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LRB098 02925 MLW 32938 r

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HOUSE RESOLUTION

2 WHEREAS, Mental illness is a critical underlying concept in
3 various areas of our law affecting mitigation of criminal
4 responsibility and fundamental rights to property, individual
5 liberty, and personal privacy; and

6 WHEREAS, For at least 2 generations, mental illness has
7 been presumed to be brain disease which is best confronted as a
8 treatable medical problem; and

9 WHEREAS, Vast amounts of State resources and tax monies,
10 not to mention the creative energies and work of our citizens
11 and civil servants, are continuously expended in accordance
12 with Illinois laws and regulations dependent upon derived
13 psychiatric definitions, formulations, and diagnostic criteria
14 for mental disorders, in particular upon those definitions,
15 formulations, and criteria which are found in the American
16 Psychiatric Association's nearly 20-year-old Diagnostic and
17 Statistical Manual of Mental Disorders, Fourth Edition
18 (DSM-IV); and

19 WHEREAS, Some experts in the field of mental health are
20 currently in major and substantial disagreement about methods
21 and standards of psychiatric diagnosis; and

1 WHEREAS, Despite explicit admonitions in DSM-IV against
2 the use of psychiatric diagnosis for legal purposes such as
3 establishing competence, criminal responsibility or
4 disability, Illinois courts and agencies have nonetheless
5 habitually relied upon the formulations and criteria in the DSM
6 for the precise expertise which the text itself disclaims; and

7 WHEREAS, A new edition of the American Psychiatric
8 Association's manual, DSM-5, is scheduled for publication in
9 May of 2013, but proposed changes for this upcoming DSM are
10 provoking intense criticism from a diverse range of mental
11 health experts; therefore, be it

12 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
13 NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that
14 the Task Force on Mental Health Diagnosis within Illinois Law
15 be created to:

16 (1) thoroughly survey the Illinois Compiled Statutes and
17 Administrative Code to identify all instances where our
18 laws and government functions depend upon purported
19 understanding of mental illness or disorder, mental
20 capacity, mental health, behavior or psychology, which may
21 have been recently discredited or found to be incorrect or
22 seriously called into question;

23 (2) forward initial recommendations of urgent legislative
24 actions which may be needed to avoid gross injustice or

1 waste of public resources to the General Assembly as soon
2 as possible; and

3 (3) produce a final report summarizing the task force's
4 findings and detailing recommended statutory or
5 constitutional strategies to recognize best practices and
6 highlight any areas of major disagreement within the
7 profession; and be it further

8 RESOLVED, That the task force shall consist of the
9 following members: 5 task force members appointed by the
10 Speaker of the House, 2 of whom are State representatives (one
11 who will serve as co-chairperson), and 3 of whom are
12 professionals in the mental health field; 5 task force members
13 appointed by the minority leader of the House, 2 of whom are
14 State representatives (one who will serve as co-chairperson),
15 and 3 of whom are professionals in the mental health field; one
16 task force member appointed by the Governor under the Division
17 of Mental Health under the Department of Human Services; and
18 one task force member appointed by the Attorney General as a
19 representative of her office and trained in a related field;
20 and be it further

21 RESOLVED, That the task force be appointed and hold its
22 first meeting by March 1, 2014; and be it further

23 RESOLVED, That in appointing members of the task force, the

1 Speaker and minority leader shall consider that professional
2 experience in diverse mental health-related fields may be a
3 positive qualification; and be it further

4 RESOLVED, That the task force shall take voluntary
5 assistance and testimony from individuals and professional
6 organizations and institutions; and be it further

7 RESOLVED, That the members of the task force shall serve
8 without compensation; and be it further

9 RESOLVED, That the Department of Human Services shall
10 provide staffing and administrative support services to the
11 task force upon request; and be it further

12 RESOLVED, That the task force shall submit its final report
13 to the General Assembly, the Governor, and the Attorney General
14 no later than December 31, 2014.