



Rep. Robert S. Molaro

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LRB095 01030 RLC 33171 a

1 AMENDMENT TO HOUSE BILL 2734

2 AMENDMENT NO. _____. Amend House Bill 2734 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Drug
5 School Act.

6 Section 5. Findings; purpose. The General Assembly finds as
7 follows:

8 (1) One of the many objectives of the Illinois criminal
9 justice system is individual rehabilitation.

10 (2) The incarceration of nonviolent drug offenders
11 with families breaks the family unit.

12 (3) The recidivism rate of nonviolent drug offenders in
13 Illinois is 53%.

14 (4) Nonviolent drug offenders are in need of
15 alternatives to incarceration such as counseling and
16 treatment.

1 (5) Drug addiction is recognized as a health issue
2 around the country.

3 (6) The Cook County State's Attorney drug school
4 program has a success rate of over 85%.

5 (7) The State of Illinois spends \$22,607 on one adult
6 incarceration.

7 (8) The State of Illinois will save more than
8 17,000,000 if treatment programs are offered in lieu of
9 incarceration.

10 The purpose of this Act is to establish a drug school
11 program for nonviolent drug offenders statewide modeled after
12 the Cook County State's Attorney drug school program.

13 Section 10. Definition. As used in this Act, "drug school"
14 means a drug intervention and education program established and
15 administered by the State's Attorney's Office of a particular
16 county as an alternative to traditional prosecution. A drug
17 school shall include, but not be limited to, the following core
18 components:

19 (1) No less than 10 and no more than 20 hours of drug
20 education delivered by an organization licensed, certified
21 or otherwise authorized by the Illinois Department of Human
22 Services, Division of Alcoholism and Substance Abuse or
23 Division of Community Health and Prevention to provide
24 treatment, prevention, intervention, education or other
25 such services. This education is to be delivered at least

1 once per week at a class of no less than one hour and no
2 greater than 4 hours, and with a class size no larger than
3 40 individuals.

4 (2) Curriculum designed to present the harmful effects
5 of drug use on the individual, family and community,
6 including the relationship between drug use and criminal
7 behavior, as well as instruction regarding the application
8 procedure for the sealing and expungement of records of
9 arrest and any other record of the proceedings of the case
10 for which the individual was mandated to attend the drug
11 school.

12 (3) Education regarding the practical consequences of
13 conviction and continued justice involvement. Such
14 consequences of drug use will include the negative
15 physiological, psychological, societal, familial, and
16 legal areas. Additionally, the practical limitations
17 imposed by a drug conviction on one's vocational,
18 educational, financial, and residential options will be
19 addressed.

20 (4) A process for monitoring and reporting attendance
21 such that the State's Attorney in the county where the drug
22 school is being operated is informed of class attendance no
23 more than 48 hours after each class.

24 (5) A process for capturing data on drug school
25 participants, including but not limited to total
26 individuals served, demographics of those individuals,

1 rates of attendance, and frequency of future justice
2 involvement for drug school participants.

3 Section 15. Authorization.

4 (a) Each State's Attorney may establish a drug school
5 operated under the terms of this Act. The purpose of the drug
6 school shall be to provide an alternative to prosecution by
7 identifying drug-involved individuals for the purpose of
8 intervening with their drug use before their criminal
9 involvement becomes severe. The State's Attorney shall
10 identify what constitutes an acceptable criminal history in
11 determining eligibility for the drug school. Only those
12 participants who successfully complete the requirements of the
13 drug school, as certified by the State's Attorney, are eligible
14 to apply for the sealing and expungement of records of arrest
15 and any other record of the proceedings of the case for which
16 the individual was mandated to attend the drug school.

17 (b) A State's Attorney seeking to establish a drug school
18 may apply to the Division of Alcoholism and Substance Abuse of
19 the Illinois Department of Human Services ("DASA") for funding
20 to establish and operate a drug school within his or her
21 respective county. Nothing in this subsection shall prevent
22 State's Attorneys from establishing drug schools within their
23 counties without funding from the DASA.

24 (c) Nothing in this Act shall prevent 2 or more State's
25 Attorneys from applying jointly for funding as provided in

1 subsection (b) for the purpose of establishing a drug school
2 that serves multiple counties.

3 (d) Drug schools established through funding from DASA
4 shall operate according to the guidelines established thereby
5 and the provisions of this Act.

6 Section 20. Eligibility.

7 (a) The State's Attorney, alone, in each county where a
8 drug school is established shall have the authority to
9 determine which individuals, who would otherwise be prosecuted
10 under the relevant provisions of Illinois law, may be eligible
11 to participate in the drug school in lieu of prosecution.

12 (b) A defendant may be admitted into drug school only upon
13 the agreement of the prosecutor and the defendant.

14 Section 25. Process.

15 (a) The State's Attorney, alone, in each county where a
16 drug school is established shall determine who is eligible to
17 participate in the drug school in lieu of prosecution.
18 Considerations in making such a determination shall include the
19 crime committed, the circumstances of the crime or of the
20 individual under consideration, and whether or not the State's
21 Attorney believes that the individual would benefit from
22 participation in the drug school.

23 (b) The judge shall inform the defendant that if the
24 defendant fails to meet the conditions of drug school,

1 eligibility to participate in the program may be revoked and
2 the defendant may be prosecuted under the criminal laws of this
3 State and sentenced as provided in the Unified Code of
4 Corrections for the crime charged.

5 (c) The defendant shall execute a written agreement as to
6 his or her participation in the drug school program and shall
7 agree to all of the terms and conditions of the program,
8 including but not limited to the possibility of prosecution for
9 the crime charged for failing to abide or comply with the terms
10 of the drug school program or for any arrest incurred
11 subsequent to entry into the drug school program.

12 Section 30. Successful Completion. If an individual is
13 certified by the State's Attorney that he or she has
14 successfully completed the terms of the drug school, the
15 State's Attorney shall waive prosecution for the immediate
16 offense and discharge the case.

17 Section 35. Violations. Upon a violation of the any of the
18 terms of the drug school, the State's Attorney may proceed with
19 prosecution as otherwise authorized under law.

20 Section 40. Drug School Fund.

21 (a) The Drug School Fund is created as a fund in the
22 Illinois Department of Human Services, Division of Alcoholism
23 and Substance Abuse ("DASA"). The Fund shall be administered by

1 DASA to provide moneys for the appropriations to be made,
2 grants to be awarded, and compensation and expenses to be paid
3 under this Act. All interest earned from the investment or
4 deposit of moneys accumulated in the Drug School Fund shall,
5 under Section 4.1 of the State Finance Act, be deposited into
6 the Fund.

7 (b) Moneys deposited into the Fund shall not be considered
8 general revenue of the State of Illinois.

9 (c) Moneys deposited into the Fund shall be used
10 exclusively for the purposes of providing funding for the
11 establishment and operation of drug schools in the State of
12 Illinois, and shall not be appropriated, loaned, or in any
13 manner transferred to the General Revenue Fund of the State of
14 Illinois.

15 (d) Every fiscal year the Treasurer shall transfer from the
16 General Revenue Fund to the Drug School Fund an amount equal to
17 the full amount of moneys appropriated by the General Assembly
18 (both by original and supplemental appropriation), less any
19 unexpended balance from the previous fiscal year, from the Drug
20 School Fund for the specific purpose of making funding
21 available for the establishment and operation of drug schools.
22 State's Attorneys from each of the 101 counties in the State of
23 Illinois other than Cook County may make annual requests for
24 appropriations from the Drug School Fund.

25 (e) The State's Attorney in Cook County shall request an
26 appropriation to DASA for expenses incurred by the Cook County

1 State's Attorney for operation of its drug school program.

2 (f) State's Attorney's from each of the 102 counties in the
3 State of Illinois may each request supplemental appropriations
4 from the Drug School Fund during the fiscal year.

5 (g) Moneys in the Drug School Fund shall be expended only
6 as follows:

7 (1) To provide State's Attorneys with funding for
8 establishing and operating drug schools. State's Attorneys
9 in any county other than Cook County seeking funding for
10 drug school expenses may request that DASA certify the
11 expenses as reasonable, necessary, and appropriate for
12 payment from the Drug School Fund, on a form created by
13 DASA. Upon certification of the expenses and delivery of
14 the certification to DASA, DASA shall pay the expenses
15 directly from the Drug School Fund if there are sufficient
16 moneys in the Fund to pay the expenses.

17 (2) Moneys shall be appropriated to DASA to enable DASA
18 (i) to make grants to Cook County, (ii) to pay the expenses
19 of drug school programs in counties other than Cook County
20 and (iii) to pay the expenses of administering the Drug
21 School Fund. All expenditures and grants made from the Drug
22 School Fund shall be subject to audit by the Auditor
23 General.

24 (3) For Cook County, grants from the Drug School Fund
25 shall be made and administered as follows:

26 (A) For each State fiscal year, the State's

1 Attorney must make a separate application to DASA for
2 drug school fund grants.

3 (B) DASA shall establish rules and procedures for
4 grant applications. The rules shall require the Cook
5 County Treasurer as the grant recipient to report on a
6 periodic basis to DASA how much of the grant has been
7 expended, how much of the grant is remaining, and the
8 purposes for which the grant has been used. The rules
9 may also require the Cook County Treasurer to certify
10 on a periodic basis that expenditures of the funds have
11 been made for expenses that are reasonable, necessary,
12 and appropriate for payment from the Drug School Fund.

13 (C) DASA shall make the grants to the Cook County
14 Treasurer as soon as possible after the beginning of
15 the State fiscal year.

16 (D) The State's Attorney may apply for
17 supplemental grants during the fiscal year.

18 (E) Grant moneys shall be paid to the Cook County
19 Treasurer in block grants and held in a separate
20 account for the State's Attorney for the designated
21 fiscal year, and are not subject to county
22 appropriation and are not intended to supplant monies
23 currently expended by Cook County to operate its drug
24 school program. Cook County is required to maintain its
25 efforts with regard to its drug school program.

26 (F) Expenditure of grant moneys under this

1 subsection (g) is subject to audit by the Auditor
2 General.

3 (G) The Cook County Treasurer shall immediately
4 make payment from the appropriate separate account in
5 the county treasury for capital litigation expenses to
6 the State's Attorney, upon order of the State's
7 Attorney.

8 (H) If the Drug School Fund is discontinued or
9 dissolved by an Act of the General Assembly or by
10 operation of law, any balance remaining in the Drug
11 School Fund shall be returned to the General Revenue
12 Fund after deduction of administrative costs, any
13 other provision of this Act to the contrary
14 notwithstanding.

15 (h) State's Attorneys receiving monies from the Drug School
16 Fund shall each report separately to the General Assembly by
17 January 1, 2008 and each and every following January 1 for as
18 long as the Drug School Fund is in existence, detailing the
19 amounts of money received by them through this Act, the uses
20 for which those funds were expended, the balances then in the
21 Drug School Fund or county accounts, as the case may be,
22 dedicated to them for the use and support of drug school. The
23 report shall describe and discuss the need for continued
24 funding through the Fund and contain any suggestions for
25 changes to this Act.".