



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3043

Introduced 2/6/2025, by Rep. Maurice A. West, II

SYNOPSIS AS INTRODUCED:

New Act

Creates the Criminal Justice Special Advocates Program for People with Disabilities Act. Provides that subject to appropriation for this purpose, the Department of Human Services shall establish a 3-year, 5-county pilot program to provide a minimum of one criminal justice special advocate in each selected county to serve the advocacy and support needs of an individual with an intellectual disability or a developmental disability involved in the criminal justice system of the county. Contains provisions concerning the selection of counties; the qualifications and duties of criminal justice special advocates; and Department evaluation and reporting requirements.

LRB104 09632 KTG 19697 b

1 AN ACT concerning criminal justice.

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

4 Section 1. Short title. This Act may be cited as the
5 Criminal Justice Special Advocates Program for People with
6 Disabilities Act.

7 Section 5. Legislative findings and purpose.

8 (a) The General Assembly finds that people with an
9 intellectual disability or a developmental disability involved
10 in the criminal justice system face unique challenges in
11 understanding and navigating all phases of the criminal
12 justice process. The General Assembly further finds that it is
13 essential that the State of Illinois commence and evaluate a
14 pilot program in which special advocates in selected counties
15 assist people with intellectual disabilities or developmental
16 disabilities while they are involved in the criminal justice
17 system through advocacy, education, supports, and referrals to
18 appropriate services.

19 This pilot program is being established as a direct result
20 of recommendations made by the Protection of Individuals with
21 Disabilities in the Criminal Justice System Task Force
22 convened by the Illinois Guardianship and Advocacy Commission.
23 The report of the Task Force issued in September 2021

1 emphasized the need for specialized advocacy services for
2 individuals with disabilities who are involved in the criminal
3 justice system.

4 (b) The purpose of this Act is to create and evaluate a
5 5-county pilot program that provides criminal justice advocacy
6 services and supports to people with an intellectual
7 disability or a developmental disability who are involved in
8 the criminal justice system in a participating county. The
9 advocates will assist people with an intellectual disability
10 or a developmental disability and their guardians, families,
11 caregivers, and supported decision-makers to better understand
12 each phase of the criminal justice process, ensure that their
13 disabilities are understood by officials involved in each
14 phase of the process, and ensure that medication is provided
15 as prescribed and other unique health needs are met for the
16 individual throughout their involvement in the criminal
17 justice process.

18 Section 10. Definitions. As used in this Act:

19 "Criminal justice special advocate" means a non-attorney
20 who is trained to provide support and advocacy services to
21 people with an intellectual disability or a developmental
22 disability who is involved in the criminal justice system in a
23 pilot county.

24 "Department" means the Department of Human Services.

25 "Developmental disability" has the same meaning ascribed

1 to it in Section 1-106 of the Mental Health and Developmental
2 Disabilities Code.

3 "Intellectual disability" has the same meaning ascribed to
4 it in Section 1-116 of the Mental Health and Developmental
5 Disabilities Code.

6 Section 15. Pilot program. Subject to appropriation for
7 this purpose, the Department of Human Services shall establish
8 a 3-year, 5-county pilot program to provide a minimum of one
9 criminal justice special advocate in each selected county to
10 serve the advocacy and support needs of an individual with an
11 intellectual disability or a developmental disability involved
12 in the criminal justice system of the county. Funding shall
13 cover the reasonable costs of the pilot county for the
14 criminal justice special advocate's salary, benefits,
15 training, supervision, equipment and supplies, as approved by
16 the Department.

17 Section 20. Selection of counties. The Department shall
18 select 5 counties to participate in the 3-year pilot program
19 based on an application process established by the Department.
20 Criteria for evaluating applications and the selection of
21 counties shall be established by the Department. The counties
22 selected must be geographically diverse and demonstrate the
23 need for a Criminal Justice Special Advocate program. Counties
24 shall indicate on their applications where the criminal

1 justice special advocate's office will be located and identify
2 the official or officer who will be providing supervision.

3 Section 25. Criminal justice special advocates.

4 (a) Criminal justice special advocates shall be employed
5 by the participating county and shall be independent of any
6 county official or officer who is directly involved in the
7 criminal justice system in the county.

8 (b) Criminal justice special advocates must be
9 non-attorneys with some experience and training working with
10 people with intellectual disabilities or developmental
11 disabilities, preferably with a background in social work,
12 counseling, or a related field.

13 (c) The primary duties of the criminal justice special
14 advocate shall include, but are not limited to:

15 (1) Assisting people with an intellectual disability
16 or a developmental disability and their guardians, family
17 members, caregivers, and supported decision-makers in
18 understanding the legal process and their rights within
19 the criminal justice system.

20 (2) Advocating for accommodations and necessary
21 services to ensure that people with an intellectual
22 disability or a developmental disability can effectively
23 participate in their defense and the overall legal
24 process.

25 (3) Coordinating with prosecutors, defense attorneys,

1 law enforcement, courts, and service providers to ensure
2 their understanding of the person's disability and
3 facilitate access to appropriate services.

4 (4) Providing referrals to mental health, disability
5 services, and other community resources.

6 (5) Offering support during court proceedings,
7 interviews, and other phases of the criminal justice
8 process.

9 Section 30. Evaluation and reporting. The Department shall
10 evaluate the effectiveness of the pilot program by collecting
11 annual data as requested by the Department from each
12 participating county beginning in 2027 on a date established
13 by the Department. The Department shall report to the General
14 Assembly and the Governor after the second full year of the
15 pilot program has been completed with a recommendation for
16 continuation, expansion, or non-continuation of the program
17 and detailed reasons for its recommendations.