

HB4247



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4247

by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

20 ILCS 301/40-5

Amends the Alcoholism and Other Drug Abuse and Dependency Act. Provides that an addict or alcoholic who is charged with or convicted of a crime may not elect treatment if the crime is residential burglary (now, he or she may not elect treatment if he or she has been convicted of residential burglary and has a record of one or more felony convictions).

LRB095 15080 HLH 41041 b

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Alcoholism and Other Drug Abuse and
5 Dependency Act is amended by changing Section 40-5 as follows:

6 (20 ILCS 301/40-5)

7 Sec. 40-5. Election of treatment. An addict or alcoholic
8 who is charged with or convicted of a crime may elect treatment
9 under the supervision of a licensed program designated by the
10 Department, referred to in this Article as "designated
11 program", unless:

12 (1) the crime is a crime of violence;

13 (2) the crime is a violation of Section 401(a), 401(b),
14 401(c) where the person electing treatment has been
15 previously convicted of a non-probationable felony or the
16 violation is non-probationable, 401(d) where the violation
17 is non-probationable, 401.1, 402(a), 405 or 407 of the
18 Illinois Controlled Substances Act, or Section 4(d), 4(e),
19 4(f), 4(g), 5(d), 5(e), 5(f), 5(g), 5.1, 7 or 9 of the
20 Cannabis Control Act or Section 15, 20, 55, 60, or 65 of
21 the Methamphetamine Control and Community Protection Act;

22 (3) the person has a record of 2 or more convictions of
23 a crime of violence;

1 (4) other criminal proceedings alleging commission of
2 a felony are pending against the person;

3 (5) the person is on probation or parole and the
4 appropriate parole or probation authority does not consent
5 to that election;

6 (6) the person elected and was admitted to a designated
7 program on 2 prior occasions within any consecutive 2-year
8 period;

9 (7) the crime is a violation of Section 19-3 of the
10 Illinois Criminal Code of 1961 ~~the person has been~~
11 ~~convicted of residential burglary and has a record of one~~
12 ~~or more felony convictions;~~

13 (8) the crime is a violation of Section 11-501 of the
14 Illinois Vehicle Code or a similar provision of a local
15 ordinance; or

16 (9) the crime is a reckless homicide or a reckless
17 homicide of an unborn child, as defined in Section 9-3 or
18 9-3.2 of the Criminal Code of 1961, in which the cause of
19 death consists of the driving of a motor vehicle by a
20 person under the influence of alcohol or any other drug or
21 drugs at the time of the violation.

22 (Source: P.A. 94-556, eff. 9-11-05.)