

HB3410



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3410

Introduced 2/17/2023, by Rep. Jackie Haas

SYNOPSIS AS INTRODUCED:

730 ILCS 166/20

Amends the Drug Court Treatment Act. Provides that before a defendant is admitted into a drug court program, the court must make a finding that the crime for which the defendant is to be admitted into the drug court program had a nexus to the defendant's substance use disorder. Makes changes to offenses that exclude a defendant from admission into a drug court program.

LRB103 28546 RJT 54927 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 Section 20 as follows:

6 (730 ILCS 166/20)

7 Sec. 20. Eligibility.

8 (a) A defendant may be admitted into a drug court program
9 only upon the consent of the defendant and with the approval of
10 the court. A defendant agrees to be admitted when a written
11 consent to participate is provided to the court in open court
12 and the defendant acknowledges understanding its contents.

13 (a-5) Each drug court shall have a target population
14 defined in its written policies and procedures. The policies
15 and procedures shall define that court's eligibility and
16 exclusionary criteria.

17 (a-10) Before a defendant is admitted into a drug court
18 program, the court must make a finding that the crime for which
19 the defendant is to be admitted into the drug court program had
20 a nexus to the defendant's substance use disorder, as that
21 term is defined in Section 1-10 of the Substance Use Disorder
22 Act.

23 (b) A defendant shall be excluded from a drug court

1 program if any one of the following applies:

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

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

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

8 (4) The defendant has been convicted of a crime of
9 violence within the past 5 years excluding incarceration
10 time, parole, and periods of mandatory supervised release.
11 As used in this paragraph, "crime of violence" means:
12 first degree murder, second degree murder, ~~predatory~~
13 ~~criminal sexual assault of a child, aggravated criminal~~
14 ~~sexual assault, criminal sexual assault,~~ armed robbery,
15 aggravated arson, arson, aggravated kidnaping, kidnapping,
16 aggravated battery resulting in great bodily harm or
17 permanent disability, ~~aggravated domestic battery~~
18 ~~resulting in great bodily harm or permanent disability,~~
19 aggravated criminal sexual abuse by a person in a position
20 of trust or authority over a child, stalking, aggravated
21 stalking, home invasion, aggravated vehicular hijacking,
22 or any offense involving the discharge of a firearm.
23 "Crime of violence" also means: robbery; aggravated
24 robbery; aggravated assault if a deadly weapon was used
25 during the offense; aggravated unlawful use of a weapon;
26 violation of an order of protection; failure to register

1 as a violent offender against youth or failure to report
2 to a law enforcement agency as required under the Murderer
3 and Violent Offender Against Youth Registration Act;
4 aggravated driving under the influence of alcohol, other
5 drug or drugs, or intoxicating compound or compounds, or
6 any combination thereof; or any offense requiring
7 registration under the Murderer and Violent Offender
8 Against Youth Registration Act.

9 (5) The defendant is charged with a violation of
10 subparagraph (F) of paragraph (1) of subsection (d) of
11 Section 11-501 of the Illinois Vehicle Code in which an
12 individual is charged with aggravated driving under the
13 influence that resulted in the death of another person or
14 when the violation was a proximate cause of the death,
15 unless, pursuant to subparagraph (G) of paragraph (1) of
16 subsection (d) of Section 11-501 of the Illinois Vehicle
17 Code, the court determines that extraordinary
18 circumstances exist and require probation.

19 (c) Notwithstanding subsection (a), the defendant may be
20 admitted into a drug court program only upon the agreement of
21 the prosecutor if the defendant is charged with a Class 2 or
22 greater felony violation of:

23 (1) Section 401, 401.1, 405, or 405.2 of the Illinois
24 Controlled Substances Act;

25 (2) Section 5, 5.1, or 5.2 of the Cannabis Control
26 Act; or

1 (3) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56, or
2 65 of the Methamphetamine Control and Community Protection
3 Act.

4 (Source: P.A. 102-1041, eff. 6-2-22.)