

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 the  
23 nature of the crime convicted of and in consideration of his or  
24 her criminal background, if any, may be admitted into a mental

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

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

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

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

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

18 (4) (Blank).

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

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

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