



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB2426

Introduced 2/17/2015, by Rep. Dwight Kay

SYNOPSIS AS INTRODUCED:

New Act

Creates the Judicial Drug Abuse Prevention Act. Defines "drug and alcohol testing" and provides that "judge" includes Supreme Court justices, appellate judges, circuit judges, and associate judges. Provides that a person may not commence service as a judge in this State unless the person has first submitted to drug and alcohol testing, and the drug and alcohol testing has not disclosed any amount of alcohol or a drug, substance, or compound in the person's urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a Schedule I controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act. Provides that presiding judges must submit to random drug and alcohol testing at least once a year, and if the drug and alcohol testing discloses a blood alcohol concentration of more than .02 or any amount of a drug, the judge shall be removed from service until he or she completes a substance abuse program. Provides if a judge is removed from service and subsequently allowed to resume serving as a judge, the judge shall consent to drug and alcohol testing at least 9 times each year for a period of 3 years or until the person is no longer serving as a judge, whichever is shorter. Contains requirements concerning the drug and alcohol testing and substance abuse program. Provides an exemption for the consumption of lawfully prescribed drugs or cannabis by a qualifying patient licensed under the Compassionate Use of Medical Cannabis Pilot Program Act who is in possession of a valid registry card issued under that Act. Provides that the Administrative Office of the Illinois Courts shall implement the provisions of the Act. Effective immediately.

LRB099 03782 HEP 23795 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning courts.

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
5 Judicial Drug Abuse Prevention Act.

6 Section 5. Definitions. As used in this Act:

7 "Drug and alcohol testing" means testing of breath and
8 urine for the purpose of determining the content of alcohol,
9 other drug or drugs, intoxicating compound or compounds, or any
10 combination thereof which complies with the requirements of
11 Section 10 of this Act.

12 "Judge" includes Supreme Court justices, appellate judges,
13 circuit judges, and associate judges.

14 Section 10. Mandatory drug and alcohol testing of judges.

15 (a) A person may not serve as a judge, or return to service
16 as a judge after the person was removed under subsection (b) of
17 this Section, unless the person has first submitted to drug and
18 alcohol testing and the drug and alcohol testing has not
19 disclosed any amount of alcohol or a drug, substance, or
20 compound in the person's urine resulting from the unlawful use
21 or consumption of cannabis listed in the Cannabis Control Act,
22 a Schedule I controlled substance listed in the Illinois

1 Controlled Substances Act, an intoxicating compound listed in
2 the Use of Intoxicating Compounds Act, or methamphetamine as
3 listed in the Methamphetamine Control and Community Protection
4 Act.

5 (b) A person may not continue to serve as a judge unless
6 the person submits at least once a year to random drug and
7 alcohol testing and the drug and alcohol testing has disclosed
8 a blood alcohol concentration of less than .02 and has not
9 disclosed any amount of a drug, substance, or compound in the
10 person's urine resulting from the unlawful use or consumption
11 of cannabis listed in the Cannabis Control Act, a Schedule I
12 controlled substance listed in the Illinois Controlled
13 Substances Act, an intoxicating compound listed in the Use of
14 Intoxicating Compounds Act, or methamphetamine as listed in the
15 Methamphetamine Control and Community Protection Act. If drug
16 and alcohol testing discloses a blood alcohol concentration of
17 more than .02 or any amount of a drug, substance, or compound
18 in the judge's urine resulting from the unlawful use or
19 consumption of cannabis listed in the Cannabis Control Act, a
20 Schedule I controlled substance listed in the Illinois
21 Controlled Substances Act, an intoxicating compound listed in
22 the Use of Intoxicating Compounds Act, or methamphetamine as
23 listed in the Methamphetamine Control and Community Protection
24 Act, the judge shall be removed from service until he or she
25 completes a substance abuse program under Section 20 of this
26 Act.

1 (c) If a judge is removed from service under subsection (b)
2 of this Section and subsequently is allowed to resume serving
3 as a judge, the judge shall consent to drug and alcohol testing
4 at least 9 times each year for a period of 3 years or until the
5 person is no longer serving as a judge, whichever is shorter.
6 If the drug and alcohol testing discloses a blood alcohol
7 concentration of more than .02 or any amount of a drug,
8 substance, or compound in the judge's urine resulting from the
9 unlawful use or consumption of cannabis listed in the Cannabis
10 Control Act, a Schedule I controlled substance listed in the
11 Illinois Controlled Substances Act, an intoxicating compound
12 listed in the Use of Intoxicating Compounds Act, or
13 methamphetamine as listed in the Methamphetamine Control and
14 Community Protection Act, the judge shall be removed from
15 service until he or she completes a substance abuse program
16 under Section 20 of this Act.

17 Section 15. Test requirements. Each judge shall submit to
18 drug and alcohol testing that consists of, at a minimum, the
19 following:

20 (1) a 5-panel urine test for for drugs, substances, or
21 compounds in the person's urine resulting from the unlawful
22 use or consumption of cannabis listed in the Cannabis
23 Control Act, a Schedule I controlled substance listed in
24 the Illinois Controlled Substances Act, an intoxicating
25 compound listed in the Use of Intoxicating Compounds Act,

1 or methamphetamine as listed in the Methamphetamine
2 Control and Community Protection Act; and

3 (2) a testing of breath for the purpose of determining
4 the content of alcohol in the person's blood.

5 Section 20. Substance abuse program.

6 (a) If a judge is removed from service under subsection (b)
7 of Section 5 of this Act, the Administrative Office of the
8 Illinois Courts shall refer the person to a substance abuse
9 program approved by the Supreme Court. The person may not
10 resume service as a judge until he or she obtains and provides
11 a release from the substance abuse program and the person
12 submits to drug and alcohol testing in accordance with Section
13 5 of this Act.

14 (b) If the administrator of the substance abuse program
15 prescribes a treatment protocol for the person, the person
16 shall submit proof that the treatment protocol has been
17 completed.

18 Section 25. Medical exemptions. A person may not be
19 prevented from serving as a judge under this Act due to:

20 (1) the disclosure of a drug in the person's system for
21 which the person has a lawful prescription; or

22 (2) the lawful consumption of cannabis by a qualifying
23 patient licensed under the Compassionate Use of Medical
24 Cannabis Pilot Program Act who is in possession of a valid

1 registry card issued under that Act.

2 Section 30. Implementation of Act. The Administrative
3 Office of the Illinois Courts shall implement the provisions of
4 this Act.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.