

1 AN ACT concerning substance use disorder 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 Community-Law Enforcement Partnership for Deflection and
6 Substance Use Disorder Treatment Act.

7 Section 5. Purposes. The General Assembly hereby
8 acknowledges that opioid use disorders, overdoses, and deaths
9 in Illinois are persistent and growing concerns for Illinois
10 communities. These concerns compound existing challenges to
11 adequately address and manage substance use and mental health
12 disorders. Law enforcement officers have a unique opportunity
13 to facilitate connections to community-based behavioral health
14 interventions that provide substance use treatment and can help
15 save and restore lives; help reduce drug use, overdose
16 incidence, criminal offending, and recidivism; and help
17 prevent arrest and conviction records that destabilize health,
18 families, and opportunities for community citizenship and
19 self-sufficiency. These efforts are bolstered when pursued in
20 partnership with licensed behavioral health treatment
21 providers and community members or organizations. It is the
22 intent of the General Assembly to authorize law enforcement to
23 develop and implement collaborative deflection programs in

1 Illinois that offer immediate pathways to substance use
2 treatment and other services as an alternative to traditional
3 case processing and involvement in the criminal justice system.

4 Section 10. Definitions. In this Act:

5 "Case management" means those services which will assist
6 persons in gaining access to needed social, educational,
7 medical, substance use and mental health treatment, and other
8 services.

9 "Community member or organization" means an individual
10 volunteer, resident, public office, or a not-for-profit
11 organization, religious institution, charitable organization,
12 or other public body committed to the improvement of individual
13 and family mental and physical well-being and the overall
14 social welfare of the community, and may include persons with
15 lived experience in recovery from substance use disorder,
16 either themselves or as family members.

17 "Deflection program" means a program in which a peace
18 officer or member of a law enforcement agency facilitates
19 contact between an individual and a licensed substance use
20 treatment provider or clinician for assessment and
21 coordination of treatment planning. This facilitation includes
22 defined criteria for eligibility and communication protocols
23 agreed to by the law enforcement agency and the licensed
24 treatment provider for the purpose of providing substance use
25 treatment to those persons in lieu of arrest or further justice

1 system involvement. Deflection programs may include, but are
2 not limited to, the following types of responses:

3 (1) a post-overdose deflection response initiated by a
4 peace officer or law enforcement agency subsequent to
5 emergency administration of medication to reverse an
6 overdose, or in cases of severe substance use disorder with
7 acute risk for overdose;

8 (2) a self-referral deflection response initiated by
9 an individual by contacting a peace officer or law
10 enforcement agency in the acknowledgment of their
11 substance use or disorder;

12 (3) an active outreach deflection response initiated
13 by a peace officer or law enforcement agency as a result of
14 proactive identification of persons thought likely to have
15 a substance use disorder;

16 (4) an officer prevention deflection response
17 initiated by a peace officer or law enforcement agency in
18 response to a community call when no criminal charges are
19 present; and

20 (5) an officer intervention deflection response when
21 criminal charges are present but held in abeyance pending
22 engagement with treatment.

23 "Law enforcement agency" means a municipal police
24 department or county sheriff's office of this State, the
25 Department of State Police, or other law enforcement agency
26 whose officers, by statute, are granted and authorized to

1 exercise powers similar to those conferred upon any peace
2 officer employed by a law enforcement agency of this State.

3 "Licensed treatment provider" means an organization
4 licensed by the Department of Human Services to perform an
5 activity or service, or a coordinated range of those activities
6 or services, as the Department of Human Services may establish
7 by rule, such as the broad range of emergency, outpatient,
8 intensive outpatient, and residential services and care,
9 including assessment, diagnosis, case management, medical,
10 psychiatric, psychological and social services,
11 medication-assisted treatment, care and counseling, and
12 recovery support, which may be extended to persons to assess or
13 treat substance use disorder or to families of those persons.

14 "Peace officer" means any peace officer or member of any
15 duly organized State, county, or municipal peace officer unit,
16 any police force of another State, or any police force whose
17 members, by statute, are granted and authorized to exercise
18 powers similar to those conferred upon any peace officer
19 employed by a law enforcement agency of this State.

20 "Substance use disorder" means a pattern of use of alcohol
21 or other drugs leading to clinical or functional impairment, in
22 accordance with the definition in the Diagnostic and
23 Statistical Manual of Mental Disorders (DSM-5), or in any
24 subsequent editions.

25 "Treatment" means the broad range of emergency,
26 outpatient, intensive outpatient, and residential services and

1 care (including assessment, diagnosis, case management,
2 medical, psychiatric, psychological and social services,
3 medication-assisted treatment, care and counseling, and
4 recovery support) which may be extended to persons who have
5 substance use disorders, persons with mental illness, or
6 families of those persons.

7 Section 15. Authorization.

8 (a) Any law enforcement agency may establish a deflection
9 program subject to the provisions of this Act in partnership
10 with one or more licensed providers of substance use disorder
11 treatment services and one or more community members or
12 organizations.

13 (b) The deflection program may involve a post-overdose
14 deflection response, a self-referral deflection response, an
15 active outreach deflection response, an officer prevention
16 deflection response, or an officer intervention deflection
17 response, or any combination of those.

18 (c) Nothing shall preclude the General Assembly from adding
19 other responses to a deflection program, or preclude a law
20 enforcement agency from developing a deflection program
21 response based on a model unique and responsive to local
22 issues, substance use or mental health needs, and partnerships,
23 using sound and promising or evidence-based practices.

24 (c-5) Whenever appropriate and available, case management
25 should be provided by a licensed treatment provider, and may be

1 provided through peer recovery support approaches. Deflection
2 program partners may identify other case management resources
3 that meet the definition of case management if a licensed
4 treatment provider or peer recovery support is not appropriate
5 or available.

6 (d) To receive funding for activities as described in
7 Section 35 of this Act, planning for the deflection program
8 shall include:

9 (1) the involvement of one or more licensed treatment
10 programs and one or more community member or organization;
11 and

12 (2) an agreement with the Illinois Criminal Justice
13 Information Authority to collect and evaluate relevant
14 statistical data related to the program, as established by
15 the Illinois Criminal Justice Information Authority in
16 paragraph (2) of Section 25 of this Act.

17 Section 20. Procedure. The law enforcement agency,
18 licensed treatment providers, and community members or
19 organizations shall establish a local deflection program plan
20 that includes protocols and procedures for participant
21 identification, screening or assessment, treatment
22 facilitation, reporting, and ongoing involvement of the law
23 enforcement agency. Licensed substance use disorder treatment
24 organizations shall adhere to 42 CFR Part 2 regarding
25 confidentiality regulations for information exchange or

1 release. Substance use disorder treatment services shall
2 adhere to all regulations specified in Department of Human
3 Services Administrative Rules, Parts 2060 and 2090.

4 Section 25. Reporting and evaluation.

5 The Illinois Criminal Justice Information Authority, in
6 conjunction with an association representing police chiefs and
7 the Department of Human Services' Division of Alcoholism and
8 Substance Abuse, shall within 6 months of the effective date of
9 this Act:

10 (1) develop a set of minimum data to be collected from
11 each deflection program and reported annually, beginning
12 one year after the effective date of this Act, by the
13 Illinois Criminal Justice Information Authority,
14 including, but not limited to, demographic information on
15 program participants, number of law enforcement encounters
16 that result in a treatment referral, and time from law
17 enforcement encounter to treatment engagement;

18 (2) develop a performance measurement system,
19 including key performance indicators for deflection
20 programs including, but not limited to, rate of treatment
21 engagement at 30 days from the point of initial contact.
22 Each program that receives funding for services under
23 Section 35 of this Act shall include the performance
24 measurement system in its local plan and report data
25 quarterly to the Illinois Criminal Justice Information

1 Authority for the purpose of evaluation of deflection
2 programs in aggregate; and

3 (3) make all statistical data relative to deflection
4 programs available to the Department of Human Services,
5 Division of Alcoholism and Substance Abuse for inclusion in
6 planning efforts for services to persons with criminal
7 justice or law enforcement involvement.

8 Section 30. Exemption from civil liability. The law
9 enforcement agency or peace officer acting in good faith shall
10 not, as the result of acts or omissions in providing services
11 under Section 15 of this Act, be liable for civil damages,
12 unless the acts or omissions constitute willful and wanton
13 misconduct.

14 Section 35. Funding.

15 (a) The General Assembly may appropriate funds to the
16 Illinois Criminal Justice Information Authority for the
17 purpose of reimbursing law enforcement agencies for services
18 provided by deflection program partners as part of deflection
19 programs subject to subsection (d) of Section 15 of this Act.

20 (b) The Illinois Criminal Justice Information Authority
21 may adopt guidelines and requirements to direct the
22 distribution of funds for reimbursable expenses related to
23 deflection programs. Activities eligible for reimbursement
24 under this Act may include, but are not limited to, the

1 following:

2 (1) activities related to program administration,
3 coordination, or management, including, but not limited
4 to, the development of collaborative partnerships with
5 licensed treatment providers and community members or
6 organizations; collection of program data; or monitoring
7 of compliance with a local deflection program plan;

8 (2) case management including case management provided
9 prior to assessment, diagnosis, and engagement in
10 treatment, as well as assistance navigating and gaining
11 access to various treatment modalities and support
12 services;

13 (3) peer recovery or recovery support services that
14 include the perspectives of persons with the experience of
15 recovering from a substance use disorder, either
16 themselves or as family members;

17 (4) transportation to a licensed treatment provider or
18 other program partner location;

19 (5) program evaluation activities.

20 (c) Specific linkage agreements with recovery support
21 services or self-help entities may be a requirement of the
22 program services protocols. All deflection programs shall
23 encourage the involvement of key family members and significant
24 others as a part of a family-based approach to treatment. All
25 deflection programs are encouraged to use evidence-based
26 practices and outcome measures in the provision of substance

1 use disorder treatment and medication assisted treatment for
2 persons with opioid use disorders.