

1 AN ACT concerning drug treatment.

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 Drug Court Treatment Act.

6 Section 5. Purposes. The General Assembly recognizes that
7 the use and abuse of drugs has a dramatic effect on the
8 criminal justice system in the State of Illinois. There is a
9 critical need for a criminal justice system program that will
10 reduce the incidence of drug use, drug addiction, and crimes
11 committed as a result of drug use and drug addiction. It is
12 the intent of the General Assembly to create specialized drug
13 courts with the necessary flexibility to meet the drug
14 problems in the State of Illinois.

15 Section 10. Definitions. As used in this Act:

16 "Drug court", "drug court program", or "program" means an
17 immediate and highly structured judicial intervention process
18 for substance abuse treatment of eligible defendants that
19 brings together substance abuse professionals, local social
20 programs, and intensive judicial monitoring in accordance
21 with the nationally recommended 10 key components of drug
22 courts.

23 "Pre-adjudicatory drug court program" means a program
24 that allows the defendant, with the consent of the
25 prosecution, to expedite the defendant's criminal case before
26 conviction or before filing of a criminal case and requires
27 successful completion of the drug court program as part of
28 the agreement.

29 "Post-adjudicatory drug court program" means a program in
30 which the defendant has admitted guilt or has been found

1 guilty and agrees, along with the prosecution, to enter a
2 drug court program as part of the defendant's sentence.

3 "Combination drug court program" means a drug court
4 program that includes a pre-adjudicatory drug court program
5 and a post-adjudicatory drug court program.

6 Section 15. Authorization. The Chief Judge of each
7 judicial circuit may establish a drug court program including
8 the format under which it operates under this Act.

9 Section 20. Eligibility.

10 (a) A defendant may be admitted into a drug court
11 program only upon the agreement of the prosecutor and the
12 defendant and with the approval of the court.

13 (b) A defendant shall be excluded from a drug court
14 program if any of one of the following apply:

15 (1) The crime is a crime of violence as set forth in
16 clause (4) of this subsection (b).

17 (2) The defendant denies his or her use of or
18 addiction to drugs.

19 (3) The defendant does not demonstrate a
20 willingness to participate in a treatment program.

21 (4) The defendant has been convicted of a crime of
22 violence within the past 10 years excluding incarceration
23 time, including but not limited to: first degree murder,
24 second degree murder, predatory criminal sexual assault
25 of a child, aggravated criminal sexual assault, criminal
26 sexual assault, armed robbery, aggravated arson, arson,
27 aggravated kidnaping, kidnaping, aggravated battery
28 resulting in great bodily harm or permanent disability,
29 or any offense involving the discharge of a firearm.

30 Section 25. Procedure.

31 (a) The court may order an assessment of the defendant

1 by an agent designated by the State to provide assessment
2 services for the Illinois Courts.

3 (b) The judge shall inform the defendant that if the
4 defendant fails to meet the conditions of the drug court
5 program, eligibility to participate in the program may be
6 revoked and the defendant may be sentenced as provided in the
7 Unified Code of Corrections for the crime charged.

8 (c) The defendant shall execute a written agreement as
9 to his or her participation in the program and shall agree to
10 all of the terms and conditions of the program, including but
11 not limited to the possibility of sanctions or incarceration
12 for failing to abide or comply with the terms of the program.

13 (d) In addition to any conditions authorized under the
14 Pretrial Services Act and Section 5-6-3 of the Unified Code
15 of Corrections, the court may order the defendant to complete
16 substance abuse treatment in an outpatient, inpatient,
17 residential, or jail-based custodial treatment program. Any
18 period of time a defendant shall serve in a jail-based
19 treatment program may not be reduced by the accumulation of
20 good time or other credits and may be for a period of up to
21 120 days.

22 (e) The drug court program shall include a regimen of
23 graduated requirements and rewards and sanctions, including
24 but not limited to: fines, fees, costs, restitution,
25 incarceration, individual and group therapy, drug analysis
26 testing, close monitoring for a minimum of 30 days and
27 supervision of progress, educational or vocational counseling
28 as appropriate, and other requirements necessary to fulfill
29 the drug court program.

30 Section 30. Substance abuse treatment.

31 (a) The drug court program shall maintain a network of
32 substance abuse treatment programs representing a continuum
33 of graduated substance abuse treatment options commensurate

1 with the needs of defendants.

2 (b) Any substance abuse treatment program to which
3 defendants are referred must meet all of the rules and
4 governing programs in Parts 2030 and 2060 of Title 77 of the
5 Illinois Administrative Code.

6 (c) The drug court program may, at its discretion,
7 employ additional services or interventions, as it deems
8 necessary on a case by case basis.

9 Section 35. Violation; termination; discharge.

10 (a) If the court finds that:

11 (1) the defendant is not performing satisfactorily
12 in the assigned program;

13 (2) the defendant is not benefitting from
14 education, treatment, or rehabilitation;

15 (3) the defendant has engaged in criminal conduct
16 rendering him or her unsuitable for the program; or

17 (4) the defendant has otherwise violated the terms
18 and conditions of the program or his or her sentence or
19 is for any reason unable to participate;

20 the court may impose reasonable sanctions under prior written
21 agreement of the defendant, including but not limited to
22 imprisonment or dismissal of the defendant from the program
23 and the court may reinstate criminal proceedings against him
24 or her or proceed under Section 5-6-4 of the Unified Code of
25 Corrections for a violation of probation, conditional
26 discharge, or supervision hearing.

27 (b) Upon successful completion of the terms and
28 conditions of the program, the court may dismiss the original
29 charges against the defendant or successfully terminate the
30 defendant's sentence or otherwise discharge him or her from
31 any further proceedings against him or her in the original
32 prosecution.