

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 Mental Health Court Treatment Act is amended  
5 by changing Section 20 as follows:

6 (730 ILCS 168/20)

7 Sec. 20. Eligibility.

8 (a) A defendant, who is eligible for probation based on the  
9 nature of the crime convicted of and in consideration of his or  
10 her criminal background, if any, may be admitted into a mental  
11 health court program only upon the agreement of the prosecutor  
12 and the defendant and with the approval of the court.

13 (b) A defendant shall be excluded from a mental health  
14 court program if any one of the following applies:

15 (1) The crime is a crime of violence as set forth in  
16 clause (3) of this subsection (b).

17 (2) The defendant does not demonstrate a willingness to  
18 participate in a treatment program.

19 (3) The defendant has been convicted of a crime of  
20 violence within the past 10 years excluding incarceration  
21 time, specifically first degree murder, second degree  
22 murder, predatory criminal sexual assault of a child,  
23 aggravated criminal sexual assault, criminal sexual

1 assault, armed robbery, aggravated arson, arson,  
2 aggravated kidnapping, kidnapping, stalking, aggravated  
3 stalking, or any offense involving the discharge of a  
4 firearm.

5 (4) (Blank).

6 (5) The crime for which the defendant has been  
7 convicted is non-probationable.

8 (6) The sentence imposed on the defendant, whether the  
9 result of a plea or a finding of guilt, renders the  
10 defendant ineligible for probation.

11 (c) A defendant charged with prostitution under Section  
12 11-14 of the Criminal Code of 2012 may be admitted into a  
13 mental health court program, ~~which may include specialized~~  
14 ~~service programs specifically designed to address the trauma~~  
15 ~~associated with prostitution and human trafficking,~~ if  
16 available in the jurisdiction and provided that the  
17 requirements in subsections (a) and (b) are satisfied. Mental  
18 health court programs may include specialized service programs  
19 specifically designed to address the trauma associated with  
20 prostitution and human trafficking, and may offer those  
21 specialized services to defendants admitted to the mental  
22 health court program. Judicial circuits establishing these  
23 specialized programs shall partner with prostitution and human  
24 trafficking advocates, survivors, and service providers in the  
25 development of the programs.

26 (Source: P.A. 97-946, eff. 8-13-12; 98-152, eff. 1-1-14;

1 98-538, eff. 8-23-13; revised 8-28-13.)

2 Section 95. No acceleration or delay. Where this Act makes  
3 changes in a statute that is represented in this Act by text  
4 that is not yet or no longer in effect (for example, a Section  
5 represented by multiple versions), the use of that text does  
6 not accelerate or delay the taking effect of (i) the changes  
7 made by this Act or (ii) provisions derived from any other  
8 Public Act.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.