



Rep. Dennis M. Reboletti

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09600HB4598ham001

LRB096 13433 RLC 38962 a

1 AMENDMENT TO HOUSE BILL 4598

2 AMENDMENT NO. _____. Amend House Bill 4598 by inserting
3 after the title the following:

4 "WHEREAS, Treatment Alternatives for Safe Communities
5 (TASC) is a more rigorous sentencing option employed by
6 Illinois courts to ensure that offenders rehabilitate and prove
7 to the Court that they remain drug free; therefore"; and

8 by replacing everything after the enacting clause with the
9 following:

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

12 (20 ILCS 301/40-5)

13 Sec. 40-5. Election of treatment. An addict or alcoholic
14 who is charged with or convicted of a crime may elect treatment
15 under the supervision of a licensed program designated by the

1 Department, referred to in this Article as "designated
2 program", unless:

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

4 (2) the crime is a violation of Section 401(a), 401(b),
5 401(c) where the person electing treatment has been
6 previously convicted of a non-probationable felony or the
7 violation is non-probationable, 401(d) where the violation
8 is non-probationable, 401.1, 402(a), 405 or 407 of the
9 Illinois Controlled Substances Act, or Section 4(d), 4(e),
10 4(f), 4(g), 5(d), 5(e), 5(f), 5(g), 5.1, 7 or 9 of the
11 Cannabis Control Act or Section 15, 20, 55, 60(b)(3),
12 60(b)(4), 60(b)(5), 60(b)(6) ~~60~~, or 65 of the
13 Methamphetamine Control and Community Protection Act or is
14 otherwise ineligible for probation under Section 70 of the
15 Methamphetamine Control and Community Protection Act;

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

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

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

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

26 (7) the person has been convicted of residential

1 burglary and has a record of one or more felony
2 convictions;

3 (8) the crime is a violation of Section 11-501 of the
4 Illinois Vehicle Code or a similar provision of a local
5 ordinance; or

6 (9) the crime is a reckless homicide or a reckless
7 homicide of an unborn child, as defined in Section 9-3 or
8 9-3.2 of the Criminal Code of 1961, in which the cause of
9 death consists of the driving of a motor vehicle by a
10 person under the influence of alcohol or any other drug or
11 drugs at the time of the violation.

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

13 Section 10. The Cannabis Control Act is amended by changing
14 Section 10 as follows:

15 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

16 Sec. 10. (a) Whenever any person who has not previously
17 been convicted of, or placed on probation or court supervision
18 for, any offense under this Act or any law of the United States
19 or of any State relating to a felony cannabis violation or a
20 misdemeanor cannabis violation involving the manufacture or
21 delivery or the possession with intent to manufacture or
22 deliver cannabis, or controlled substances as defined in the
23 Illinois Controlled Substances Act, pleads guilty to or is
24 found guilty of violating Sections 4(a), 4(b), 4(c), 5(a),

1 5(b), 5(c) or 8 of this Act, the court may, without entering a
2 judgment and with the consent of such person, sentence him to
3 probation.

4 (b) When a person is placed on probation, the court shall
5 enter an order specifying a period of probation of 24 months,
6 and shall defer further proceedings in the case until the
7 conclusion of the period or until the filing of a petition
8 alleging violation of a term or condition of probation.

9 (c) The conditions of probation shall be that the person:
10 (1) not violate any criminal statute of any jurisdiction; (2)
11 refrain from possession of a firearm or other dangerous weapon;
12 (3) submit to periodic drug testing at a time and in a manner
13 as ordered by the court, but no less than 3 times during the
14 period of the probation, with the cost of the testing to be
15 paid by the probationer; and (4) perform no less than 30 hours
16 of community service, provided community service is available
17 in the jurisdiction and is funded and approved by the county
18 board.

19 (d) The court may, in addition to other conditions, require
20 that the person:

21 (1) make a report to and appear in person before or
22 participate with the court or such courts, person, or
23 social service agency as directed by the court in the order
24 of probation;

25 (2) pay a fine and costs;

26 (3) work or pursue a course of study or vocational

1 training;

2 (4) undergo medical or psychiatric treatment; or
3 treatment for drug addiction or alcoholism;

4 (5) attend or reside in a facility established for the
5 instruction or residence of defendants on probation;

6 (6) support his dependents;

7 (7) refrain from possessing a firearm or other
8 dangerous weapon;

9 (7-5) refrain from having in his or her body the
10 presence of any illicit drug prohibited by the Cannabis
11 Control Act, the Illinois Controlled Substances Act, or the
12 Methamphetamine Control and Community Protection Act,
13 unless prescribed by a physician, and submit samples of his
14 or her blood or urine or both for tests to determine the
15 presence of any illicit drug;

16 (8) and in addition, if a minor:

17 (i) reside with his parents or in a foster home;

18 (ii) attend school;

19 (iii) attend a non-residential program for youth;

20 (iv) contribute to his own support at home or in a
21 foster home.

22 (e) Upon violation of a term or condition of probation, the
23 court may enter a judgment on its original finding of guilt and
24 proceed as otherwise provided.

25 (f) Upon fulfillment of the terms and conditions of
26 probation, the court shall discharge such person and dismiss

1 the proceedings against him.

2 (g) A disposition of probation is considered to be a
3 conviction for the purposes of imposing the conditions of
4 probation and for appeal, however, discharge and dismissal
5 under this Section is not a conviction for purposes of
6 disqualification or disabilities imposed by law upon
7 conviction of a crime (including the additional penalty imposed
8 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)
9 of this Act).

10 (h) Discharge and dismissal under this Section, Section 410
11 of the Illinois Controlled Substances Act, or Section 70 of the
12 Methamphetamine Control and Community Protection Act may occur
13 only once with respect to any person.

14 (i) If a person is convicted of an offense under this Act,
15 the Illinois Controlled Substances Act, or the Methamphetamine
16 Control and Community Protection Act within 5 years subsequent
17 to a discharge and dismissal under this Section, the discharge
18 and dismissal under this Section shall be admissible in the
19 sentencing proceeding for that conviction as a factor in
20 aggravation.

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

22 Section 15. The Illinois Controlled Substances Act is
23 amended by changing Section 410 as follows:

24 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

1 Sec. 410. (a) Whenever any person who has not previously
2 been convicted of, or placed on probation or court supervision
3 for any offense under this Act or any law of the United States
4 or of any State relating to ~~cannabis~~ or controlled substances
5 or a felony cannabis violation or a misdemeanor cannabis
6 violation involving the manufacture or delivery or the
7 possession with intent to manufacture or deliver cannabis,
8 pleads guilty to or is found guilty of possession of a
9 controlled or counterfeit substance under subsection (c) of
10 Section 402 or of unauthorized possession of prescription form
11 under Section 406.2, the court, without entering a judgment and
12 with the consent of such person, may sentence him to probation.

13 (b) When a person is placed on probation, the court shall
14 enter an order specifying a period of probation of 24 months
15 and shall defer further proceedings in the case until the
16 conclusion of the period or until the filing of a petition
17 alleging violation of a term or condition of probation.

18 (c) The conditions of probation shall be that the person:
19 (1) not violate any criminal statute of any jurisdiction; (2)
20 refrain from possessing a firearm or other dangerous weapon;
21 (3) submit to periodic drug testing at a time and in a manner
22 as ordered by the court, but no less than 3 times during the
23 period of the probation, with the cost of the testing to be
24 paid by the probationer; and (4) perform no less than 30 hours
25 of community service, provided community service is available
26 in the jurisdiction and is funded and approved by the county

1 board.

2 (d) The court may, in addition to other conditions, require
3 that the person:

4 (1) make a report to and appear in person before or
5 participate with the court or such courts, person, or
6 social service agency as directed by the court in the order
7 of probation;

8 (2) pay a fine and costs;

9 (3) work or pursue a course of study or vocational
10 training;

11 (4) undergo medical or psychiatric treatment; or
12 treatment or rehabilitation approved by the Illinois
13 Department of Human Services;

14 (5) attend or reside in a facility established for the
15 instruction or residence of defendants on probation;

16 (6) support his dependents;

17 (6-5) refrain from having in his or her body the
18 presence of any illicit drug prohibited by the Cannabis
19 Control Act, the Illinois Controlled Substances Act, or the
20 Methamphetamine Control and Community Protection Act,
21 unless prescribed by a physician, and submit samples of his
22 or her blood or urine or both for tests to determine the
23 presence of any illicit drug;

24 (7) and in addition, if a minor:

25 (i) reside with his parents or in a foster home;

26 (ii) attend school;

1 (iii) attend a non-residential program for youth;

2 (iv) contribute to his own support at home or in a
3 foster home.

4 (e) Upon violation of a term or condition of probation, the
5 court may enter a judgment on its original finding of guilt and
6 proceed as otherwise provided.

7 (f) Upon fulfillment of the terms and conditions of
8 probation, the court shall discharge the person and dismiss the
9 proceedings against him.

10 (g) A disposition of probation is considered to be a
11 conviction for the purposes of imposing the conditions of
12 probation and for appeal, however, discharge and dismissal
13 under this Section is not a conviction for purposes of this Act
14 or for purposes of disqualifications or disabilities imposed by
15 law upon conviction of a crime.

16 (h) There may be only one discharge and dismissal under
17 this Section, Section 10 of the Cannabis Control Act, or
18 Section 70 of the Methamphetamine Control and Community
19 Protection Act with respect to any person.

20 (i) If a person is convicted of an offense under this Act,
21 the Cannabis Control Act, or the Methamphetamine Control and
22 Community Protection Act within 5 years subsequent to a
23 discharge and dismissal under this Section, the discharge and
24 dismissal under this Section shall be admissible in the
25 sentencing proceeding for that conviction as evidence in
26 aggravation.

1 (Source: P.A. 94-556, eff. 9-11-05; 95-487, eff. 1-1-08.)

2 Section 20. The Methamphetamine Control and Community
3 Protection Act is amended by changing Section 70 as follows:

4 (720 ILCS 646/70)

5 Sec. 70. Probation.

6 (a) Whenever any person who has not previously been
7 convicted of, or placed on probation or court supervision for
8 any offense under this Act, the Illinois Controlled Substances
9 Act, a felony violation of the Cannabis Control Act, or any law
10 of the United States or of any state relating to ~~cannabis or~~
11 controlled substances or a felony cannabis violation or a
12 misdemeanor cannabis violation involving the manufacture or
13 delivery or the possession with intent to manufacture or
14 deliver cannabis, pleads guilty to or is found guilty of
15 possession of less than 15 grams of methamphetamine under
16 paragraph (1) or (2) of subsection (b) of Section 60 of this
17 Act, the court, without entering a judgment and with the
18 consent of the person, may sentence him or her to probation.

19 (b) When a person is placed on probation, the court shall
20 enter an order specifying a period of probation of 24 months
21 and shall defer further proceedings in the case until the
22 conclusion of the period or until the filing of a petition
23 alleging violation of a term or condition of probation.

24 (c) The conditions of probation shall be that the person:

1 (1) not violate any criminal statute of any
2 jurisdiction;

3 (2) refrain from possessing a firearm or other
4 dangerous weapon;

5 (3) submit to periodic drug testing at a time and in a
6 manner as ordered by the court, but no less than 3 times
7 during the period of the probation, with the cost of the
8 testing to be paid by the probationer; and

9 (4) perform no less than 30 hours of community service,
10 if community service is available in the jurisdiction and
11 is funded and approved by the county board.

12 (d) The court may, in addition to other conditions, require
13 that the person take one or more of the following actions:

14 (1) make a report to and appear in person before or
15 participate with the court or such courts, person, or
16 social service agency as directed by the court in the order
17 of probation;

18 (2) pay a fine and costs;

19 (3) work or pursue a course of study or vocational
20 training;

21 (4) undergo medical or psychiatric treatment; or
22 treatment or rehabilitation approved by the Illinois
23 Department of Human Services;

24 (5) attend or reside in a facility established for the
25 instruction or residence of defendants on probation;

26 (6) support his or her dependents;

1 (7) refrain from having in his or her body the presence
2 of any illicit drug prohibited by this Act, the Cannabis
3 Control Act, or the Illinois Controlled Substances Act,
4 unless prescribed by a physician, and submit samples of his
5 or her blood or urine or both for tests to determine the
6 presence of any illicit drug; or

7 (8) if a minor:

8 (i) reside with his or her parents or in a foster
9 home;

10 (ii) attend school;

11 (iii) attend a non-residential program for youth;

12 or

13 (iv) contribute to his or her own support at home
14 or in a foster home.

15 (e) Upon violation of a term or condition of probation, the
16 court may enter a judgment on its original finding of guilt and
17 proceed as otherwise provided.

18 (f) Upon fulfillment of the terms and conditions of
19 probation, the court shall discharge the person and dismiss the
20 proceedings against the person.

21 (g) A disposition of probation is considered to be a
22 conviction for the purposes of imposing the conditions of
23 probation and for appeal, however, discharge and dismissal
24 under this Section is not a conviction for purposes of this Act
25 or for purposes of disqualifications or disabilities imposed by
26 law upon conviction of a crime.

1 (h) There may be only one discharge and dismissal under
2 this Section, Section 410 of the Illinois Controlled Substances
3 Act, or Section 10 of the Cannabis Control Act with respect to
4 any person.

5 (i) If a person is convicted of an offense under this Act,
6 the Cannabis Control Act, or the Illinois Controlled Substances
7 Act within 5 years subsequent to a discharge and dismissal
8 under this Section, the discharge and dismissal under this
9 Section are admissible in the sentencing proceeding for that
10 conviction as evidence in aggravation.

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