

HB6210



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6210

Introduced 2/11/2010, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

20 ILCS 301/40-5

Amends the Alcoholism and Other Drug Abuse and Dependency Act. Provides that treatment under the supervision of a licensed program designated by the Department of Human Services is not available to: a first-time offender charged or convicted of possession of 15 grams or more (rather than any amount) of methamphetamine; or a person who is otherwise ineligible for probation under specified provisions of the Methamphetamine Control and Community Protection Act.

LRB096 16603 RLC 36651 b

A BILL FOR

1 AN ACT concerning drugs.

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

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

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

10 (20 ILCS 301/40-5)

11 Sec. 40-5. Election of treatment. An addict or alcoholic
12 who is charged with or convicted of a crime may elect treatment
13 under the supervision of a licensed program designated by the
14 Department, referred to in this Article as "designated
15 program", unless:

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

17 (2) the crime is a violation of Section 401(a), 401(b),
18 401(c) where the person electing treatment has been
19 previously convicted of a non-probationable felony or the
20 violation is non-probationable, 401(d) where the violation
21 is non-probationable, 401.1, 402(a), 405 or 407 of the
22 Illinois Controlled Substances Act, or Section 4(d), 4(e),

1 4(f), 4(g), 5(d), 5(e), 5(f), 5(g), 5.1, 7 or 9 of the
2 Cannabis Control Act or Section 15, 20, 55, 60(b)(3),
3 60(b)(4), 60(b)(5), 60(b)(6) ~~60~~, or 65 of the
4 Methamphetamine Control and Community Protection Act or is
5 otherwise ineligible for probation under Section 70 of the
6 Methamphetamine Control and Community Protection Act;

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

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

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

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

17 (7) the person has been convicted of residential
18 burglary and has a record of one or more felony
19 convictions;

20 (8) the crime is a violation of Section 11-501 of the
21 Illinois Vehicle Code or a similar provision of a local
22 ordinance; or

23 (9) the crime is a reckless homicide or a reckless
24 homicide of an unborn child, as defined in Section 9-3 or
25 9-3.2 of the Criminal Code of 1961, in which the cause of
26 death consists of the driving of a motor vehicle by a

1 person under the influence of alcohol or any other drug or
2 drugs at the time of the violation.

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