

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 2. The Alcoholism and Other Drug Abuse and  
5 Dependency Act is amended by changing Section 40-5 as follows:

6 (20 ILCS 301/40-5)

7 Sec. 40-5. Election of treatment. An addict or alcoholic  
8 who is charged with or convicted of a crime or any other person  
9 charged with or convicted of a Class C misdemeanor violation of  
10 the Use of Intoxicating Compounds Act may elect treatment under  
11 the supervision of a licensed program designated by the  
12 Department, referred to in this Article as "designated  
13 program", unless:

14 (1) the crime is a crime of violence;

15 (2) the crime is a violation of Section 401(a), 401(b),  
16 401(c) where the person electing treatment has been  
17 previously convicted of a non-probationable felony or the  
18 violation is non-probationable, 401(d) where the violation  
19 is non-probationable, 401.1, 402(a), 405 or 407 of the  
20 Illinois Controlled Substances Act, or Section 4(d), 4(e),  
21 4(f), 4(g), 5(d), 5(e), 5(f), 5(g), 5.1, 7 or 9 of the  
22 Cannabis Control Act or Section 15, 20, 55, 60, or 65 of  
23 the Methamphetamine Control and Community Protection Act;

1           (3) the person has a record of 2 or more convictions of  
2 a crime of violence;

3           (4) other criminal proceedings alleging commission of  
4 a felony are pending against the person;

5           (5) the person is on probation or parole and the  
6 appropriate parole or probation authority does not consent  
7 to that election;

8           (6) the person elected and was admitted to a designated  
9 program on 2 prior occasions within any consecutive 2-year  
10 period;

11           (7) the person has been convicted of residential  
12 burglary and has a record of one or more felony  
13 convictions;

14           (8) the crime is a violation of Section 11-501 of the  
15 Illinois Vehicle Code or a similar provision of a local  
16 ordinance; or

17           (9) the crime is a reckless homicide or a reckless  
18 homicide of an unborn child, as defined in Section 9-3 or  
19 9-3.2 of the Criminal Code of 1961, in which the cause of  
20 death consists of the driving of a motor vehicle by a  
21 person under the influence of alcohol or any other drug or  
22 drugs at the time of the violation.

23 (Source: P.A. 94-556, eff. 9-11-05.)

24           Section 5. The Use of Intoxicating Compounds Act is amended  
25 by changing Section 4 as follows:

1 (720 ILCS 690/4) (from Ch. 38, par. 81-4)

2 Sec. 4. Sentence.

3 (a) Except as otherwise provided in subsection (b),  
4 violation of this Act is a Class C misdemeanor for a first  
5 offense and a Class A misdemeanor for a second or subsequent  
6 offense.

7 (b) (1) The knowing ingestion of any compound, liquid, or  
8 chemical containing the alkaloids atropine, hyoscyamine, or  
9 scopolamine is a Class A misdemeanor.

10 (2) The sale, offer for sale, delivery, or giving to any  
11 person of a compound, liquid, or chemical containing the  
12 alkaloids atropine, hyoscyamine, or scopolamine is a Class 4  
13 felony.

14 (3) This subsection (b) does not prohibit the sale, offer  
15 for sale, delivery, giving, or ingestion of a compound, liquid,  
16 or chemical containing the alkaloids atropine, hyoscyamine, or  
17 scopolamine under the direction or prescription of a  
18 practitioner authorized to so direct or prescribe as provided  
19 in Section 3.

20 (Source: P.A. 89-640, eff. 1-1-97.)