



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2185

Introduced 4/4/2017, by Sen. Andy Manar

SYNOPSIS AS INTRODUCED:

20 ILCS 301/1-10
20 ILCS 301/25-15
20 ILCS 301/55-10

Amends the Alcoholism and Other Drug Abuse and Dependency Act. Redefines "detoxification" as the process of allowing an individual to safely withdraw or sober from a drug or alcohol in a controlled environment, including a treatment or law enforcement facility (rather than the process of allowing an individual to safely withdraw from a drug in a controlled environment). Provides that if an individual under the age of 21 is arrested while under the influence of alcohol or drugs, the police officer on duty has a reasonable suspicion that the individual is still under the influence while at the police station, and there are signs that the individual is impaired, then the officer must make a reasonable attempt to contact a responsible adult who is willing to take custody of the intoxicated individual. Provides that if a responsible adult is not available or is unwilling to take custody of the individual, the individual shall be offered the opportunity to take a breathalyzer or chemical test to prove that he or she is sober; and that if the individual opts for one of the tests, the results of the test shall not be used in any criminal or civil prosecution against the individual. Exempts a police officer from civil or criminal liability for acting in good faith and without negligence in connection with certain actions, including the detention or discharge or the taking into protective custody of an individual under the Act. Provides that the amendatory Act may be referred to as Conor's Law.

LRB100 12037 KTG 24668 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 1. This Act may be referred to as Conor's Law.

5 Section 5. The Alcoholism and Other Drug Abuse and
6 Dependency Act is amended by changing Sections 1-10, 25-15, and
7 55-10 as follows:

8 (20 ILCS 301/1-10)

9 Sec. 1-10. Definitions. As used in this Act, unless the
10 context clearly indicates otherwise, the following words and
11 terms have the following meanings:

12 "Act" means the Alcoholism and Other Drug Abuse and
13 Dependency Act.

14 "Addict" means a person who exhibits the disease known as
15 "addiction".

16 "Addiction" means a disease process characterized by the
17 continued use of a specific psycho-active substance despite
18 physical, psychological or social harm. The term also describes
19 the advanced stages of chemical dependency.

20 "Administrator" means a person responsible for
21 administration of a program.

22 "Alcoholic" means a person who exhibits the disease known

1 as "alcoholism".

2 "Alcoholism" means a chronic and progressive disease or
3 illness characterized by preoccupation with and loss of control
4 over the consumption of alcohol, and the use of alcohol despite
5 adverse consequences. Typically, combinations of the following
6 tendencies are also present: periodic or chronic intoxication;
7 physical disability; impaired emotional, occupational or
8 social adjustment; tendency toward relapse; a detrimental
9 effect on the individual, his family and society; psychological
10 dependence; and physical dependence. Alcoholism is also known
11 as addiction to alcohol. Alcoholism is described and further
12 categorized in clinical detail in the DSM and the ICD.

13 "Array of services" means assistance to individuals,
14 families and communities in response to alcohol or other drug
15 abuse or dependency. The array of services includes, but is not
16 limited to: prevention assistance for communities and schools;
17 case finding, assessment and intervention to help individuals
18 stop abusing alcohol or other drugs; a uniform screening,
19 assessment, and evaluation process including criteria for
20 substance use disorders and mental disorders or co-occurring
21 substance use and mental health disorders; case management;
22 detoxification to aid individuals in physically withdrawing
23 from alcohol or other drugs; short-term and long-term treatment
24 and support services to help individuals and family members
25 begin the process of recovery; prescription and dispensing of
26 the drug methadone or other medications as an adjunct to

1 treatment; relapse prevention services; education and
2 counseling for children or other co-dependents of alcoholics or
3 other drug abusers or addicts. For purposes of this Section, a
4 uniform screening, assessment, and evaluation process refers
5 to a process that includes an appropriate evaluation and, as
6 warranted, a referral. "Uniform" does not mean the use of a
7 singular instrument, tool, or process that all must utilize.

8 "Case management" means those services which will assist
9 individuals in gaining access to needed social, educational,
10 medical, treatment and other services.

11 "Children of alcoholics or drug addicts or abusers of
12 alcohol and other drugs" means the minor or adult children of
13 individuals who have abused or been dependent upon alcohol or
14 other drugs. These children may or may not become dependent
15 upon alcohol or other drugs themselves; however, they are
16 physically, psychologically, and behaviorally at high risk of
17 developing the illness. Children of alcoholics and other drug
18 abusers experience emotional and other problems, and benefit
19 from prevention and treatment services provided by funded and
20 non-funded agencies licensed by the Department.

21 "Co-dependents" means individuals who are involved in the
22 lives of and are affected by people who are dependent upon
23 alcohol and other drugs. Co-dependents compulsively engage in
24 behaviors that cause them to suffer adverse physical,
25 emotional, familial, social, behavioral, vocational, and legal
26 consequences as they attempt to cope with the alcohol or drug

1 dependent person. People who become co-dependents include
2 spouses, parents, siblings, and friends of alcohol or drug
3 dependent people. Co-dependents benefit from prevention and
4 treatment services provided by agencies licensed by the
5 Department.

6 "Controlled substance" means any substance or immediate
7 precursor which is enumerated in the schedules of Article II of
8 the Illinois Controlled Substances Act or the Cannabis Control
9 Act.

10 "Crime of violence" means any of the following crimes:
11 murder, voluntary manslaughter, criminal sexual assault,
12 aggravated criminal sexual assault, predatory criminal sexual
13 assault of a child, armed robbery, robbery, arson, kidnapping,
14 aggravated battery, aggravated arson, or any other felony which
15 involves the use or threat of physical force or violence
16 against another individual.

17 "Department" means the Illinois Department of Human
18 Services as successor to the former Department of Alcoholism
19 and Substance Abuse.

20 "Designated program" means a program designated by the
21 Department to provide services described in subsection (c) or
22 (d) of Section 15-10 of this Act. A designated program's
23 primary function is screening, assessing, referring and
24 tracking clients identified by the criminal justice system, and
25 the program agrees to apply statewide the standards, uniform
26 criteria and procedures established by the Department pursuant

1 to such designation.

2 "Detoxification" means the process of allowing an
3 individual to safely withdraw or sober from a drug or alcohol
4 in a controlled environment, including a treatment or law
5 enforcement facility.

6 "DSM" means the most current edition of the Diagnostic and
7 Statistical Manual of Mental Disorders.

8 "D.U.I." means driving under the influence of alcohol or
9 other substances which may cause impairment of driving ability.

10 "Facility" means the building or premises which are used
11 for the provision of licensable program services, including
12 support services, as set forth by rule.

13 "ICD" means the most current edition of the International
14 Classification of Diseases.

15 "Incapacitated" means that a person is unconscious or
16 otherwise exhibits, by overt behavior or by extreme physical
17 debilitation, an inability to care for his own needs or to
18 recognize the obvious danger of his situation or to make
19 rational decisions with respect to his need for treatment.

20 "Intermediary person" means a person with expertise
21 relative to addiction, alcoholism, and the abuse of alcohol or
22 other drugs who may be called on to assist the police in
23 carrying out enforcement or other activities with respect to
24 persons who abuse or are dependent on alcohol or other drugs.

25 "Intervention" means readily accessible activities which
26 assist individuals and their partners or family members in

1 coping with the immediate problems of alcohol and other drug
2 abuse or dependency, and in reducing their alcohol and other
3 drug use. Intervention can facilitate emotional and social
4 stability, and involves referring people for further treatment
5 as needed.

6 "Intoxicated person" means a person whose mental or
7 physical functioning is substantially impaired as a result of
8 the current effects of alcohol or other drugs within the body.

9 "Local advisory council" means an alcohol and substance
10 abuse body established in a county, township or community area,
11 which represents public and private entities having an interest
12 in the prevention and treatment of alcoholism or other drug
13 abuse.

14 "Off-site services" means licensable program services or
15 activities which are conducted at a location separate from the
16 primary service location of the provider, and which services
17 are operated by a program or entity licensed under this Act.

18 "Person" means any individual, firm, group, association,
19 partnership, corporation, trust, government or governmental
20 subdivision or agency.

21 "Prevention" means an interactive process of individuals,
22 families, schools, religious organizations, communities and
23 regional, state and national organizations to reduce
24 alcoholism, prevent the use of illegal drugs and the abuse of
25 legal drugs by persons of all ages, prevent the use of alcohol
26 by minors, build the capacities of individuals and systems, and

1 promote healthy environments, lifestyles and behaviors.

2 "Program" means a licensable or fundable activity or
3 service, or a coordinated range of such activities or services,
4 as the Department may establish by rule.

5 "Recovery" means the long-term, often life-long, process
6 in which an addicted person changes the way in which he makes
7 decisions and establishes personal and life priorities. The
8 evolution of this decision-making and priority-setting process
9 is generally manifested by an obvious improvement in the
10 individual's life and lifestyle and by his overcoming the abuse
11 of or dependence on alcohol or other drugs. Recovery is also
12 generally manifested by prolonged periods of abstinence from
13 addictive chemicals which are not medically supervised.
14 Recovery is the goal of treatment.

15 "Rehabilitation" means a process whereby those clinical
16 services necessary and appropriate for improving an
17 individual's life and lifestyle and for overcoming his or her
18 abuse of or dependency upon alcohol or other drugs, or both,
19 are delivered in an appropriate setting and manner as defined
20 in rules established by the Department.

21 "Relapse" means a process which is manifested by a
22 progressive pattern of behavior that reactivates the symptoms
23 of a disease or creates debilitating conditions in an
24 individual who has experienced remission from addiction or
25 alcoholism.

26 "Secretary" means the Secretary of Human Services or his or

1 her designee.

2 "Substance abuse" or "abuse" means a pattern of use of
3 alcohol or other drugs with the potential of leading to
4 immediate functional problems or to alcoholism or other drug
5 dependency, or to the use of alcohol and/or other drugs solely
6 for purposes of intoxication. The term also means the use of
7 illegal drugs by persons of any age, and the use of alcohol by
8 persons under the age of 21.

9 "Treatment" means the broad range of emergency,
10 outpatient, intermediate and residential services and care
11 (including assessment, diagnosis, medical, psychiatric,
12 psychological and social services, care and counseling, and
13 aftercare) which may be extended to individuals who abuse or
14 are dependent on alcohol or other drugs or families of those
15 persons.

16 (Source: P.A. 97-1061, eff. 8-24-12.)

17 (20 ILCS 301/25-15)

18 Sec. 25-15. Emergency treatment and protective custody.

19 (a) An intoxicated person may come voluntarily to a
20 treatment facility for emergency treatment. A person who
21 appears to be intoxicated in a public place and who may be a
22 danger to himself or others may be assisted to his home, a
23 treatment facility or other health facility either directly by
24 the police or through an intermediary person.

25 (b) A person who appears to be unconscious or in immediate

1 need of emergency medical services while in a public place and
2 who shows symptoms of impairment brought on by alcoholism or
3 other drug abuse or dependency may be taken into protective
4 custody by the police and forthwith brought to an emergency
5 medical service. A person who is otherwise incapacitated while
6 in a public place and who shows symptoms of alcoholism or other
7 drug abuse or dependency may be taken into custody and
8 forthwith brought to a facility available for detoxification.
9 The police in detaining the person shall take him into
10 protective custody only, which shall not constitute an arrest.
11 No entry or other record shall be made to indicate that the
12 person has been arrested or charged with a crime. The detaining
13 officer may take reasonable steps to protect himself from harm.

14 (c) If an individual under the age of 21 is arrested while
15 under the influence of alcohol or drugs, the police officer on
16 duty has a reasonable suspicion that the individual is still
17 under the influence while at the police station, and there are
18 signs that the individual is impaired, then the officer must
19 make a reasonable attempt to contact a responsible adult who is
20 willing to take custody of the intoxicated individual. If a
21 responsible adult is not available or is unwilling to take
22 custody of the individual, the individual shall be offered the
23 opportunity to take a breathalyzer or chemical test to prove
24 that he or she is sober. If the individual opts for one of the
25 tests, the results of the test shall not be used in any
26 criminal or civil prosecution against the individual.

1

2 (Source: P.A. 88-80.)

3 (20 ILCS 301/55-10)

4 Sec. 55-10. Immunity from civil or criminal liability. No
5 intermediary person or police officer acting in good faith and
6 without negligence in connection with the preparation of
7 petitions, applications, certificates or other documents for
8 apprehension, transportation, examination, treatment,
9 detention or discharge or the taking into protective custody of
10 an individual under the provisions of this Act shall incur any
11 civil or criminal liability by reason of these acts.

12 (Source: P.A. 88-80.)