

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 2. 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 or any other person
9 charged with or convicted of a misdemeanor violation of the Use
10 of Intoxicating Compounds Act and who has not been previously
11 convicted of a violation of that Act may elect treatment under
12 the supervision of a licensed program designated by the
13 Department, referred to in this Article as "designated
14 program", unless:

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

16 (2) the crime is a violation of Section 401(a), 401(b),
17 401(c) where the person electing treatment has been
18 previously convicted of a non-probationable felony or the
19 violation is non-probationable, 401(d) where the violation
20 is non-probationable, 401.1, 402(a), 405 or 407 of the
21 Illinois Controlled Substances Act, or Section 4(d), 4(e),
22 4(f), 4(g), 5(d), 5(e), 5(f), 5(g), 5.1, 7 or 9 of the
23 Cannabis Control Act or Section 15, 20, 55, 60, or 65 of

1 the Methamphetamine Control and Community Protection Act;

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

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

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

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

12 (7) the person has been convicted of residential
13 burglary and has a record of one or more felony
14 convictions;

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

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

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

25 Section 5. The Use of Intoxicating Compounds Act is amended

1 by changing Section 4 as follows:

2 (720 ILCS 690/4) (from Ch. 38, par. 81-4)

3 Sec. 4. Sentence.

4 (a) Except as otherwise provided in subsection (b),
5 violation of this Act is a Class C misdemeanor for a first
6 offense and a Class A misdemeanor for a second or subsequent
7 offense.

8 (b) (1) The knowing ingestion of any compound, liquid, or
9 chemical containing the alkaloids atropine, hyoscyamine, or
10 scopolamine is a Class A misdemeanor.

11 (2) The sale, offer for sale, delivery, or giving to any
12 person of a compound, liquid, or chemical containing the
13 alkaloids atropine, hyoscyamine, or scopolamine is a Class 4
14 felony.

15 (3) This subsection (b) does not prohibit the sale, offer
16 for sale, delivery, giving, or ingestion of a compound, liquid,
17 or chemical containing the alkaloids atropine, hyoscyamine, or
18 scopolamine under the direction or prescription of a
19 practitioner authorized to so direct or prescribe as provided
20 in Section 3.

21 (Source: P.A. 89-640, eff. 1-1-97.)