

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 Sections 25 and 35 as follows:

6 (730 ILCS 166/25)

7 Sec. 25. Procedure.

8 (a) The court shall order an eligibility screening and an
9 assessment of the defendant by an agent designated by the State
10 of Illinois to provide assessment services for the Illinois
11 Courts. An assessment need not be ordered if the court finds a
12 valid assessment related to the present charge pending against
13 the defendant has been completed within the previous 60 days.

14 (b) The judge shall inform the defendant that if the
15 defendant fails to meet the conditions of the drug court
16 program, eligibility to participate in the program may be
17 revoked and the defendant may be sentenced or the prosecution
18 continued as provided in the Unified Code of Corrections for
19 the crime charged.

20 (c) The defendant shall execute a written agreement as to
21 his or her participation in the program and shall agree to all
22 of the terms and conditions of the program, including but not
23 limited to the possibility of sanctions or incarceration for

1 failing to abide or comply with the terms of the program.

2 (d) In addition to any conditions authorized under the
3 Pretrial Services Act and Section 5-6-3 of the Unified Code of
4 Corrections, the court may order the defendant to complete
5 substance abuse treatment in an outpatient, inpatient,
6 residential, or jail-based custodial treatment program. Any
7 period of time a defendant shall serve in a jail-based
8 treatment program may not be reduced by the accumulation of
9 good time or other credits and may be for a period of up to 120
10 days.

11 (e) The drug court program shall include a regimen of
12 graduated requirements and rewards and sanctions, including
13 but not limited to: fines, fees, costs, restitution,
14 incarceration of up to 180 days, individual and group therapy,
15 drug analysis testing, close monitoring by the court at a
16 minimum of once every 30 days and supervision of progress,
17 educational or vocational counseling as appropriate, and other
18 requirements necessary to fulfill the drug court program. If
19 the defendant needs treatment for opioid abuse or dependence,
20 the court may not prohibit the defendant from participating in
21 and receiving medication assisted treatment under the care of a
22 physician licensed in this State to practice medicine in all of
23 its branches. Drug court participants may not be required to
24 refrain from using medication assisted treatment as a term or
25 condition of successful completion of the drug court program.

26 (Source: P.A. 92-58, eff. 1-1-02.)

1 (730 ILCS 166/35)

2 Sec. 35. Violation; termination; discharge.

3 (a) If the court finds from the evidence presented
4 including but not limited to the reports or proffers of proof
5 from the drug court professionals that:

6 (1) the defendant is not performing satisfactorily in
7 the assigned program;

8 (2) the defendant is not benefitting from education,
9 treatment, or rehabilitation;

10 (3) the defendant has engaged in criminal conduct
11 rendering him or her unsuitable for the program; or

12 (4) the defendant has otherwise violated the terms and
13 conditions of the program or his or her sentence or is for
14 any reason unable to participate;

15 the court may impose reasonable sanctions under prior written
16 agreement of the defendant, including but not limited to
17 imprisonment or dismissal of the defendant from the program and
18 the court may reinstate criminal proceedings against him or her
19 or proceed under Section 5-6-4 of the Unified Code of
20 Corrections for a violation of probation, conditional
21 discharge, or supervision hearing.

22 (a-5) A defendant who is assigned to a substance abuse
23 treatment program under this Act for opioid abuse or dependence
24 is not in violation of the terms or conditions of the program
25 on the basis of his or her participation in medication assisted

1 treatment under the care of a physician licensed in this State
2 to practice medicine in all of its branches.

3 (b) Upon successful completion of the terms and conditions
4 of the program, the court may dismiss the original charges
5 against the defendant or successfully terminate the
6 defendant's sentence or otherwise discharge him or her from any
7 further proceedings against him or her in the original
8 prosecution.

9 (Source: P.A. 92-58, eff. 1-1-02.)