



Rep. Sara Feigenholtz

Filed: 5/6/2014

09800SB3522ham001

LRB098 19707 KTG 59063 a

1 AMENDMENT TO SENATE BILL 3522

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3522 by inserting  
3 immediately below the enacting clause the following:

4 "Section 3. The Alcoholism and Other Drug Abuse and  
5 Dependency Act is amended by changing Section 40-5 as follows:

6 (20 ILCS 301/40-5)

7 Sec. 40-5. Election of treatment. An addict or alcoholic  
8 who is charged with or convicted of a crime or any other person  
9 charged with or convicted of a misdemeanor violation of the Use  
10 of Intoxicating Compounds Act and who has not been previously  
11 convicted of a violation of that Act may elect treatment under  
12 the supervision of a licensed program designated by the  
13 Department, referred to in this Article as "designated  
14 program", unless:

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

16 (2) the crime is a violation of Section 401(a), 401(b),

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

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

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

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

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

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

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

1 ordinance; or

2 (9) the crime is a reckless homicide or a reckless  
3 homicide of an unborn child, as defined in Section 9-3 or  
4 9-3.2 of the Criminal Code of 1961 or the Criminal Code of  
5 2012, in which the cause of death consists of the driving  
6 of a motor vehicle by a person under the influence of  
7 alcohol or any other drug or drugs at the time of the  
8 violation.

9 Nothing in this Section shall preclude an individual who is  
10 charged with or convicted of a crime that is a violation of  
11 Section 60(b)(1) or 60(b)(2) of the Methamphetamine Control and  
12 Community Protection Act, and who is otherwise eligible to make  
13 the election provided for under this Section, from being  
14 eligible to make an election for treatment as a condition of  
15 probation as provided for under this Article.

16 (Source: P.A. 96-1440, eff. 1-1-11; 97-889, eff. 1-1-13;  
17 97-1150, eff. 1-25-13.)".