



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB2800

Introduced 1/30/2014, by Sen. William R. Haine

#### SYNOPSIS AS INTRODUCED:

20 ILCS 1305/1-60  
725 ILCS 5/104-18

from Ch. 38, par. 104-18

Amends the Code of Criminal Procedure of 1963 and the Department of Human Services Act. Reinstates the return of a defendant to the county jail before the court hearing to reexamine the defendant's fitness to stand trial once the supervisor of the defendant's treatment submits his or her report to the court. Requires the Department of Human Services to prepare a report on the impact of the reinstated provision to the Governor and the General Assembly on or before January 2, 2016. Effective immediately.

LRB098 17631 MRW 52744 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 Department of Human Services Act is amended  
5 by changing Section 1-60 as follows:

6 (20 ILCS 1305/1-60)

7 Sec. 1-60. Pilot study. The Department of Human Services  
8 shall prepare 2 reports on the impact of the provisions of  
9 subsection (c) of Section 104-18 of the Code of Criminal  
10 Procedure of 1963. A preliminary report shall be prepared and  
11 submitted to the Governor and the General Assembly by November  
12 1, 2012. A final report shall be prepared and submitted to the  
13 Governor and the General Assembly by October 1, 2013. The  
14 Department of Human Services shall prepare a report on the  
15 impact, after January 1, 2014, of the provisions of subsection  
16 (c) of Section 104-18 of the Code of Criminal Procedure of  
17 1963. The report shall be prepared and submitted to the  
18 Governor and the General Assembly on or before January 2, 2016.  
19 Each report shall be posted on the Department's website within  
20 a week of its submission. Each report shall discuss the number  
21 of admissions during the reporting period, any delay in  
22 admissions, the number of persons returned to the county under  
23 the provisions of subsection (c) of Section 104-18 of the Code

1 of Criminal Procedure of 1963, and any issues the county  
2 sheriffs or other county officials are having with the returns.  
3 Each report shall include a recommendation from the Department  
4 of Human Services and one from an association representing  
5 Illinois sheriffs whether to continue the pilot study. If  
6 either report indicates that there are serious deleterious  
7 effects from the provisions of subsection (c) of Section 104-18  
8 of the Code of Criminal Procedure of 1963 or that the  
9 provisions of subsection (c) of Section 104-18 of the Code of  
10 Criminal Procedure of 1963 are not producing adequate results,  
11 the General Assembly may take necessary steps to eliminate the  
12 provisions of subsection (c) of Section 104-18 of the Code of  
13 Criminal Procedure of 1963 prior to January 1, 2014.

14 (Source: P.A. 97-1020, eff. 8-17-12.)

15 Section 10. The Code of Criminal Procedure of 1963 is  
16 amended by changing Section 104-18 as follows:

17 (725 ILCS 5/104-18) (from Ch. 38, par. 104-18)

18 Sec. 104-18. Progress Reports.→

19 (a) The treatment supervisor shall submit a written  
20 progress report to the court, the State, and the defense:

21 (1) At least 7 days prior to the date for any hearing  
22 on the issue of the defendant's fitness;

23 (2) Whenever he believes that the defendant has  
24 attained fitness;

1           (3) Whenever he believes that there is not a  
2 substantial probability that the defendant will attain  
3 fitness, with treatment, within one year from the date of  
4 the original finding of unfitness.

5           (b) The progress report shall contain:

6           (1) The clinical findings of the treatment supervisor  
7 and the facts upon which the findings are based;

8           (2) The opinion of the treatment supervisor as to  
9 whether the defendant has attained fitness or as to whether  
10 the defendant is making progress, under treatment, toward  
11 attaining fitness within one year from the date of the  
12 original finding of unfitness;

13           (3) If the defendant is receiving medication,  
14 information from the prescribing physician indicating the  
15 type, the dosage and the effect of the medication on the  
16 defendant's appearance, actions and demeanor.

17           (c) Whenever the court is sent a report from the supervisor  
18 of the defendant's treatment under paragraph (2) of subsection  
19 (a) of this Section, the treatment provider shall arrange with  
20 the court for the return of the defendant to the county jail  
21 before the time frame specified in subsection (a) of Section  
22 104-20 of this Code. ~~This subsection (c) is inoperative on and~~  
23 ~~after January 1, 2014.~~

24           (Source: P.A. 97-1020, eff. 8-17-12.)

25           Section 99. Effective date. This Act takes effect upon  
26 becoming law.