



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1497

Introduced 2/7/2013, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

730 ILCS 167/20
730 ILCS 168/20

Amends the Veterans and Servicemembers Court Treatment Act and the Mental Health Court Treatment Act. Provides that a defendant is eligible for a Veterans and Servicemembers Court program or a mental health court program only if the defendant is eligible for probation based on the nature of the crime convicted of and in consideration of his or her criminal background, if any. Provides that a defendant is ineligible for these programs if: (1) the crime for which the defendant has been convicted is non-probationable; or (2) the sentence imposed on the defendant, whether the result of a plea or a finding of guilt, renders the defendant ineligible for probation.

LRB098 08050 RLC 38141 b

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 Veterans and Servicemembers Court Treatment
5 Act is amended by changing Section 20 as follows:

6 (730 ILCS 167/20)

7 Sec. 20. Eligibility. Veterans and Servicemembers are
8 eligible for Veterans and Servicemembers Courts, provided the
9 following:

10 (a) A defendant, who is eligible for probation based on the
11 nature of the crime convicted of and in consideration of his or
12 her criminal background, if any, may be admitted into a
13 Veterans and Servicemembers Court program only upon the
14 agreement of the prosecutor and the defendant and with the
15 approval of the Court.

16 (b) A defendant shall be excluded from Veterans and
17 Servicemembers Court program if any of one of the following
18 applies:

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

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

23 (3) The defendant has been convicted of a crime of

1 violence within the past 10 years excluding incarceration
2 time, including but not limited to: first degree murder,
3 second degree murder, predatory criminal sexual assault of
4 a child, aggravated criminal sexual assault, criminal
5 sexual assault, armed robbery, aggravated arson, arson,
6 aggravated kidnapping and kidnapping, aggravated battery
7 resulting in great bodily harm or permanent disability,
8 stalking, aggravated stalking, or any offense involving
9 the discharge of a firearm or where occurred serious bodily
10 injury or death to any person.

11 (4) (Blank).

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

14 (6) The sentence imposed on the defendant, whether the
15 result of a plea or a finding of guilt, renders the
16 defendant ineligible for probation.

17 (Source: P.A. 96-924, eff. 6-14-10; 97-946, eff. 8-13-12.)

18 Section 10. The Mental Health Court Treatment Act is
19 amended by changing Section 20 as follows:

20 (730 ILCS 168/20)

21 Sec. 20. Eligibility.

22 (a) A defendant , who is eligible for probation based on
23 the nature of the crime convicted of and in consideration of
24 his or her criminal background, if any, may be admitted into a

1 mental health court program only upon the agreement of the
2 prosecutor and the defendant and with the approval of the
3 court.

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

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

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

10 (3) The defendant has been convicted of a crime of
11 violence within the past 10 years excluding incarceration
12 time, specifically first degree murder, second degree
13 murder, predatory criminal sexual assault of a child,
14 aggravated criminal sexual assault, criminal sexual
15 assault, armed robbery, aggravated arson, arson,
16 aggravated kidnapping, kidnapping, stalking, aggravated
17 stalking, or any offense involving the discharge of a
18 firearm.

19 (4) (Blank).

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

22 (6) The sentence imposed on the defendant, whether the
23 result of a plea or a finding of guilt, renders the
24 defendant ineligible for probation.

25 (Source: P.A. 97-946, eff. 8-13-12.)