



Sen. Melinda Bush

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1 AMENDMENT TO SENATE BILL 3023

2 AMENDMENT NO. _____. Amend Senate Bill 3023 by replacing
3 everything after the enacting clause with the following:

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

1 prevent arrest and conviction records that destabilize health,
2 families, and opportunities for community citizenship and
3 self-sufficiency. These efforts are bolstered when pursued in
4 partnership with licensed behavioral health treatment
5 providers and community members or organizations. It is the
6 intent of the General Assembly to authorize law enforcement to
7 develop and implement collaborative deflection programs in
8 Illinois that offer immediate pathways to substance use
9 treatment and other services as an alternative to traditional
10 case processing and involvement in the criminal justice system.

11 Section 10. Definitions. In this Act:

12 "Case management" means those services which will assist
13 persons in gaining access to needed social, educational,
14 medical, substance use and mental health treatment, and other
15 services.

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

24 "Deflection program" means a program in which a peace
25 officer or member of a law enforcement agency facilitates

1 contact between an individual and a licensed substance use
2 treatment provider or clinician for assessment and
3 coordination of treatment planning. This facilitation includes
4 defined criteria for eligibility and communication protocols
5 agreed to by the law enforcement agency and the licensed
6 treatment provider for the purpose of providing substance use
7 treatment to those persons in lieu of arrest or further justice
8 system involvement. Deflection programs may include, but are
9 not limited to, the following types of responses:

10 (1) a post-overdose deflection response initiated by a
11 peace officer or law enforcement agency subsequent to
12 emergency administration of medication to reverse an
13 overdose, or in cases of severe substance use disorder with
14 acute risk for overdose;

15 (2) a self-referral deflection response initiated by
16 an individual by contacting a peace officer or law
17 enforcement agency in the acknowledgement of their
18 substance use or disorder;

19 (3) an active outreach deflection response initiated
20 by a peace officer or law enforcement agency as a result of
21 proactive identification of persons thought likely to have
22 a substance use disorder;

23 (4) an officer prevention deflection response
24 initiated by a peace officer or law enforcement agency in
25 response to a community call when no criminal charges are
26 present; and

1 (5) an officer intervention deflection response when
2 criminal charges are present but held in abeyance pending
3 engagement with treatment.

4 "Law enforcement agency" means a municipal police
5 department or county sheriff's office of this State, the
6 Department of State Police, or other law enforcement agency
7 whose officers, by statute, are granted and authorized to
8 exercise powers similar to those conferred upon any peace
9 officer employed by a law enforcement agency of this State.

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

21 "Peace officer" means any peace officer or member of any
22 duly organized State, county, or municipal peace officer unit,
23 any police force of another State, or any police force whose
24 members, by statute, are granted and authorized to exercise
25 powers similar to those conferred upon any peace officer
26 employed by a law enforcement agency of this State.

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

6 "Treatment" means the broad range of emergency,
7 outpatient, intensive outpatient, and residential services and
8 care (including assessment, diagnosis, case management,
9 medical, psychiatric, psychological and social services,
10 medication-assisted treatment, care and counseling, and
11 recovery support) which may be extended to persons who have
12 substance use disorders, persons with mental illness, or
13 families of those persons.

14 Section 15. Authorization.

15 (a) Any law enforcement agency may establish a deflection
16 program subject to the provisions of this Act in partnership
17 with one or more licensed providers of substance use disorder
18 treatment services and one or more community members or
19 organizations.

20 (b) The deflection program may involve a post-overdose
21 deflection response, a self-referral deflection response, an
22 active outreach deflection response, an officer prevention
23 deflection response, or an officer intervention deflection
24 response, or any combination of those.

25 (c) Nothing shall preclude the General Assembly from adding

1 other responses to a deflection program, or preclude a law
2 enforcement agency from developing a deflection program
3 response based on a model unique and responsive to local
4 issues, substance use or mental health needs, and partnerships,
5 using sound and promising or evidence-based practices.

6 (c-5) Whenever appropriate and available, case management
7 should be provided by a licensed treatment provider, and may be
8 provided through peer recovery support approaches. Deflection
9 program partners may identify other case management resources
10 that meet the definition of case management if a licensed
11 treatment provider or peer recovery support is not appropriate
12 or available.

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

16 (1) the involvement of one or more licensed treatment
17 programs and one or more community member or organization;
18 and

19 (2) an agreement with the Illinois Criminal Justice
20 Information Authority to collect and evaluate relevant
21 statistical data related to the program, as established by
22 the Illinois Criminal Justice Information Authority in
23 paragraph (2) of Section 25 of this Act.

24 Section 20. Procedure. The law enforcement agency,
25 licensed treatment providers, and community members or

1 organizations shall establish a local deflection program plan
2 that includes protocols and procedures for participant
3 identification, screening or assessment, treatment
4 facilitation, reporting, and ongoing involvement of the law
5 enforcement agency. Licensed substance use disorder treatment
6 organizations shall adhere to 42 CFR Part 2 regarding
7 confidentiality regulations for information exchange or
8 release. Substance use disorder treatment services shall
9 adhere to all regulations specified in Department of Human
10 Services Administrative Rules, Parts 2060 and 2090.

11 Section 25. Reporting and evaluation.

12 The Illinois Criminal Justice Information Authority, in
13 conjunction with an association representing police chiefs and
14 the Department of Human Services' Division of Alcoholism and
15 Substance Abuse, shall within 6 months of the effective date of
16 this Act:

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

25 (2) develop a performance measurement system,

1 including key performance indicators for deflection
2 programs including, but not limited to, rate of treatment
3 engagement at 30 days from the point of initial contact.
4 Each program that receives funding for services under
5 Section 35 of this Act shall include the performance
6 measurement system in its local plan and report data
7 quarterly to the Illinois Criminal Justice Information
8 Authority for the purpose of evaluation of deflection
9 programs in aggregate; and

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

15 Section 30. Exemption from civil liability. The law
16 enforcement agency or peace officer acting in good faith shall
17 not, as the result of acts or omissions in providing services
18 under Section 15 of this Act be liable for civil damages,
19 unless the acts or omissions constitute willful and wanton
20 misconduct.

21 Section 35. Funding.

22 (a) The General Assembly may appropriate funds to the
23 Illinois Criminal Justice Information Authority for the
24 purpose of reimbursing law enforcement agencies for services

1 provided by deflection program partners as part of deflection
2 programs subject to subsection (d) of Section 15 of this Act.

3 (b) The Illinois Criminal Justice Information Authority
4 may adopt guidelines and requirements to direct the
5 distribution of funds for reimbursable expenses related to
6 deflection programs. Activities eligible for reimbursement
7 under this Act may include, but are not limited to, the
8 following:

9 (1) activities related to program administration,
10 coordination, or management, including, but not limited
11 to, the development of collaborative partnerships with
12 licensed treatment providers and community members or
13 organizations; collection of program data; or monitoring
14 of compliance with a local deflection program plan;

15 (2) case management including case management provided
16 prior to assessment, diagnosis, and engagement in
17 treatment, as well as assistance navigating and gaining
18 access to various treatment modalities and support
19 services;

20 (3) peer recovery or recovery support services that
21 include the perspectives of persons with the experience of
22 recovering from a substance use disorder, either
23 themselves or as family members;

24 (4) transportation to a licensed treatment provider or
25 other program partner location;

26 (5) program evaluation activities.

1 (c) Specific linkage agreements with recovery support
2 services or self-help entities may be a requirement of the
3 program services protocols. All deflection programs shall
4 encourage the involvement of key family members and significant
5 others as a part of a family-based approach to treatment. All
6 deflection programs are encouraged to use evidence-based
7 practices and outcome measures in the provision of substance
8 use disorder treatment and medication assisted treatment for
9 persons with opioid use disorders."