

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 1. Short title. This Act may be cited as the Mental
5 Health Prison Diversion Commission Act.

6 Section 5. Findings and purpose.

7 (a) The General Assembly recognizes that the State of
8 Illinois experiences overcrowding in prison and jail
9 populations and a continued high rate of recidivism of
10 approximately 50%.

11 (b) The State of Illinois currently spends \$1.3 billion per
12 year on imprisonment of adults.

13 (c) Nationally, 50% of incarcerated persons have mental
14 health problems, 60% have substance use disorders (SUDs) and
15 33% have both. Many of these incarcerated persons are
16 non-violent offenders whose crimes are directly related to
17 their untreated or inadequately treated mental health
18 problems, SUDs, or both. Many of these incarcerated persons
19 have a high rate of recidivism directly related to their
20 untreated or inadequately treated mental health problems,
21 SUDs, or both.

22 (d) It is the intent of the General Assembly to create a
23 Commission to recommend legislation that would establish a

1 diversion action plan to improve efforts to divert persons with
2 mental illness, intellectual disabilities, and developmental
3 disabilities to appropriate treatment as an alternative to
4 incarceration.

5 Section 10. Mental Health Prison Diversion Commission.

6 (a) There is created the Mental Health Prison Diversion
7 Commission. The Commission shall have 11 voting members
8 appointed as follows:

9 (1) 3 members of the General Assembly appointed by the
10 President of the Senate, one of whom the President of the
11 Senate shall designate as co-chairperson;

12 (2) 3 members of the General Assembly appointed by the
13 Speaker of the House, one of whom the Speaker of the House
14 shall designate as co-chairperson;

15 (3) one member of the General Assembly appointed by the
16 Minority Leader of the Senate;

17 (4) one member of the General Assembly appointed by the
18 Minority Leader of the House of Representatives;

19 (5) the Secretary of Human Services or his or her
20 designee;

21 (6) the Director of Corrections or his or her designee;
22 and

23 (7) a designee of the Office of the Governor.

24 (b) The co-chairpersons may appoint such other individuals
25 as they may deem helpful as non-voting members of the

1 Commission.

2 (c) A vacancy on the Commission shall be filled in the same
3 manner as the original appointment.

4 (d) The Department of Human Services shall provide
5 administrative support, together with meeting space, to assist
6 the Commission in fulfilling its mission.

7 (e) All appointments required by this Section shall be made
8 within 60 days of the effective date of this Act.

9 Section 15. Meetings.

10 (a) The Commission shall conduct meetings, conference
11 calls, or both, as the co-chairpersons shall direct.

12 (b) The Commission shall select from among its members a
13 Secretary.

14 (c) A majority of the members of the Commission serving
15 constitutes a quorum for the transaction of the Commission's
16 business. The Commission shall act by a majority vote of its
17 serving members.

18 (d) The Commission shall meet at the call of the
19 Co-Chairpersons and as may be provided in rules adopted by the
20 Commission.

21 Section 20. Activities and purpose.

22 (a) The Commission shall gather information, review
23 studies, and identify areas of best practice with respect to
24 how the criminal justice system should handle persons with

1 mental illness or intellectual and developmental disabilities
2 who have committed a crime, and take other steps necessary to
3 make written findings and recommendations as required in
4 Section 25 of this Act.

5 (b) In carrying out its function, the Commission, may, as
6 appropriate, make inquiries, studies, investigations, hold
7 hearings, and receive comments from the public. The Commission
8 may consult with outside experts in order to perform its
9 duties, including, but not limited to, experts in the private
10 sector, organized labor, government agencies, and at
11 institutions of higher education.

12 (c) Members of the Commission shall serve without
13 compensation but may, subject to appropriation, receive
14 reimbursement for necessary travel and expenses.

15 Section 25. Report; legislation.

16 (a) The Commission shall make its report to the General
17 Assembly on or before February 1, 2016. The report of the
18 Commission shall detail those findings and recommendations
19 supported by a majority of the voting members.

20 (b) The findings and recommendations shall include, but are
21 not limited to:

22 (1) a diversion action plan to improve efforts to
23 divert persons with mental illness or intellectual or
24 developmental disabilities (including comorbid substance
25 abuse disorders) to appropriate treatment as an

1 alternative to incarceration;

2 (2) areas of best practice in this State and other
3 states to expand the use of effective pre-booking and
4 post-booking options for those with mental illness or
5 intellectual and developmental disabilities; and

6 (3) a performance monitoring process to include
7 baseline and post-implementation data for prevalence of
8 persons with mental illness or intellectual or
9 developmental disabilities in the State's criminal justice
10 system, outcomes, and return on investment.

11 (c) In addition to the report, the Commission shall provide
12 to the General Assembly its recommendations in the form of
13 legislation. The Legislative Reference Bureau shall provide
14 drafting assistance to the Commission.

15 Section 30. Repeal. This Act is repealed on February 15,
16 2016.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.