

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 5. The Department of Human Services Act is amended  
5 by adding Section 1-60 as follows:

6 (20 ILCS 1305/1-60 new)

7 Sec. 1-60. Pilot study. The Department of Human Services  
8 shall prepare 2 reports on the impact of the provisions of  
9 subsection (c) of Section 104-18 of the Code of Criminal  
10 Procedure of 1963. A preliminary report shall be prepared and  
11 submitted to the Governor and the General Assembly by November  
12 1, 2012. A final report shall be prepared and submitted to the  
13 Governor and the General Assembly by October 1, 2013. Each  
14 report shall be posted on the Department's website within a  
15 week of its submission. Each report shall discuss the number of  
16 admissions during the reporting period, any delay in  
17 admissions, the number of persons returned to the county under  
18 the provisions of subsection (c) of Section 104-18 of the Code  
19 of Criminal Procedure of 1963, and any issues the county  
20 sheriffs or other county officials are having with the returns.  
21 Each report shall include a recommendation from the Department  
22 of Human Services and one from an association representing  
23 Illinois sheriffs whether to continue the pilot study. If

1 either report indicates that there are serious deleterious  
2 effects from the provisions of subsection (c) of Section 104-18  
3 of the Code of Criminal Procedure of 1963 or that the  
4 provisions of subsection (c) of Section 104-18 of the Code of  
5 Criminal Procedure of 1963 are not producing adequate results,  
6 the General Assembly may take necessary steps to eliminate the  
7 provisions of subsection (c) of Section 104-18 of the Code of  
8 Criminal Procedure of 1963 prior to January 1, 2014.

9 Section 10. The Code of Criminal Procedure of 1963 is  
10 amended by changing Section 104-18 as follows:

11 (725 ILCS 5/104-18) (from Ch. 38, par. 104-18)

12 Sec. 104-18. Progress Reports.) (a) The treatment  
13 supervisor shall submit a written progress report to the court,  
14 the State, and the defense:

15 (1) At least 7 days prior to the date for any hearing on  
16 the issue of the defendant's fitness;

17 (2) Whenever he believes that the defendant has attained  
18 fitness;

19 (3) Whenever he believes that there is not a substantial  
20 probability that the defendant will attain fitness, with  
21 treatment, within one year from the date of the original  
22 finding of unfitness.

23 (b) The progress report shall contain:

24 (1) The clinical findings of the treatment supervisor and

1 the facts upon which the findings are based;

2 (2) The opinion of the treatment supervisor as to whether  
3 the defendant has attained fitness or as to whether the  
4 defendant is making progress, under treatment, toward  
5 attaining fitness within one year from the date of the original  
6 finding of unfitness;

7 (3) If the defendant is receiving medication, information  
8 from the prescribing physician indicating the type, the dosage  
9 and the effect of the medication on the defendant's appearance,  
10 actions and demeanor.

11 (c) Whenever the court is sent a report from the supervisor  
12 of the defendant's treatment under paragraph (2) of subsection  
13 (a) of this Section, the treatment provider shall arrange with  
14 the court for the return of the defendant to the county jail  
15 before the time frame specified in subsection (a) of Section  
16 104-20. This subsection (c) is inoperative on and after January  
17 1, 2014.

18 (Source: P.A. 81-1217.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.