

SB3423



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3423

Introduced 2/7/2012, by Sen. Thomas Johnson

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.

LRB097 17881 KTG 63103 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 or any other person
13 charged with or convicted of a misdemeanor violation of the Use
14 of Intoxicating Compounds Act and who has not been previously
15 convicted of a violation of that Act may elect treatment under
16 the supervision of a licensed program designated by the
17 Department, referred to in this Article as "designated
18 program", unless:

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

20 (2) the crime is a violation of Section 401(a), 401(b),
21 401(c) where the person electing treatment has been
22 previously convicted of a non-probationable felony or the

1 violation is non-probationable, 401(d) where the violation
2 is non-probationable, 401.1, 402(a), 405 or 407 of the
3 Illinois Controlled Substances Act, or Section 4(d), 4(e),
4 4(f), 4(g), 5(d), 5(e), 5(f), 5(g), 5.1, 7 or 9 of the
5 Cannabis Control Act or Section 15, 20, 55, 60(b)(3),
6 60(b)(4), 60(b)(5), 60(b)(6) ~~60~~, or 65 of the
7 Methamphetamine Control and Community Protection Act or is
8 otherwise ineligible for probation under Section 70 of the
9 Methamphetamine Control and Community Protection Act;

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

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

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

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

20 (7) the person has been convicted of residential
21 burglary and has a record of one or more felony
22 convictions;

23 (8) the crime is a violation of Section 11-501 of the
24 Illinois Vehicle Code or a similar provision of a local
25 ordinance; or

26 (9) the crime is a reckless homicide or a reckless

1 homicide of an unborn child, as defined in Section 9-3 or
2 9-3.2 of the Criminal Code of 1961, in which the cause of
3 death consists of the driving of a motor vehicle by a
4 person under the influence of alcohol or any other drug or
5 drugs at the time of the violation.

6 (Source: P.A. 96-1440, eff. 1-1-11.)