



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB4165

Introduced 1/22/2020, by Rep. Lindsay Parkhurst

#### SYNOPSIS AS INTRODUCED:

730 ILCS 166/20

Amends the Drug Court Treatment Act. Provides that before a defendant is admitted into a drug court program, the court must make a finding that the crime for which the defendant is to be admitted into the drug court program had a nexus to the defendant's substance use disorder as defined in the Substance Use Disorder Act. Adds convictions for various offenses, in addition to "crimes of violence", that exclude a defendant from admission into a drug court program.

LRB101 16248 RLC 65621 b

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 5. The Drug Court Treatment Act is amended by  
5 changing Section 20 as follows:

6 (730 ILCS 166/20)

7 Sec. 20. Eligibility.

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

11 (a-5) Before a defendant is admitted into a drug court  
12 program, the court must make a finding that the crime for which  
13 the defendant is to be admitted into the drug court program had  
14 a nexus to the defendant's substance use disorder as defined in  
15 Section 1-10 of the Substance Use Disorder Act.

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

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

20 (2) The defendant denies his or her use of or addiction  
21 to drugs.

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

1 (4) The defendant has been convicted of a crime of  
2 violence within the past 10 years excluding incarceration  
3 time. As used in this Section, "crime of violence" means:  
4 first degree murder, second degree murder, predatory  
5 criminal sexual assault of a child, aggravated criminal  
6 sexual assault, criminal sexual assault, armed robbery,  
7 aggravated arson, arson, aggravated kidnaping, kidnaping,  
8 aggravated battery resulting in great bodily harm or  
9 permanent disability, stalking, aggravated stalking, or  
10 any offense involving the discharge of a firearm.

11 (5) Within the 10 years, excluding incarceration time,  
12 preceding his or her application for admission into the  
13 drug court program, the defendant has been convicted of:

14 (A) aggravated domestic battery in violation of  
15 subsection (a-5) of Section 12-3.3 of the Criminal Code  
16 of 2012;

17 (B) robbery, aggravated robbery, or armed robbery;

18 (C) aggravated assault if a deadly weapon was used  
19 during the offense;

20 (D) aggravated unlawful use of a weapon;

21 (E) aggravated battery if the victim of the offense  
22 is a peace officer: (i) performing his or her official  
23 duties, (ii) battered to prevent the performance of his  
24 or her official duties, or (iii) battered in  
25 retaliation for performing his or her official duties;

26 (F) non-consensual dissemination of private sexual

1 images;

2 (G) violation of an order of protection;

3 (H) failure to register as a sexual predator or sex  
4 offender or failure to report to a law enforcement  
5 agency as required under the Sex Offender Registration  
6 Act;

7 (I) failure to register as a violent offender  
8 against youth or failure to report to a law enforcement  
9 agency as required under the Violent Offender Against  
10 Youth Registration Act; or

11 (J) aggravated driving under the influence of  
12 alcohol, other drug or drugs, or intoxicating compound  
13 or compounds, or any combination thereof.

14 (c) Notwithstanding subsection (a), the defendant may be  
15 admitted into a drug court program only upon the agreement of  
16 the prosecutor if:

17 (1) the defendant is charged with a Class 2 or greater  
18 felony violation of:

19 (A) Section 401, 401.1, 405, or 405.2 of the  
20 Illinois Controlled Substances Act;

21 (B) Section 5, 5.1, or 5.2 of the Cannabis Control  
22 Act;

23 (C) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56,  
24 or 65 of the Methamphetamine Control and Community  
25 Protection Act; or

26 (2) the defendant has previously, on 3 or more

1 occasions, either completed a drug court program, been  
2 discharged from a drug court program, or been terminated  
3 from a drug court program.

4 (Source: P.A. 99-480, eff. 9-9-15.)