



Rep. Linda Chapa LaVia

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1 AMENDMENT TO HOUSE BILL 3806

2 AMENDMENT NO. _____. Amend House Bill 3806 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Alcoholism and Other Drug Abuse and
5 Dependency Act is amended by adding Section 10-65 as follows:

6 (20 ILCS 301/10-65 new)

7 Sec. 10-65. DUI Service Provider Effectiveness Program
8 Exploratory Committee.

9 (a) As used in this Section:

10 "Client" means a person who receives DUI treatment or
11 intervention services from a DUI service provider.

12 "Court" means a court of law, traffic tribunal, or circuit
13 court of Illinois, including a judge of a court of law, traffic
14 tribunal, or circuit court of Illinois.

15 "DUI" means a conviction under Section 11-501 of the
16 Illinois Vehicle Code.

1 "DUI service provider" means a provider that provides DUI
2 evaluation and risk education services and programs to DUI
3 offenders, including, but not limited to, court-ordered DUI
4 evaluation, intervention, or treatment services and that:

5 (1) possesses a treatment license as provided in 77
6 Ill. Adm. Code 2060.201; or

7 (2) possesses an intervention license as provided in 77
8 Ill. Adm. Code 2060.201 and provides DUI Risk Education or
9 Recovery Home Services as defined in 77 Ill. Adm. Code
10 2060.201.

11 (b) The DUI Service Provider Effectiveness Program
12 Exploratory Committee is established to create an audit and
13 evaluation process that permits the evaluation of treatment and
14 intervention outcomes of DUI service providers licensed in the
15 State so that persons interested in DUI treatment or
16 intervention services can make informed decisions concerning
17 provider selection and courts can better determine which DUI
18 service providers to keep on their approved-provider lists.
19 Information obtained through the audit and evaluation process
20 shall be made accessible to persons interested in DUI treatment
21 or intervention services, including DUI service providers,
22 courts, and the public, through a central publication as
23 provided in subsection (j).

24 (c) The Committee shall consist of the following members:

25 (1) One State's Attorney appointed by the President of
26 the Illinois State's Attorneys Association.

1 (2) At least one but no more than 3 traffic judges
2 appointed by the Chief Justice of the Illinois Supreme
3 Court.

4 (3) At least one but no more than 3 local law
5 enforcement officers appointed by the Governor.

6 (4) One physician licensed to practice medicine in all
7 its branches appointed by the Governor with due regard for
8 the appointee's knowledge in the field of alcoholism and
9 other drug abuse and dependency.

10 (5) One representative of a trade or professional
11 organization that advocates on behalf of DUI service
12 providers.

13 (6) One representative of a trade or professional
14 organization that advocates on behalf of physicians
15 trained in psychiatry.

16 (7) One representative of an organization that
17 advocates on behalf of persons who suffer with mental
18 illness and substance abuse disorders and who live in rural
19 areas or medically underserved areas.

20 (8) At least 2 but no more than 6 members of the
21 Illinois House of Representatives, half of whom shall be
22 appointed by the Speaker of the House and half of whom
23 shall be appointed by the House Minority Leader.

24 (9) At least 2 but no more than 6 members of the
25 Illinois Senate, half of whom shall be appointed by the
26 Senate President and half of whom shall be appointed by the

1 Senate Minority Leader.

2 (10) The President of the Illinois Alcoholism and Drug
3 Dependence Association or his or her designee.

4 (11) The President of the Community Behavioral
5 Healthcare Association of Illinois or his or her designee.

6 (12) Twenty public members appointed as follows:

7 (A) 8 by the Governor, 2 of whom shall be
8 representatives of alcoholism or other drug abuse and
9 dependency treatment or intervention programs and 2 of
10 whom shall be researchers with experience in outcome
11 analysis and research studies as defined in paragraph
12 (1) of subsection (j); and

13 (B) 3 each by the President of the Senate, the
14 Minority Leader of the Senate, the Speaker of the House
15 of Representatives, and the Minority Leader of the
16 House of Representatives.

17 (13) The Director, Secretary, or other chief
18 administrative officer, ex officio, or his or her designee,
19 of each of the following: the Department of Public Health
20 and the Administrative Office of the Illinois Courts.

21 (14) The Assistant Director of the Division of
22 Probation Services within the Administrative Office of the
23 Illinois Courts, ex officio, or his or her designee.

24 (15) The Chair of the Criminal Justice Information
25 Authority or other chief administrative officer, ex
26 officio.

1 (16) The Secretary of State, ex officio, or his or her
2 designee.

3 (17) At least one but no more than 3 persons who have
4 received DUI intervention or treatment services from DUI
5 service providers, with a preference toward those persons
6 who have committed more than one violation of Section
7 11-501 of the Illinois Vehicle Code subsequent to receiving
8 treatment or intervention services from multiple DUI
9 service providers.

10 (d) The Chief Justice of the Illinois Supreme Court shall
11 select, from among one of his or her appointments made under
12 paragraph (2) of subsection (c), a traffic judge to be the
13 Chairperson of the Committee. The Chairperson shall schedule
14 meetings, take attendance, and perform other tasks as deemed
15 necessary to perform the functions of the Committee.

16 (e) All initial appointments under this Section shall be
17 made at least 60 days but no later than 90 days after the
18 effective date of this amendatory Act of the 100th General
19 Assembly. Vacancies on the Committee shall be filled by
20 individuals possessing the same membership requirements as the
21 original appointee whom the replacement is taking the place of.
22 The Committee shall meet quarterly and at such other times as
23 the Chairperson determines necessary for the Committee to
24 perform its functions under the Act. However, the Committee's
25 initial meeting shall take place at least 45 days but no later
26 than 60 days after the date upon which all appointments under

1 subsection (c) are made.

2 (f) A quorum of the members of the Committee must be
3 present to convene an official meeting and shall consist of
4 one-third of the then appointed members. However, if a member
5 has made it know that he or she will be in attendance at a
6 scheduled meeting but has not arrived at the meeting at the
7 appointed time, the Chairperson may wait for that absent member
8 to arrive before having the Committee conduct official
9 business. Members shall service on the Committee without
10 compensation.

11 (g) The Committee shall have voting members and non-voting
12 members. The voting rights of each member shall be based upon
13 the number of meetings the member attends. The Chairperson
14 shall determine the requisite number of meetings members must
15 attend to be awarded voting rights at the initial meeting and
16 that number shall not be changed except upon a three-fifths
17 vote of the Committee at any time, regardless of whether they
18 have voting rights or not. However, an absent member may
19 designate a substitute member who is not on the Committee and
20 who meets the same criteria as the absent member to attend a
21 meeting on the absent member's behalf. An absent member who
22 appoints a substitute to attend a meeting on the absent
23 member's behalf shall be credited the attendance time of that
24 substitute member and such time shall be counted toward the
25 absent member's participation quota when considering if the
26 absent member attended the requisite number of meetings to be

1 awarded voting rights. Only one substitute member per absent
2 member may be appointed for each meeting. Members may be
3 permitted to attend a meeting by means other than physical
4 presence, including by means of a live video broadcast
5 transmitted across the Internet, a call-in, or any other means
6 that permits at least an audio connection between the Committee
7 and the member who is unable to be physically present at the
8 meeting.

9 (h) The Committee shall submit a report concerning its
10 findings and recommendations to the General Assembly and the
11 Department of Human Services for the purposes of facilitating
12 the assembly of the central publication and proposing
13 legislation and rules on when publication will be first
14 published no later than 15 months after the date upon which the
15 Committee convenes its initial meeting.

16 (i) The Department of Human Services shall provide
17 administrative support and staff to the Committee.

18 (j) The Committee shall prepare and publish in a central
19 publication the following information obtained through the
20 audit and evaluation process established by the Committee and
21 conducted on each DUI service provider, but not before
22 performing the following tasks:

23 (1) In determining how best to measure recidivism rates
24 at the State, county, and provider or therapist level, the
25 Committee must specify a process and statistical method of
26 outcome analysis and research that targets DUI recidivism

1 as a measure of the treatment or intervention effectiveness
2 of each DUI service provider. As used in this paragraph,
3 "outcome analysis and research" means studies of the end
4 results of the structure and processes of the health care
5 system on the health and well-being of patients and
6 populations which may involve, but are not limited to,
7 health service research that (i) focuses on identifying
8 variations in medical procedures and associated health
9 outcomes and (ii) evaluates the quality of care, safety,
10 access, effectiveness, equity, efficiency, timeliness,
11 system responsiveness, and patient-centeredness of those
12 services.

13 (2) In evaluating and determining which outcome
14 analysis to use, the Committee must examine, but does not
15 have to adopt, survival analysis studies. As used in this
16 paragraph, "survival analysis studies" means studies that
17 measure the time between the application or termination of
18 DUI treatment or intervention services and a specified
19 outcome. Such survival analysis studies to be examined but
20 not necessarily adopted shall include, but shall not be
21 limited to, the overall rate at which persons who have
22 completed a program of DUI treatment or intervention
23 services commit one or more subsequent violations of
24 Section 11-501 of the Illinois Vehicle Code within a
25 certain period of time following completion of the program
26 of DUI treatment or intervention services.

1 (3) The Committee shall explore how often the analyses
2 under paragraphs (1) and (2) should be developed,
3 conducted, managed, and maintained and how the information
4 obtained from those analyses should be presented to the
5 public through the central publication so that the results
6 of the outcome studies can be reviewed by courts, DUI
7 service providers, and any persons interested in DUI
8 treatment or intervention services. The Committee shall
9 also determine how often such analyses shall be developed,
10 conducted, managed, and maintained, as well as how often
11 information needed to create such analyses shall be
12 collected.

13 (4) The Committee shall identify and formulate an
14 auditing process to collect the necessary information
15 needed to conduct the analyses under paragraphs (1) and (2)
16 and to confirm the information collected, all of which
17 shall be contained within the central publication
18 consistent with the investigatory and auditing authority
19 of the Department under 77 Ill. Adm. Code 2060.335.

20 (5) The Committee shall be responsible for deciding the
21 scope of information to include in the central publication
22 with respect to resources a DUI service provider has
23 available for clients and the various issues clients face
24 regarding access to care, including, but not limited to:

25 (A) the availability of psychiatrists or medical
26 practitioners;

1 (B) costs charged for providing services;

2 (C) the level of difficulty individuals have with
3 gaining access to facilities and the reasons thereof;

4 (D) transportation issues or costs;

5 (E) multilingual capabilities or barriers to
6 communicating and effectively teaching those who speak
7 a different language; and

8 (F) access to care for those who are persons with
9 an intellectual or physical disability or persons who
10 require additional accommodations.

11 The Committee shall also develop an auditing and
12 evaluation process for the Department to verify the
13 information provided under this paragraph (5).

14 (6) The Committee shall develop a standardized method
15 or process by which a court may consult and collaborate
16 with a DUI service provider whose program of DUI treatment
17 or intervention services fails to meet or adequately
18 address the needs of clients residing within the court's
19 judicial circuit because of a lack of resources or program
20 deficiencies. The method or process shall encourage, but
21 not require, a court to:

22 (A) notify a DUI service provider of the court's
23 intention to remove the provider from the court's
24 approved-provider list;

25 (B) specify and discuss those client needs that the
26 DUI services provider has failed to meet or adequately

1 address through its program of treatment or
2 intervention services; and

3 (C) assist the DUI service provider in remedying
4 program deficiencies.

5 The standardized method or process may also provide
6 protocols on a corrective plan of action a DUI service
7 provider may take to address the particular client needs or
8 program deficiencies noted by a court during a
9 collaborative consultation, including protocols on: (i) a
10 specific timeline for implementing corrective actions or
11 objectives and (ii) the establishment of evaluation
12 measures to measure such progress. The standardized method
13 or process shall also be accessible to a court that wants
14 to remedy an isolated issue or program deficiency that does
15 not necessitate removing a DUI service provider from the
16 court's approved-provider list. Nothing in this paragraph
17 shall be construed to interfere with a court's discretion
18 as to which DUI service providers to place, retain, or
19 remove from the court's approved-provider list or with any
20 court policies or procedures concerning attraction,
21 retention, or removal of a DUI service provider from a
22 court's approved-provider list.

23 (7) The Committee shall develop a standard treatment
24 review survey to be administered by the courts and
25 completed by all individuals who complete a professional
26 evaluation and treatment for an alcohol, drug, or

1 intoxicating compound abuse problem as provided under
2 Section 11-501.01 of the Illinois Vehicle Code. The
3 Committee shall determine what questions and subjects will
4 appear in the survey. The Committee shall also determine
5 how best the Department will collect, analyze, interpret,
6 calculate, and summarize for publication in the central
7 publication the aggregate information obtained from the
8 treatment review surveys in order to help courts decide
9 which DUI service providers to retain or remove from their
10 approved-provider lists. Any analysis of the aggregate
11 information obtained from the treatment review surveys
12 shall include calculations of: (i) the average response
13 score and the standard deviation for each questioned item
14 and (ii) the median and mode response values for each
15 questioned item.

16 Information collected and published in the central
17 publication shall be made accessible to interested persons
18 through a subscriber-based online repository to be established
19 and maintained by the Department. Participating DUI service
20 providers and courts that are interested in accessing the
21 central publication contained in the online repository may be
22 charged a small fee that is no greater than needed to cover
23 administrative costs.

24 Each DUI service provider shall contribute to the contents
25 of the central publication by providing a description of the
26 types of educational, prevention, intervention, treatment,

1 relapse, and other services and activities offered by the
2 provider to alleviate alcoholism and other drug abuse and
3 dependency. The Department may also audit the DUI Service
4 Providers information in the same manner as determined under
5 paragraph (4).

6 To facilitate more targeted recruitment of effective DUI
7 service providers, a court may submit for publication in the
8 central publication information that identifies the specific
9 problems, priorities, and needs of persons residing in the
10 court's judicial circuit that concern DUI treatment or
11 intervention services, including the needs of residents who are
12 racial or language minorities or who are from other specific
13 populations. The Committee shall create a process to facilitate
14 courts in submitting such information for publication.

15 Any additional administrative costs incurred from the
16 maintenance of the central publication or the subscriber-based
17 online repository or from the collection of data shall come
18 from a portion of the funds received by each judicial circuit
19 from court costs charged to persons who violate Section 11-501
20 of the Illinois Vehicle Code.

21 The Committee shall dissolve upon submitting its report to
22 the General Assembly and the Department of Human Services as
23 provided in subsection (h). Upon the dissolution of the
24 Committee, the Department may modify, add, or remove
25 information collected and published within the central
26 publication as well as modify the auditing and evaluation

1 measures used in analyzing such information for the central
2 publication.

3 Section 10. The Illinois Vehicle Code is amended by
4 changing Section 11-501.01 as follows:

5 (625 ILCS 5/11-501.01)

6 Sec. 11-501.01. Additional administrative sanctions.

7 (a) After a finding of guilt and prior to any final
8 sentencing or an order for supervision, for an offense based
9 upon an arrest for a violation of Section 11-501 or a similar
10 provision of a local ordinance, individuals shall be required
11 to undergo a professional evaluation to determine if an
12 alcohol, drug, or intoxicating compound abuse problem exists
13 and the extent of the problem, and undergo the imposition of
14 treatment as appropriate. Programs conducting these
15 evaluations shall be licensed by the Department of Human
16 Services. The cost of any professional evaluation shall be paid
17 for by the individual required to undergo the professional
18 evaluation. Upon completing a professional evaluation and any
19 subsequent treatment as required under this subsection, all
20 individuals shall complete a treatment review survey. All
21 information provided in the treatment review survey by an
22 individual as required under this subsection shall be
23 confidential in accordance with the Confidentiality of Alcohol
24 and Drug Abuse Patient Records regulations (42 CFR 2 (1987)) of

1 the Alcohol, Drug Abuse, and Mental Health Administration of
2 the Public Health Service of the United States Department of
3 Health and Human Services, Article 30 of the Alcoholism and
4 Other Drug Abuse and Dependency Act, and the rules set forth
5 under 77 Ill. Adm. Code 2060.319.

6 (b) Any person who is found guilty of or pleads guilty to
7 violating Section 11-501, including any person receiving a
8 disposition of court supervision for violating that Section,
9 may be required by the Court to attend a victim impact panel
10 offered by, or under contract with, a county State's Attorney's
11 office, a probation and court services department, Mothers
12 Against Drunk Driving, or the Alliance Against Intoxicated
13 Motorists. All costs generated by the victim impact panel shall
14 be paid from fees collected from the offender or as may be
15 determined by the court.

16 (c) Every person found guilty of violating Section 11-501,
17 whose operation of a motor vehicle while in violation of that
18 Section proximately caused any incident resulting in an
19 appropriate emergency response, shall be liable for the expense
20 of an emergency response as provided in subsection (i) of this
21 Section.

22 (d) The Secretary of State shall revoke the driving
23 privileges of any person convicted under Section 11-501 or a
24 similar provision of a local ordinance.

25 (e) The Secretary of State shall require the use of
26 ignition interlock devices for a period not less than 5 years

1 on all vehicles owned by a person who has been convicted of a
2 second or subsequent offense of Section 11-501 or a similar
3 provision of a local ordinance. The person must pay to the
4 Secretary of State DUI Administration Fund an amount not to
5 exceed \$30 for each month that he or she uses the device. The
6 Secretary shall establish by rule and regulation the procedures
7 for certification and use of the interlock system, the amount
8 of the fee, and the procedures, terms, and conditions relating
9 to these fees. During the time period in which a person is
10 required to install an ignition interlock device under this
11 subsection (e), that person shall only operate vehicles in
12 which ignition interlock devices have been installed, except as
13 allowed by subdivision (c)(5) or (d)(5) of Section 6-205 of
14 this Code.

15 (f) In addition to any other penalties and liabilities, a
16 person who is found guilty of or pleads guilty to violating
17 Section 11-501, including any person placed on court
18 supervision for violating Section 11-501, shall be assessed
19 \$750, payable to the circuit clerk, who shall distribute the
20 money as follows: \$350 to the law enforcement agency that made
21 the arrest, and \$400 shall be forwarded to the State Treasurer
22 for deposit into the General Revenue Fund. If the person has
23 been previously convicted of violating Section 11-501 or a
24 similar provision of a local ordinance, the fine shall be
25 \$1,000, and the circuit clerk shall distribute \$200 to the law
26 enforcement agency that made the arrest and \$800 to the State

1 Treasurer for deposit into the General Revenue Fund. In the
2 event that more than one agency is responsible for the arrest,
3 the amount payable to law enforcement agencies shall be shared
4 equally. Any moneys received by a law enforcement agency under
5 this subsection (f) shall be used for enforcement and
6 prevention of driving while under the influence of alcohol,
7 other drug or drugs, intoxicating compound or compounds or any
8 combination thereof, as defined by Section 11-501 of this Code,
9 including but not limited to the purchase of law enforcement
10 equipment and commodities that will assist in the prevention of
11 alcohol related criminal violence throughout the State; police
12 officer training and education in areas related to alcohol
13 related crime, including but not limited to DUI training; and
14 police officer salaries, including but not limited to salaries
15 for hire back funding for safety checkpoints, saturation
16 patrols, and liquor store sting operations. Any moneys received
17 by the Department of State Police under this subsection (f)
18 shall be deposited into the State Police DUI Fund and shall be
19 used to purchase law enforcement equipment that will assist in
20 the prevention of alcohol related criminal violence throughout
21 the State.

22 (g) The Secretary of State Police DUI Fund is created as a
23 special fund in the State treasury. All moneys received by the
24 Secretary of State Police under subsection (f) of this Section
25 shall be deposited into the Secretary of State Police DUI Fund
26 and, subject to appropriation, shall be used for enforcement

1 and prevention of driving while under the influence of alcohol,
2 other drug or drugs, intoxicating compound or compounds or any
3 combination thereof, as defined by Section 11-501 of this Code,
4 including but not limited to the purchase of law enforcement
5 equipment and commodities to assist in the prevention of
6 alcohol related criminal violence throughout the State; police
7 officer training and education in areas related to alcohol
8 related crime, including but not limited to DUI training; and
9 police officer salaries, including but not limited to salaries
10 for hire back funding for safety checkpoints, saturation
11 patrols, and liquor store sting operations.

12 (h) Whenever an individual is sentenced for an offense
13 based upon an arrest for a violation of Section 11-501 or a
14 similar provision of a local ordinance, and the professional
15 evaluation recommends remedial or rehabilitative treatment or
16 education, neither the treatment nor the education shall be the
17 sole disposition and either or both may be imposed only in
18 conjunction with another disposition. The court shall monitor
19 compliance with any remedial education or treatment
20 recommendations contained in the professional evaluation.
21 Programs conducting alcohol or other drug evaluation or
22 remedial education must be licensed by the Department of Human
23 Services. If the individual is not a resident of Illinois,
24 however, the court may accept an alcohol or other drug
25 evaluation or remedial education program in the individual's
26 state of residence. Programs providing treatment must be

1 licensed under existing applicable alcoholism and drug
2 treatment licensure standards.

3 (i) In addition to any other fine or penalty required by
4 law, an individual convicted of a violation of Section 11-501,
5 Section 5-7 of the Snowmobile Registration and Safety Act,
6 Section 5-16 of the Boat Registration and Safety Act, or a
7 similar provision, whose operation of a motor vehicle,
8 snowmobile, or watercraft while in violation of Section 11-501,
9 Section 5-7 of the Snowmobile Registration and Safety Act,
10 Section 5-16 of the Boat Registration and Safety Act, or a
11 similar provision proximately caused an incident resulting in
12 an appropriate emergency response, shall be required to make
13 restitution to a public agency for the costs of that emergency
14 response. The restitution may not exceed \$1,000 per public
15 agency for each emergency response. As used in this subsection
16 (i), "emergency response" means any incident requiring a
17 response by a police officer, a firefighter carried on the
18 rolls of a regularly constituted fire department, or an
19 ambulance. With respect to funds designated for the Department
20 of State Police, the moneys shall be remitted by the circuit
21 court clerk to the State Police within one month after receipt
22 for deposit into the State Police DUI Fund. With respect to
23 funds designated for the Department of Natural Resources, the
24 Department of Natural Resources shall deposit the moneys into
25 the Conservation Police Operations Assistance Fund.

26 (j) A person that is subject to a chemical test or tests of

1 blood under subsection (a) of Section 11-501.1 or subdivision
2 (c) (2) of Section 11-501.2 of this Code, whether or not that
3 person consents to testing, shall be liable for the expense up
4 to \$500 for blood withdrawal by a physician authorized to
5 practice medicine, a licensed physician assistant, a licensed
6 advanced practice nurse, a registered nurse, a trained
7 phlebotomist, a licensed paramedic, or a qualified person other
8 than a police officer approved by the Department of State
9 Police to withdraw blood, who responds, whether at a law
10 enforcement facility or a health care facility, to a police
11 department request for the drawing of blood based upon refusal
12 of the person to submit to a lawfully requested breath test or
13 probable cause exists to believe the test would disclose the
14 ingestion, consumption, or use of drugs or intoxicating
15 compounds if:

16 (1) the person is found guilty of violating Section
17 11-501 of this Code or a similar provision of a local
18 ordinance; or

19 (2) the person pleads guilty to or stipulates to facts
20 supporting a violation of Section 11-503 of this Code or a
21 similar provision of a local ordinance when the plea or
22 stipulation was the result of a plea agreement in which the
23 person was originally charged with violating Section
24 11-501 of this Code or a similar local ordinance.

25 (Source: P.A. 98-292, eff. 1-1-14; 98-463, eff. 8-16-13;
26 98-973, eff. 8-15-14; 99-289, eff. 8-6-15; 99-296, eff. 1-1-16;

1 99-642, eff. 7-28-16.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".