 years excluding incarceration  
9 time. As used in this Section, "crime of violence" means:  
10 first degree murder, second degree murder, predatory  
11 criminal sexual assault of a child, aggravated criminal  
12 sexual assault, criminal sexual assault, armed robbery,  
13 aggravated arson, arson, aggravated kidnaping, kidnaping,  
14 aggravated battery resulting in great bodily harm or  
15 permanent disability, stalking, aggravated stalking, or  
16 any offense involving the discharge of a firearm.

17 (b-5) A defendant shall be excluded from a  
18 pre-adjudicatory drug court program if the defendant held a  
19 commercial driver's license, commercial learner's permit or  
20 was operating a commercial motor vehicle at the time of the  
21 arrest for a violation of Section 11-501 of the Illinois  
22 Vehicle Code or a similar provision of a local ordinance, but  
23 may participate in a post-adjudicatory drug court program.

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

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

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

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

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

10           ~~(2) the defendant has previously, on 3 or more~~  
11 ~~occasions, either completed a drug court program, been~~  
12 ~~discharged from a drug court program, or been terminated~~  
13 ~~from a drug court program.~~

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

15 (730 ILCS 166/35)

16 Sec. 35. Violation; termination; discharge.

17 (a) If the court finds from the evidence presented  
18 including but not limited to the reports or proffers of proof  
19 from the drug court professionals that:

20           (1) the defendant is not performing satisfactorily in  
21 the assigned program;

22           (2) the defendant is not benefitting from education,  
23 treatment, or rehabilitation;

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

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

11          (a-5) A defendant who is assigned to a substance abuse  
12          treatment program under this Act for opioid abuse or  
13          dependence is not in violation of the terms or conditions of  
14          the program on the basis of his or her participation in  
15          medication assisted treatment under the care of a physician  
16          licensed in this State to practice medicine in all of its  
17          branches.

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          (c) Notwithstanding any other provision of this Act to the  
25          contrary, the Secretary of State shall maintain, on the  
26          defendant's driving abstract, any conviction for a violation

1 of Section 11-501 of the Illinois Vehicle Code or a similar  
2 provision of a local ordinance that was dismissed as the  
3 result of successful completion of the terms and conditions of  
4 the program.

5 (Source: P.A. 99-554, eff. 1-1-17.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law."