



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4816

Introduced 2/6/2024, by Rep. Maurice A. West, II

SYNOPSIS AS INTRODUCED:

New Act

Creates the Pretrial Success Act. Provides that the Department of Human Services has grant making, operational, and procurement authority to distribute funds to local government health and human services agencies, community-based organizations, and other entities necessary to execute the functions under the Act. Provides that subject to appropriation, the Department shall issue grants to local governmental agencies and community-based organizations to maximize pretrial success each year. Provides that grants shall be awarded no later than October 1, 2024. Provides that grants in subsequent years shall be issued on or before September 1 of the relevant fiscal year and shall allow for pre-award expenditures beginning July 1 of the relevant fiscal year. Provides that each judicial circuit with a population of at least 250,000 constitutes a service area. Provides that each judicial circuit with populations of less than 250,000 shall be combined with at least one other geographically contiguous judicial circuit to constitute a service area with a population of at least 250,000. Provides that resources for each service area shall be distributed based on maximizing the total potential pretrial success. Subject to appropriation, the minimum annual grant amount awarded in each service area shall be \$300,000. Provides that beginning in fiscal year 2027 and subject to appropriation, grants shall be awarded for a project period of 3 years, contingent on Department requirements for reporting and successful performance. Provides that organizations receiving grants under the Act shall provide the following services directly or through subgrants to other organizations: (1) case management for mental health and substance use disorders; (2) detoxification or referral to detoxification when clinically indicated and available in the community; (3) medication assisted treatment or referral to medication assisted treatment when clinically indicated and available in the community; (4) child care to remove barriers to court appearances; and (5) transportation to court appearances if not available through the Office of Statewide Pretrial Services or other court stakeholders. Effective immediately.

LRB103 39290 RLC 69444 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Pretrial Success Act.

6 Section 5. Intent; purposes. This Act creates a
7 comprehensive approach to ensuring pretrial success, justice,
8 and individual and communal well-being. The Act minimizes the
9 number of people detained pretrial by ensuring access to
10 community-based pretrial supports and services.

11 Section 10. Definitions. As used in this Act:

12 "Case management" means assessment, planning,
13 coordination, and advocacy services for individuals who need
14 multiple services and require assistance in gaining access to
15 and in using behavioral health, physical health, social,
16 vocational, educational, housing, public income entitlements
17 and other community services to assist the individual in the
18 community. Case management may also include identifying and
19 investigating available resources, explaining options to the
20 individual, and linking the individual with necessary
21 resources.

22 "Community-based pretrial supports and services" means

1 voluntary services provided in the community to an individual
2 charged with a criminal offense who has been granted pretrial
3 release. Community-based pretrial supports and services shall
4 be trauma-informed and designed and delivered according to
5 best practice standards to maximize pretrial success.

6 "Court stakeholders" means Judges, State's Attorneys,
7 defense attorneys including Public Defenders, Sheriffs, police
8 departments, and any other individuals, agencies, or offices
9 or their employees involved in pretrial criminal court
10 proceedings.

11 "Department" means the Department of Human Services.

12 "Detoxification" means the process of withdrawing a person
13 from a specific psychoactive substance in a safe and effective
14 manner.

15 "Eligible participant" means an Illinois resident charged
16 with a criminal offense who has been granted pretrial release.

17 "Medication assisted treatment" means the prescription of
18 medications that are approved by the U.S. Food and Drug
19 Administration and the Center for Substance Abuse Treatment to
20 assist with treatment for a substance use disorder and to
21 support recovery for individuals receiving services in a
22 facility licensed by the Department. Medication assisted
23 treatment includes opioid treatment services as authorized by
24 a Department license.

25 "Pretrial success" means ensuring court appearances and
26 reducing subsequent involvement with the criminal-legal

1 system.

2 "Service area" means a judicial circuit or group of
3 judicial circuits.

4 Section 15. Findings. The General Assembly finds that:

5 (1) The Pretrial Fairness Act defines when an arrested
6 person can be denied pretrial release and prohibits the
7 imposition of financial conditions for release by
8 abolishing money bond. This prevents the pretrial
9 detention of many arrested individuals with mental health
10 or substance use disorders or others who could benefit
11 from community-based supports and services.

12 (2) Because people awaiting trial are legally presumed
13 innocent, the Illinois Supreme Court Commission on
14 Pretrial Practices recommends, consistent with national
15 best practices, that "(c)onditions and supervision shall
16 not mandate rehabilitative services (substance abuse,
17 mental health, partner abuse intervention programs, etc.)
18 unless the court finds them to be a risk factor directly
19 related to further criminal behavior and failure to appear
20 at court hearings. The inability to pay for such
21 court-ordered services shall not interfere with release."

22 (3) Research shows that mental health and substance
23 use disorder services, including treatment, are generally
24 most effective when participation is voluntary and access
25 is assured.

1 (4) Communities throughout Illinois have significant
2 gaps in the availability of mental health and substance
3 use disorder services and other community-based pretrial
4 supports and services.

5 (5) If services are available, navigating complicated
6 systems can be a barrier to access and success.

7 (6) Community-based pretrial supports and services are
8 most effective when delivered by organizations trusted
9 within the community and developed with the input of
10 community members, including those directly impacted by
11 the criminal-legal system.

12 Section 20. Grant making authority.

13 (a) The Department of Human Services shall have grant
14 making, operational, and procurement authority to distribute
15 funds to local government health and human services agencies,
16 community-based organizations, and other entities necessary to
17 execute the functions established in this Act.

18 (b) Subject to appropriation, the Department shall issue
19 grants to local governmental agencies and community-based
20 organizations to maximize pretrial success each year. Grants
21 shall be awarded no later than October 1, 2024. Grants in
22 subsequent years shall be issued on or before September 1 of
23 the relevant fiscal year and shall allow for pre-award
24 expenditures beginning July 1 of the relevant fiscal year.

25 (c) Beginning in fiscal year 2027 and subject to

1 appropriation, grants shall be awarded for a project period of
2 3 years, contingent on Department requirements for reporting
3 and successful performance.

4 Section 25. Community-based pretrial supports and
5 services.

6 (a) Subject to appropriation, the Department shall make
7 grants to organizations for community-based pretrial supports
8 and services.

9 (b) The Department shall issue grants to at least one
10 organization in each of the service areas and no more than 3
11 organizations in each of the service areas with the exception
12 of service areas with a population exceeding 2,000,000. The
13 Department shall issue grants to at least one organization and
14 no more than 10 organizations in service areas with a
15 population exceeding 2,000,000. Grants in each service area
16 shall be for no less than \$100,000 and no more than \$500,000
17 per organization. An organization may receive grants in more
18 than one service area.

19 (c) Organizations receiving grants under this Act shall
20 coordinate services with other organizations and court
21 stakeholders in their service area. Organizations receiving
22 grants under this Act shall coordinate services with the
23 Office of Statewide Pretrial Services to the extent that it
24 operates in their service area.

25 (d) Organizations receiving grants under this Act shall

1 establish eligibility criteria for services. Organizations
2 receiving grants under this Act shall be required to accept
3 referrals of eligible participants from court stakeholders.
4 Organizations receiving grants under this Act may accept
5 referrals of eligible participants from other sources
6 including self-referrals.

7 (e) An eligible participant shall not be ordered to
8 receive services funded by a grant under this Act unless the
9 person has undergone a validated clinical assessment and the
10 clinical treatment plan includes such services. "Validated
11 clinical assessment" and "clinical treatment plan" have the
12 meanings ascribed to them in Section 10 of the Drug Court
13 Treatment Act.

14 (f) Organizations receiving grants under this Act shall
15 provide the following services directly or through subgrants
16 to other organizations:

17 (1) case management for mental health and substance
18 use disorders;

19 (2) detoxification or referral to detoxification when
20 clinically indicated and available in the community;

21 (3) medication assisted treatment or referral to
22 medication assisted treatment when clinically indicated
23 and available in the community;

24 (4) child care to remove barriers to court
25 appearances; and

26 (5) transportation to court appearances if not

1 available through the Office of Statewide Pretrial
2 Services or other court stakeholders.

3 (g) Organizations receiving grants under this Act may
4 provide the following services directly or through subgrants
5 to other organizations:

6 (1) Behavioral health services, including harm
7 reduction services, clinical interventions, crisis
8 interventions, and group counseling supports, such as peer
9 support groups, social-emotional learning supports,
10 including skill building for anger management,
11 de-escalation, sensory stabilization, coping strategies,
12 and thoughtful decision-making, short-term clinical
13 individual sessions, and motivational interviewing.

14 (2) Other services necessary to promote pretrial
15 success, as determined by the organization and approved by
16 the Department.

17 (h) Organizations receiving grants under this Act shall
18 ensure that services are accessible to individuals with
19 disabilities and to individuals with limited English
20 proficiency. Organizations receiving grants under this Act
21 shall not deny services to individuals on the basis of
22 immigration status or gender identity.

23 (i) No statement or other disclosure, written or
24 otherwise, made by an eligible participant to an employee of
25 an organization receiving a grant under this Act may be used by
26 the prosecution to prove any crime or offense alleged in the

1 pending case.

2 (j) The Department shall encourage organizations receiving
3 grants under this Act to employ individuals with personal
4 experience with being charged with a felony offense. On or
5 before January 1, 2025, the Department shall create and
6 execute a Background Check Waiver Process, limiting the
7 disqualifying offenses, for employees who provide services
8 under this Act.

9 (k) Organizations receiving funds under this Act may
10 utilize up to 5% of awarded grant funds to raise awareness of
11 community-based pretrial supports and services.

12 Section 30. Service areas.

13 (a) Each judicial circuit with a population of at least
14 250,000 constitutes a service area. Each judicial circuit with
15 a population of less than 250,000 shall be combined with at
16 least one other geographically contiguous judicial circuit to
17 constitute a service area with a population of at least
18 250,000.

19 (b) Resources for each service area shall be distributed
20 based on maximizing the total potential pretrial success.
21 Subject to appropriation, the minimum annual grant amount
22 awarded in each service area shall be \$300,000. In determining
23 the distribution of resources to service areas, the Department
24 shall consider the following factors:

25 (1) service area population and poverty level;

- 1 (2) the geographic size of a service area;
- 2 (3) the average number of people charged with felony
3 offenses each year;
- 4 (4) the number of people incarcerated in the past
5 because of their inability to afford payment of money
6 bond; and
- 7 (5) level of Office of Statewide Pretrial Services
8 programming in the counties in the service area.

9 Section 35. Local advisory councils.

10 (a) The Department shall create local advisory councils
11 for each of the service areas for the purpose of obtaining
12 recommendations on how to distribute funds in these areas to
13 maximize pretrial success. Local advisory councils shall
14 consist of no fewer than 5 members. At least 40% of members
15 shall have personal experience with being charged with a
16 felony offense in Illinois. At least 20% of members shall have
17 personal experience with a family member being charged with a
18 felony offense in Illinois. Members of the local advisory
19 councils shall serve without compensation except those
20 designated as individuals with personal experience may receive
21 stipends as compensation for their time.

22 (b) The Department shall provide data to each local
23 advisory council on the characteristics of the service area
24 and the availability of community-based pretrial supports and
25 services. The Department shall also provide best available

1 evidence on how to maximize pretrial success.

2 (c) Each local advisory council shall make recommendations
3 on how to allocate distributed resources and desired goals for
4 its service area based on information provided to them by the
5 Department.

6 (d) Beginning in fiscal year 2026, the Department shall
7 consider the recommendations and determine how to distribute
8 funds through grants to community-based organizations and
9 local governments. To the extent the Department does not
10 follow a local advisory council's recommendation on allocation
11 of funds, the Department shall explain in writing why a
12 different allocation of resources is more likely to maximize
13 pretrial success in the service area.

14 Section 40. Medicaid services.

15 (a) Funds awarded under this Act may be used for
16 behavioral health services until July 1, 2026.

17 (b) Any organization being reimbursed from funds awarded
18 under this Act for behavioral health services must also file a
19 plan to become Medicaid certified for behavioral health
20 services under the Illinois Medicaid program on or before July
21 1, 2026.

22 Section 45. Evaluation.

23 (a) The Department shall issue a report to the General
24 Assembly no later than January 1 of each year beginning

1 January 1, 2026. The report shall cover the previous fiscal
2 year and identify gaps in community-based pretrial supports
3 and services in each service area, explain the investments
4 that are being made to maximize pretrial success, and make
5 further recommendations on how to build community-based
6 capacity for community-based pretrial supports and services
7 including mental health and substance use disorder treatment.

8 (b) Beginning January 1, 2027, the annual report shall
9 include an evaluation of the effectiveness of grants under
10 this Act in maximizing pretrial success. The Department shall
11 use community-based participatory research methods and ensure
12 that the evaluation incorporates input from individuals and
13 organizations affected by the Act, including, but not limited
14 to, individuals with personal experience with being charged
15 with a felony offense in Illinois, individuals with personal
16 experience with a family member being charged with a felony
17 offense in Illinois, local government health and human
18 services agencies, community-based organizations, and court
19 stakeholders. The evaluation should be conducted with input
20 from outside expert evaluators when possible.

21 (c) The Department shall consider findings from annual
22 reports and evaluations in developing subsequent years'
23 grantmaking processes, monitoring progress toward local
24 advisory councils' goals, and ensuring equity in the
25 grantmaking process.

1 Section 50. Rulemaking authority. The Department shall
2 adopt rules as are necessary to implement all elements of this
3 Act.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.