

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 5. The Alcoholism and Other Drug Abuse and  
5 Dependency Act is amended by changing the title of the Act and  
6 by changing Sections 1-1, 1-5, 1-10, 5-5, 5-10, 5-20, 5-23,  
7 10-5, 10-10, 10-15, 10-35, 15-5, 15-10, 20-5, 20-10, 20-15,  
8 25-5, 25-10, 25-15, 25-20, 30-5, 35-5, 35-10, 40-5, 40-10,  
9 40-15, 45-5, 50-10, 50-20, 50-40, 55-25, and 55-30 and the  
10 heading of Article 40 as follows:

11 (20 ILCS 301/Act title)

12 An Act in relation to substance use disorders ~~alcoholism,~~  
13 ~~other drug abuse and dependency,~~ and compulsive gambling, ~~and~~  
14 ~~amending and repealing named Acts.~~

15 (20 ILCS 301/1-1)

16 Sec. 1-1. Short Title. This Act may be cited as the  
17 Substance Use Disorder Act. ~~Alcoholism and Other Drug Abuse and~~  
18 ~~Dependency Act.~~

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

20 (20 ILCS 301/1-5)

21 Sec. 1-5. Legislative Declaration. Substance use

1 disorders, as defined in this Act, constitute ~~The abuse and~~  
2 ~~misuse of alcohol and other drugs constitutes~~ a serious public  
3 health problem. The effects ~~the effects of which~~ on public  
4 safety and the criminal justice system cause serious social and  
5 economic losses, as well as great human suffering. It is  
6 imperative that a comprehensive and coordinated strategy be  
7 developed under the leadership of a State agency. This strategy  
8 should be ~~and~~ implemented through the facilities of federal and  
9 local government and community-based agencies (which may be  
10 public or private, volunteer or professional). Through local  
11 prevention, early intervention, treatment, and other recovery  
12 support services, this strategy should empower those  
13 struggling with substance use disorders (and, when  
14 appropriate, the families of those persons) to lead healthy  
15 lives. ~~to empower individuals and communities through local~~  
16 ~~prevention efforts and to provide intervention, treatment,~~  
17 ~~rehabilitation and other services to those who misuse alcohol~~  
18 ~~or other drugs (and, when appropriate, the families of those~~  
19 ~~persons) to lead healthy and drug free lives and become~~  
20 ~~productive citizens in the community.~~

21 The human, social, and economic benefits of preventing  
22 substance use disorders ~~alcohol and other drug abuse and~~  
23 ~~dependence~~ are great, and it is imperative that there be  
24 interagency cooperation in the planning and delivery of  
25 prevention, early intervention, treatment, and other recovery  
26 support services in Illinois. ~~alcohol and other drug abuse~~

1 ~~prevention, intervention, and treatment efforts in Illinois.~~

2 The provisions of this Act shall be liberally construed to  
3 enable the Department to carry out these objectives and  
4 purposes.

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

6 (20 ILCS 301/1-10)

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

10 "Case management" means a coordinated approach to the  
11 delivery of health and medical treatment, substance use  
12 disorder treatment, mental health treatment, and social  
13 services, linking patients with appropriate services to  
14 address specific needs and achieve stated goals. In general,  
15 case management assists patients with other disorders and  
16 conditions that require multiple services over extended  
17 periods of time and who face difficulty in gaining access to  
18 those services.

19 "Crime of violence" means any of the following crimes:  
20 murder, voluntary manslaughter, criminal sexual assault,  
21 aggravated criminal sexual assault, predatory criminal sexual  
22 assault of a child, armed robbery, robbery, arson, kidnapping,  
23 aggravated battery, aggravated arson, or any other felony that  
24 involves the use or threat of physical force or violence  
25 against another individual.

1 "Department" means the Department of Human Services.

2 "DUI" means driving under the influence of alcohol or other  
3 drugs.

4 "Designated program" means a category of service  
5 authorized by an intervention license issued by the Department  
6 for delivery of all services as described in Article 40 in this  
7 Act.

8 "Early intervention" means services, authorized by a  
9 treatment license, that are sub-clinical and pre-diagnostic  
10 and that are designed to screen, identify, and address risk  
11 factors that may be related to problems associated with  
12 substance use disorders and to assist individuals in  
13 recognizing harmful consequences. Early intervention services  
14 facilitate emotional and social stability and involves  
15 referrals for treatment, as needed.

16 "Facility" means the building or premises are used for the  
17 provision of licensable services, including support services,  
18 as set forth by rule.

19 "Gambling disorder" means persistent and recurring  
20 maladaptive gambling behavior that disrupts personal, family,  
21 or vocational pursuits.

22 "Holds itself out" means any activity that would lead one  
23 to reasonably conclude that the individual or entity provides  
24 or intends to provide licensable substance-related disorder  
25 intervention or treatment services. Such activities include,  
26 but are not limited to, advertisements, notices, statements, or

1 contractual arrangements with managed care organizations,  
2 private health insurance, or employee assistance programs to  
3 provide services that require a license as specified in Article  
4 15.

5 "Informed consent" means legally valid written consent,  
6 given by a client, patient, or legal guardian, that authorizes  
7 intervention or treatment services from a licensed  
8 organization and that documents agreement to participate in  
9 those services and knowledge of the consequences of withdrawal  
10 from such services. Informed consent also acknowledges the  
11 client's or patient's right to a conflict-free choice of  
12 services from any licensed organization and the potential risks  
13 and benefits of selected services.

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

17 "Medication assisted treatment" means the prescription of  
18 medications that are approved by the U.S. Food and Drug  
19 Administration and the Center for Substance Abuse Treatment to  
20 assist with treatment for a substance use disorder and to  
21 support recovery for individuals receiving services in a  
22 facility licensed by the Department. Medication assisted  
23 treatment includes opioid treatment services as authorized by a  
24 Department license.

25 "Off-site services" means licensable services are  
26 conducted at a location separate from the licensed location of

1 the provider, and services are operated by an entity licensed  
2 under this Act and approved in advance by the Department.

3 "Person" means any individual, firm, group, association,  
4 partnership, corporation, trust, government or governmental  
5 subdivision or agency.

6 "Prevention" means an interactive process of individuals,  
7 families, schools, religious organizations, communities and  
8 regional, state and national organizations whose goals are to  
9 reduce the prevalence of substance use disorders, prevent the  
10 use of illegal drugs and the abuse of legal drugs by persons of  
11 all ages, prevent the use of alcohol by minors, build the  
12 capacities of individuals and systems, and promote healthy  
13 environments, lifestyles, and behaviors.

14 "Recovery" means a process of change through which  
15 individuals improve their health and wellness, live a  
16 self-directed life, and reach their full potential.

17 "Recovery support" means services designed to support  
18 individual recovery from a substance use disorder that may be  
19 delivered pre-treatment, during treatment, or post treatment.  
20 These services may be delivered in a wide variety of settings  
21 for the purpose of supporting the individual in meeting his or  
22 her recovery support goals.

23 "Secretary" means the Secretary of the Department of Human  
24 Services or his or her designee.

25 "Substance use disorder" means a spectrum of persistent and  
26 recurring problematic behavior that encompasses 10 separate

1 classes of drugs: alcohol; caffeine; cannabis; hallucinogens;  
2 inhalants; opioids; sedatives, hypnotics and anxiolytics;  
3 stimulants; and tobacco; and other unknown substances leading  
4 to clinically significant impairment or distress.

5 "Treatment" means the broad range of emergency,  
6 outpatient, and residential care (including assessment,  
7 diagnosis, case management, treatment, and recovery support  
8 planning) may be extended to individuals with substance use  
9 disorders or to the families of those persons.

10 "Withdrawal management" means services designed to manage  
11 intoxication or withdrawal episodes (previously referred to as  
12 detoxification), interrupt the momentum of habitual,  
13 compulsive substance use and begin the initial engagement in  
14 medically necessary substance use disorder treatment.  
15 Withdrawal management allows patients to safely withdraw from  
16 substances in a controlled medically-structured environment.

17 ~~"Act" means the Alcoholism and Other Drug Abuse and~~  
18 ~~Dependency Act.~~

19 ~~"Addict" means a person who exhibits the disease known as~~  
20 ~~"addiction".~~

21 ~~"Addiction" means a disease process characterized by the~~  
22 ~~continued use of a specific psycho active substance despite~~  
23 ~~physical, psychological or social harm. The term also describes~~  
24 ~~the advanced stages of chemical dependency.~~

25 ~~"Administrator" means a person responsible for~~  
26 ~~administration of a program.~~

1       ~~"Alcoholic" means a person who exhibits the disease known~~  
2 ~~as "alcoholism".~~

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

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



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

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

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

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

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

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

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

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

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

1 ~~criteria and procedures established by the Department pursuant~~  
2 ~~to such designation.~~

3 ~~"Detoxification" means the process of allowing an~~  
4 ~~individual to safely withdraw from a drug in a controlled~~  
5 ~~environment.~~

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 ~~dealing 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 301/5-5)

18 Sec. 5-5. Successor department; home rule.

19 (a) The Department of Human Services, as successor to the  
20 Department of Alcoholism and Substance Abuse, shall assume the  
21 various rights, powers, duties, and functions provided for in  
22 this Act.

23 (b) It is declared to be the public policy of this State,  
24 pursuant to paragraphs (h) and (i) of Section 6 of Article VII  
25 of the Illinois Constitution of 1970, that the powers and

1 functions set forth in this Act and expressly delegated to the  
2 Department are exclusive State powers and functions. Nothing  
3 herein prohibits the exercise of any power or the performance  
4 of any function, including the power to regulate, for the  
5 protection of the public health, safety, morals and welfare, by  
6 any unit of local government, other than the powers and  
7 functions set forth in this Act and expressly delegated to the  
8 Department to be exclusive State powers and functions.

9 (c) The Department shall, through accountable and  
10 efficient leadership, example and commitment to excellence,  
11 strive to reduce the incidence of substance use disorders by:  
12 ~~and consequences of the abuse of alcohol and other drugs by:~~

13 (1) fostering public understanding of substance use  
14 disorders and how they affect individuals, families, and  
15 communities. ~~alcoholism and addiction as illnesses which~~  
16 ~~affect individuals, co dependents, families and~~  
17 ~~communities.~~

18 (2) promoting healthy lifestyles.

19 (3) promoting understanding and support for sound  
20 public policies.

21 (4) ensuring quality prevention, early intervention,  
22 treatment, and other recovery support ~~intervention and~~  
23 ~~treatment programs and services that which~~ are accessible  
24 and responsive to the diverse needs of individuals,  
25 families, and communities.

26 (Source: P.A. 88-80; 89-202, eff. 7-21-95; 89-507, eff.

1 7-1-97.)

2 (20 ILCS 301/5-10)

3 (Text of Section before amendment by P.A. 100-494)

4 Sec. 5-10. Functions of the Department.

5 (a) In addition to the powers, duties and functions vested  
6 in the Department by this Act, or by other laws of this State,  
7 the Department shall carry out the following activities:

8 (1) Design, coordinate and fund a comprehensive and  
9 coordinated community-based and culturally and  
10 gender-appropriate array of services throughout the State  
11 for the prevention, intervention, treatment and  
12 rehabilitation of alcohol and other drug abuse and  
13 dependency that is accessible and addresses the needs of  
14 at-risk or addicted individuals and their families.

15 (2) Act as the exclusive State agency to accept,  
16 receive and expend, pursuant to appropriation, any public  
17 or private monies, grants or services, including those  
18 received from the federal government or from other State  
19 agencies, for the purpose of providing an array of services  
20 for the prevention, intervention, treatment and  
21 rehabilitation of alcoholism or other drug abuse or  
22 dependency. Monies received by the Department shall be  
23 deposited into appropriate funds as may be created by State  
24 law or administrative action.

25 (3) Coordinate a statewide strategy among State



1 agencies for the prevention, intervention, treatment and  
2 rehabilitation of alcohol and other drug abuse and  
3 dependency. This strategy shall include the development of  
4 an annual comprehensive State plan for the provision of an  
5 array of services for education, prevention, intervention,  
6 treatment, relapse prevention and other services and  
7 activities to alleviate alcoholism and other drug abuse and  
8 dependency. The plan shall be based on local  
9 community-based needs and upon data including, but not  
10 limited to, that which defines the prevalence of and costs  
11 associated with the abuse of and dependency upon alcohol  
12 and other drugs. This comprehensive State plan shall  
13 include identification of problems, needs, priorities,  
14 services and other pertinent information, including the  
15 needs of minorities and other specific populations in the  
16 State, and shall describe how the identified problems and  
17 needs will be addressed. For purposes of this paragraph,  
18 the term "minorities and other specific populations" may  
19 include, but shall not be limited to, groups such as women,  
20 children, intravenous drug users, persons with AIDS or who  
21 are HIV infected, African-Americans, Puerto Ricans,  
22 Hispanics, Asian Americans, the elderly, persons in the  
23 criminal justice system, persons who are clients of  
24 services provided by other State agencies, persons with  
25 disabilities and such other specific populations as the  
26 Department may from time to time identify. In developing

1 the plan, the Department shall seek input from providers,  
2 parent groups, associations and interested citizens.

3 Beginning with State fiscal year 1996, the annual  
4 comprehensive State plan developed under this Section  
5 shall include an explanation of the rationale to be used in  
6 ensuring that funding shall be based upon local community  
7 needs, including, but not limited to, the incidence and  
8 prevalence of, and costs associated with, the abuse of and  
9 dependency upon alcohol and other drugs, as well as upon  
10 demonstrated program performance.

11 The annual comprehensive State plan developed under  
12 this Section shall contain a report detailing the  
13 activities of and progress made by the programs for the  
14 care and treatment of addicted pregnant women, addicted  
15 mothers and their children established under subsection  
16 (j) of Section 35-5 of this Act.

17 Each State agency which provides or funds alcohol or  
18 drug prevention, intervention and treatment services shall  
19 annually prepare an agency plan for providing such  
20 services, and these shall be used by the Department in  
21 preparing the annual comprehensive statewide plan. Each  
22 agency's annual plan for alcohol and drug abuse services  
23 shall contain a report on the activities and progress of  
24 such services in the prior year. The Department may provide  
25 technical assistance to other State agencies, as required,  
26 in the development of their agency plans.

1           (4) Lead, foster and develop cooperation, coordination  
2           and agreements among federal and State governmental  
3           agencies and local providers that provide assistance,  
4           services, funding or other functions, peripheral or  
5           direct, in the prevention, intervention, treatment or  
6           rehabilitation of alcoholism and other drug abuse and  
7           dependency. This shall include, but shall not be limited  
8           to, the following:

9           (A) Cooperate with and assist the Department of  
10          Corrections and the Department on Aging in  
11          establishing and conducting programs relating to  
12          alcoholism and other drug abuse and dependency among  
13          those populations which they respectively serve.

14          (B) Cooperate with and assist the Illinois  
15          Department of Public Health in the establishment,  
16          funding and support of programs and services for the  
17          promotion of maternal and child health and the  
18          prevention and treatment of infectious diseases,  
19          including but not limited to HIV infection, especially  
20          with respect to those persons who may abuse drugs by  
21          intravenous injection, or may have been sexual  
22          partners of drug abusers, or may have abused substances  
23          so that their immune systems are impaired, causing them  
24          to be at high risk.

25          (C) Supply to the Department of Public Health and  
26          prenatal care providers a list of all alcohol and other

1 drug abuse service providers for addicted pregnant  
2 women in this State.

3 (D) Assist in the placement of child abuse or  
4 neglect perpetrators (identified by the Illinois  
5 Department of Children and Family Services) who have  
6 been determined to be in need of alcohol or other drug  
7 abuse services pursuant to Section 8.2 of the Abused  
8 and Neglected Child Reporting Act.

9 (E) Cooperate with and assist the Illinois  
10 Department of Children and Family Services in carrying  
11 out its mandates to:

12 (i) identify alcohol and other drug abuse  
13 issues among its clients and their families; and

14 (ii) develop programs and services to deal  
15 with such problems.

16 These programs and services may include, but shall not  
17 be limited to, programs to prevent the abuse of alcohol  
18 or other drugs by DCFS clients and their families,  
19 rehabilitation services, identifying child care needs  
20 within the array of alcohol and other drug abuse  
21 services, and assistance with other issues as  
22 required.

23 (F) Cooperate with and assist the Illinois  
24 Criminal Justice Information Authority with respect to  
25 statistical and other information concerning drug  
26 abuse incidence and prevalence.

1           (G) Cooperate with and assist the State  
2           Superintendent of Education, boards of education,  
3           schools, police departments, the Illinois Department  
4           of State Police, courts and other public and private  
5           agencies and individuals in establishing prevention  
6           programs statewide and preparing curriculum materials  
7           for use at all levels of education. An agreement shall  
8           be entered into with the State Superintendent of  
9           Education to assist in the establishment of such  
10          programs.

11          (H) Cooperate with and assist the Illinois  
12          Department of Healthcare and Family Services in the  
13          development and provision of services offered to  
14          recipients of public assistance for the treatment and  
15          prevention of alcoholism and other drug abuse and  
16          dependency.

17          (I) Provide training recommendations to other  
18          State agencies funding alcohol or other drug abuse  
19          prevention, intervention, treatment or rehabilitation  
20          services.

21          (5) From monies appropriated to the Department from the  
22          Drunk and Drugged Driving Prevention Fund, make grants to  
23          reimburse DUI evaluation and remedial education programs  
24          licensed by the Department for the costs of providing  
25          indigent persons with free or reduced-cost services  
26          relating to a charge of driving under the influence of

1 alcohol or other drugs.

2 (6) Promulgate regulations to provide appropriate  
3 standards for publicly and privately funded programs as  
4 well as for levels of payment to government funded programs  
5 which provide an array of services for prevention,  
6 intervention, treatment and rehabilitation for alcoholism  
7 and other drug abuse or dependency.

8 (7) In consultation with local service providers,  
9 specify a uniform statistical methodology for use by  
10 agencies, organizations, individuals and the Department  
11 for collection and dissemination of statistical  
12 information regarding services related to alcoholism and  
13 other drug use and abuse. This shall include prevention  
14 services delivered, the number of persons treated,  
15 frequency of admission and readmission, and duration of  
16 treatment.

17 (8) Receive data and assistance from federal, State and  
18 local governmental agencies, and obtain copies of  
19 identification and arrest data from all federal, State and  
20 local law enforcement agencies for use in carrying out the  
21 purposes and functions of the Department.

22 (9) Designate and license providers to conduct  
23 screening, assessment, referral and tracking of clients  
24 identified by the criminal justice system as having  
25 indications of alcoholism or other drug abuse or dependency  
26 and being eligible to make an election for treatment under

1 Section 40-5 of this Act, and assist in the placement of  
2 individuals who are under court order to participate in  
3 treatment.

4 (10) Designate medical examination and other programs  
5 for determining alcoholism and other drug abuse and  
6 dependency.

7 (11) Encourage service providers who receive financial  
8 assistance in any form from the State to assess and collect  
9 fees for services rendered.

10 (12) Make grants with funds appropriated from the Drug  
11 Treatment Fund in accordance with Section 7 of the  
12 Controlled Substance and Cannabis Nuisance Act, or in  
13 accordance with Section 80 of the Methamphetamine Control  
14 and Community Protection Act, or in accordance with  
15 subsections (h) and (i) of Section 411.2 of the Illinois  
16 Controlled Substances Act.

17 (13) Encourage all health and disability insurance  
18 programs to include alcoholism and other drug abuse and  
19 dependency as a covered illness.

20 (14) Make such agreements, grants-in-aid and  
21 purchase-care arrangements with any other department,  
22 authority or commission of this State, or any other state  
23 or the federal government or with any public or private  
24 agency, including the disbursement of funds and furnishing  
25 of staff, to effectuate the purposes of this Act.

26 (15) Conduct a public information campaign to inform

1 the State's Hispanic residents regarding the prevention  
2 and treatment of alcoholism.

3 (b) In addition to the powers, duties and functions vested  
4 in it by this Act, or by other laws of this State, the  
5 Department may undertake, but shall not be limited to, the  
6 following activities:

7 (1) Require all programs funded by the Department to  
8 include an education component to inform participants  
9 regarding the causes and means of transmission and methods  
10 of reducing the risk of acquiring or transmitting HIV  
11 infection, and to include funding for such education  
12 component in its support of the program.

13 (2) Review all State agency applications for federal  
14 funds which include provisions relating to the prevention,  
15 early intervention and treatment of alcoholism and other  
16 drug abuse and dependency in order to ensure consistency  
17 with the comprehensive statewide plan developed pursuant  
18 to this Act.

19 (3) Prepare, publish, evaluate, disseminate and serve  
20 as a central repository for educational materials dealing  
21 with the nature and effects of alcoholism and other drug  
22 abuse and dependency. Such materials may deal with the  
23 educational needs of the citizens of Illinois, and may  
24 include at least pamphlets which describe the causes and  
25 effects of fetal alcohol syndrome, which the Department may  
26 distribute free of charge to each county clerk in



1 sufficient quantities that the county clerk may provide a  
2 pamphlet to the recipients of all marriage licenses issued  
3 in the county.

4 (4) Develop and coordinate, with regional and local  
5 agencies, education and training programs for persons  
6 engaged in providing the array of services for persons  
7 having alcoholism or other drug abuse and dependency  
8 problems, which programs may include specific HIV  
9 education and training for program personnel.

10 (5) Cooperate with and assist in the development of  
11 education, prevention and treatment programs for employees  
12 of State and local governments and businesses in the State.

13 (6) Utilize the support and assistance of interested  
14 persons in the community, including recovering addicts and  
15 alcoholics, to assist individuals and communities in  
16 understanding the dynamics of addiction, and to encourage  
17 individuals with alcohol or other drug abuse or dependency  
18 problems to voluntarily undergo treatment.

19 (7) Promote, conduct, assist or sponsor basic  
20 clinical, epidemiological and statistical research into  
21 alcoholism and other drug abuse and dependency, and  
22 research into the prevention of those problems either  
23 solely or in conjunction with any public or private agency.

24 (8) Cooperate with public and private agencies,  
25 organizations and individuals in the development of  
26 programs, and to provide technical assistance and

1 consultation services for this purpose.

2 (9) Publish or provide for the publishing of a manual  
3 to assist medical and social service providers in  
4 identifying alcoholism and other drug abuse and dependency  
5 and coordinating the multidisciplinary delivery of  
6 services to addicted pregnant women, addicted mothers and  
7 their children. The manual may be used only to provide  
8 information and may not be used by the Department to  
9 establish practice standards. The Department may not  
10 require recipients to use specific providers nor may they  
11 require providers to refer recipients to specific  
12 providers. The manual may include, but need not be limited  
13 to, the following:

14 (A) Information concerning risk assessments of  
15 women seeking prenatal, natal, and postnatal medical  
16 care.

17 (B) Information concerning risk assessments of  
18 infants who may be substance-affected.

19 (C) Protocols that have been adopted by the  
20 Illinois Department of Children and Family Services  
21 for the reporting and investigation of allegations of  
22 child abuse or neglect under the Abused and Neglected  
23 Child Reporting Act.

24 (D) Summary of procedures utilized in juvenile  
25 court in cases of children alleged or found to be  
26 abused or neglected as a result of being born to

1           addicted women.

2           (E) Information concerning referral of addicted  
3 pregnant women, addicted mothers and their children by  
4 medical, social service, and substance abuse treatment  
5 providers, by the Departments of Children and Family  
6 Services, Public Aid, Public Health, and Human  
7 Services.

8           (F) Effects of substance abuse on infants and  
9 guidelines on the symptoms, care, and comfort of  
10 drug-withdrawing infants.

11           (G) Responsibilities of the Illinois Department of  
12 Public Health to maintain statistics on the number of  
13 children in Illinois addicted at birth.

14           (10) To the extent permitted by federal law or  
15 regulation, establish and maintain a clearinghouse and  
16 central repository for the development and maintenance of a  
17 centralized data collection and dissemination system and a  
18 management information system for all alcoholism and other  
19 drug abuse prevention, early intervention and treatment  
20 services.

21           (11) Fund, promote or assist programs, services,  
22 demonstrations or research dealing with addictive or  
23 habituating behaviors detrimental to the health of  
24 Illinois citizens.

25           (12) With monies appropriated from the Group Home Loan  
26 Revolving Fund, make loans, directly or through

1 subcontract, to assist in underwriting the costs of housing  
2 in which individuals recovering from alcohol or other drug  
3 abuse or dependency may reside in groups of not less than 6  
4 persons, pursuant to Section 50-40 of this Act.

5 (13) Promulgate such regulations as may be necessary  
6 for the administration of grants or to otherwise carry out  
7 the purposes and enforce the provisions of this Act.

8 (14) Fund programs to help parents be effective in  
9 preventing substance abuse by building an awareness of  
10 drugs and alcohol and the family's role in preventing abuse  
11 through adjusting expectations, developing new skills, and  
12 setting positive family goals. The programs shall include,  
13 but not be limited to, the following subjects: healthy  
14 family communication; establishing rules and limits; how  
15 to reduce family conflict; how to build self-esteem,  
16 competency, and responsibility in children; how to improve  
17 motivation and achievement; effective discipline; problem  
18 solving techniques; and how to talk about drugs and  
19 alcohol. The programs shall be open to all parents.

20 (Source: P.A. 94-556, eff. 9-11-05; 95-331, eff. 8-21-07.)

21 (Text of Section after amendment by P.A. 100-494)

22 Sec. 5-10. Functions of the Department.

23 (a) In addition to the powers, duties and functions vested  
24 in the Department by this Act, or by other laws of this State,  
25 the Department shall carry out the following activities:

1           (1) Design, coordinate and fund comprehensive a  
2 ~~comprehensive and coordinated~~ community-based and  
3 culturally and gender-appropriate ~~array of~~ services  
4 throughout the State. These services must include  
5 prevention, early intervention, treatment, and other  
6 recovery support services for substance use disorders that  
7 are accessible and addresses the needs of at-risk  
8 individuals and their families. ~~for the prevention,~~  
9 ~~intervention, treatment and rehabilitation of alcohol and~~  
10 ~~other drug abuse and dependency that is accessible and~~  
11 ~~addresses the needs of at-risk or addicted individuals and~~  
12 ~~their families.~~

13           (2) Act as the exclusive State agency to accept,  
14 receive and expend, pursuant to appropriation, any public  
15 or private monies, grants or services, including those  
16 received from the federal government or from other State  
17 agencies, for the purpose of providing prevention, early  
18 intervention, treatment, and other recovery support  
19 services for substance use disorders. ~~an array of services~~  
20 ~~for the prevention, intervention, treatment and~~  
21 ~~rehabilitation of alcoholism or other drug abuse or~~  
22 ~~dependency. Monies received by the Department shall be~~  
23 ~~deposited into appropriate funds as may be created by State~~  
24 ~~law or administrative action.~~

25           (2.5) In partnership with the Department of Healthcare  
26 and Family Services, act as one of the principal State

1 agencies for the sole purpose of calculating the  
2 maintenance of effort requirement under Section 1930 of  
3 Title XIX, Part B, Subpart II of the Public Health Service  
4 Act (42 U.S.C. 300x-30) and the Interim Final Rule (45 CFR  
5 96.134).

6 (3) Coordinate a statewide strategy ~~among State~~  
7 ~~agencies~~ for the prevention, early intervention,  
8 treatment, and recovery support of substance use  
9 disorders. This strategy shall include the development of a  
10 comprehensive plan, submitted annually with the  
11 application for federal substance use disorder block grant  
12 funding, for the provision of an array of such services.  
13 ~~intervention, treatment and rehabilitation of alcohol and~~  
14 ~~other drug abuse and dependency. This strategy shall~~  
15 ~~include the development of an annual comprehensive State~~  
16 ~~plan for the provision of an array of services for~~  
17 ~~education, prevention, intervention, treatment, relapse~~  
18 ~~prevention and other services and activities to alleviate~~  
19 ~~alcoholism and other drug abuse and dependency. The plan~~  
20 shall be based on local community-based needs and upon data  
21 including, but not limited to, that which defines the  
22 prevalence of and costs associated with substance use  
23 disorders. ~~the abuse of and dependency upon alcohol and~~  
24 ~~other drugs.~~ This comprehensive ~~State~~ plan shall include  
25 identification of problems, needs, priorities, services  
26 and other pertinent information, including the needs of

1 minorities and other specific priority populations in the  
2 State, and shall describe how the identified problems and  
3 needs will be addressed. For purposes of this paragraph,  
4 the term "minorities and other specific priority  
5 populations" may include, but shall not be limited to,  
6 groups such as women, children, intravenous drug users,  
7 persons with AIDS or who are HIV infected, veterans,  
8 African-Americans, Puerto Ricans, Hispanics, Asian  
9 Americans, the elderly, persons in the criminal justice  
10 system, persons who are clients of services provided by  
11 other State agencies, persons with disabilities and such  
12 other specific populations as the Department may from time  
13 to time identify. In developing the plan, the Department  
14 shall seek input from providers, parent groups,  
15 associations and interested citizens.

16 ~~The Beginning with State fiscal year 1996, the annual~~  
17 ~~comprehensive State plan developed under this Section~~  
18 shall include an explanation of the rationale to be used in  
19 ensuring that funding shall be based upon local community  
20 needs, including, but not limited to, the incidence and  
21 prevalence of, and costs associated with, substance use  
22 disorders, ~~the abuse of and dependency upon alcohol and~~  
23 ~~other drugs~~, as well as upon demonstrated program  
24 performance.

25 The ~~annual comprehensive State plan developed under~~  
26 this Section shall also contain a report detailing the

1 activities of and progress made through services for the  
2 care and treatment of substance use disorders among  
3 pregnant women and mothers and their children established  
4 under subsection (j) of Section 35-5. ~~by the programs for~~  
5 ~~the care and treatment of addicted pregnant women, addicted~~  
6 ~~mothers and their children established under subsection~~  
7 ~~(j) of Section 35-5 of this Act.~~

8 As applicable, the plan developed under this Section  
9 shall also include information about funding by other State  
10 agencies for prevention, early intervention, treatment,  
11 and other recovery support services.

12 ~~Each State agency which provides or funds alcohol or~~  
13 ~~drug prevention, intervention and treatment services shall~~  
14 ~~annually prepare an agency plan for providing such~~  
15 ~~services, and these shall be used by the Department in~~  
16 ~~preparing the annual comprehensive statewide plan. Each~~  
17 ~~agency's annual plan for alcohol and drug abuse services~~  
18 ~~shall contain a report on the activities and progress of~~  
19 ~~such services in the prior year. The Department may provide~~  
20 ~~technical assistance to other State agencies, as required,~~  
21 ~~in the development of their agency plans.~~

22 (4) Lead, foster and develop cooperation, coordination  
23 and agreements among federal and State governmental  
24 agencies and local providers that provide assistance,  
25 services, funding or other functions, peripheral or  
26 direct, in the prevention, early intervention, treatment,



1 and recovery support for substance use disorders.  
2 ~~intervention, treatment or rehabilitation of alcoholism~~  
3 ~~and other drug abuse and dependency.~~ This shall include,  
4 but shall not be limited to, the following:

5 (A) Cooperate with and assist other State  
6 agencies, as applicable, in establishing and  
7 conducting substance use disorder services among the  
8 populations they respectively serve. ~~the Department of~~  
9 ~~Corrections and the Department on Aging in~~  
10 ~~establishing and conducting programs relating to~~  
11 ~~alcoholism and other drug abuse and dependency among~~  
12 ~~those populations which they respectively serve.~~

13 (B) Cooperate with and assist the Illinois  
14 Department of Public Health in the establishment,  
15 funding and support of programs and services for the  
16 promotion of maternal and child health and the  
17 prevention and treatment of infectious diseases,  
18 including but not limited to HIV infection, especially  
19 with respect to those persons who are high risk due to  
20 intravenous injection of illegal drugs, or who may have  
21 been sexual partners of these individuals, or who may  
22 have impaired immune systems as a result of a substance  
23 use disorder. ~~may abuse drugs by intravenous~~  
24 ~~injection, or may have been sexual partners of drug~~  
25 ~~abusers, or may have abused substances so that their~~  
26 ~~immune systems are impaired, causing them to be at high~~

1 ~~risk.~~

2 (C) Supply to the Department of Public Health and  
3 prenatal care providers a list of all providers who are  
4 licensed to provide substance use disorder treatment  
5 for pregnant women in this State. ~~alcohol and other~~  
6 ~~drug abuse service providers for addicted pregnant~~  
7 ~~women in this State.~~

8 (D) Assist in the placement of child abuse or  
9 neglect perpetrators (identified by the Illinois  
10 Department of Children and Family Services (DCFS)) who  
11 have been determined to be in need of substance use  
12 disorder treatment ~~alcohol or other drug abuse~~  
13 ~~services~~ pursuant to Section 8.2 of the Abused and  
14 Neglected Child Reporting Act.

15 (E) Cooperate with and assist DCFS ~~the Illinois~~  
16 ~~Department of Children and Family Services~~ in carrying  
17 out its mandates to:

18 (i) identify substance use disorders ~~alcohol~~  
19 ~~and other drug abuse issues~~ among its clients and  
20 their families; and

21 (ii) develop ~~programs and~~ services to deal  
22 with such disorders ~~problems~~.

23 These ~~programs and~~ services may include, but shall not  
24 be limited to, programs to prevent or treat substance  
25 use disorders with DCFS clients and their families,  
26 identifying child care needs within such treatment,

1 ~~the abuse of alcohol or other drugs by DCFS clients and~~  
2 ~~their families, rehabilitation services, identifying~~  
3 ~~child care needs within the array of alcohol and other~~  
4 ~~drug abuse services,~~ and assistance with other issues  
5 as required.

6 (F) Cooperate with and assist the Illinois  
7 Criminal Justice Information Authority with respect to  
8 statistical and other information concerning the drug  
9 ~~abuse~~ incidence and prevalence of substance use  
10 disorders.

11 (G) Cooperate with and assist the State  
12 Superintendent of Education, boards of education,  
13 schools, police departments, the Illinois Department  
14 of State Police, courts and other public and private  
15 agencies and individuals in establishing prevention  
16 programs statewide and preparing curriculum materials  
17 for use at all levels of education. ~~An agreement shall~~  
18 ~~be entered into with the State Superintendent of~~  
19 ~~Education to assist in the establishment of such~~  
20 ~~programs.~~

21 (H) Cooperate with and assist the Illinois  
22 Department of Healthcare and Family Services in the  
23 development and provision of services offered to  
24 recipients of public assistance for the treatment and  
25 prevention of substance use disorders. ~~alcoholism and~~  
26 ~~other drug abuse and dependency.~~

1           (I) (Blank). ~~Provide training recommendations to~~  
2           ~~other State agencies funding alcohol or other drug~~  
3           ~~abuse prevention, intervention, treatment or~~  
4           ~~rehabilitation services.~~

5           (5) From monies appropriated to the Department from the  
6           Drunk and Drugged Driving Prevention Fund, ~~make grants to~~  
7           reimburse DUI evaluation and risk remedial education  
8           programs licensed by the Department for ~~the costs of~~  
9           providing indigent persons with free or reduced-cost  
10          evaluation and risk education services relating to a charge  
11          of driving under the influence of alcohol or other drugs.

12          (6) Promulgate regulations to identify and disseminate  
13          best practice guidelines that can be utilized by ~~provide~~  
14          ~~appropriate standards for~~ publicly and privately funded  
15          programs as well as for levels of payment to government  
16          funded programs that ~~which~~ provide ~~an array of services for~~  
17          prevention, early intervention, treatment, and other  
18          recovery support services for substance use disorders and  
19          those services referenced in Sections 15-10 and 40-5. ~~and~~  
20          ~~rehabilitation for alcoholism and other drug abuse or~~  
21          ~~dependency.~~

22          (7) In consultation with ~~local service~~ providers and  
23          related trade associations, specify a uniform ~~statistical~~  
24          methodology for use by funded providers ~~agencies,~~  
25          ~~organizations, individuals~~ and the Department for billing  
26          and collection and dissemination of statistical

1 information regarding services related to substance use  
2 disorders. ~~alcoholism and other drug use and abuse. This~~  
3 ~~shall include prevention services delivered, the number of~~  
4 ~~persons treated, frequency of admission and readmission,~~  
5 ~~and duration of treatment.~~

6 (8) Receive data and assistance from federal, State and  
7 local governmental agencies, and obtain copies of  
8 identification and arrest data from all federal, State and  
9 local law enforcement agencies for use in carrying out the  
10 purposes and functions of the Department.

11 (9) Designate and license providers to conduct  
12 screening, assessment, referral and tracking of clients  
13 identified by the criminal justice system as having  
14 indications of substance use disorders ~~alcoholism or other~~  
15 ~~drug abuse or dependency~~ and being eligible to make an  
16 election for treatment under Section 40-5 of this Act, and  
17 assist in the placement of individuals who are under court  
18 order to participate in treatment.

19 (10) Identify and disseminate evidence-based best  
20 practice guidelines as maintained in administrative rule  
21 that can be utilized to determine a substance use disorder  
22 diagnosis. ~~Designate medical examination and other~~  
23 ~~programs for determining alcoholism and other drug abuse~~  
24 ~~and dependency.~~

25 (11) (Blank). ~~Encourage service providers who receive~~  
26 ~~financial assistance in any form from the State to assess~~

1 ~~and collect fees for services rendered.~~

2 (12) Make grants with funds appropriated from the Drug  
3 Treatment Fund in accordance with Section 7 of the  
4 Controlled Substance and Cannabis Nuisance Act, or in  
5 accordance with Section 80 of the Methamphetamine Control  
6 and Community Protection Act, or in accordance with  
7 subsections (h) and (i) of Section 411.2 of the Illinois  
8 Controlled Substances Act.

9 (13) Encourage all health and disability insurance  
10 programs to include substance use disorder treatment as a  
11 covered service and to use evidence-based best practice  
12 criteria as maintained in administrative rule and as  
13 required in Public Act 99-0480 in determining the necessity  
14 for such services and continued stay. ~~alcoholism and other~~  
15 ~~drug abuse and dependency as a covered illness.~~

16 (14) Award grants and enter into fixed-rate and  
17 fee-for-service ~~Make such agreements, grants in aid and~~  
18 ~~purchase care~~ arrangements with any other department,  
19 authority or commission of this State, or any other state  
20 or the federal government or with any public or private  
21 agency, including the disbursement of funds and furnishing  
22 of staff, to effectuate the purposes of this Act.

23 (15) Conduct a public information campaign to inform  
24 the State's Hispanic residents regarding the prevention  
25 and treatment of substance use disorders. ~~alcoholism.~~

26 (b) In addition to the powers, duties and functions vested

1 in it by this Act, or by other laws of this State, the  
2 Department may undertake, but shall not be limited to, the  
3 following activities:

4 (1) Require all organizations licensed or programs  
5 funded by the Department to include an education component  
6 to inform participants regarding the causes and means of  
7 transmission and methods of reducing the risk of acquiring  
8 or transmitting HIV infection and other infectious  
9 diseases, and to include funding for such education  
10 component in its support of the program.

11 (2) Review all State agency applications for federal  
12 funds that ~~which~~ include provisions relating to the  
13 prevention, early intervention and treatment of substance  
14 use disorders in order to ensure consistency. ~~alcoholism~~  
15 ~~and other drug abuse and dependency in order to ensure~~  
16 ~~consistency with the comprehensive statewide plan~~  
17 ~~developed pursuant to this Act.~~

18 (3) Prepare, publish, evaluate, disseminate and serve  
19 as a central repository for educational materials dealing  
20 with the nature and effects of substance use disorders.  
21 ~~alcoholism and other drug abuse and dependency.~~ Such  
22 materials may deal with the educational needs of the  
23 citizens of Illinois, and may include at least pamphlets  
24 that ~~which~~ describe the causes and effects of fetal alcohol  
25 spectrum disorders. ~~fetal alcohol syndrome, which the~~  
26 ~~Department may distribute free of charge to each county~~

1 ~~clerk in sufficient quantities that the county clerk may~~  
2 ~~provide a pamphlet to the recipients of all marriage~~  
3 ~~licenses issued in the county.~~

4 (4) Develop and coordinate, with regional and local  
5 agencies, education and training programs for persons  
6 engaged in providing ~~the array of~~ services for persons with  
7 substance use disorders, ~~having alcoholism or other drug~~  
8 ~~abuse and dependency problems~~, which programs may include  
9 specific HIV education and training for program personnel.

10 (5) Cooperate with and assist in the development of  
11 education, prevention, early intervention, and treatment  
12 programs for employees of State and local governments and  
13 businesses in the State.

14 (6) Utilize the support and assistance of interested  
15 persons in the community, including recovering persons,  
16 ~~addicts and alcoholics~~, to assist individuals and  
17 communities in understanding the dynamics of substance use  
18 disorders, ~~addiction~~, and to encourage individuals with  
19 substance use disorders ~~alcohol or other drug abuse or~~  
20 ~~dependency problems~~ to voluntarily undergo treatment.

21 (7) Promote, conduct, assist or sponsor basic  
22 clinical, epidemiological and statistical research into  
23 substance use disorders ~~alcoholism and other drug abuse and~~  
24 ~~dependency~~, and research into the prevention of those  
25 problems either solely or in conjunction with any public or  
26 private agency.



1           (8) Cooperate with public and private agencies,  
2 organizations and individuals in the development of  
3 programs, and to provide technical assistance and  
4 consultation services for this purpose.

5           (9) (Blank). ~~Publish or provide for the publishing of a~~  
6 ~~manual to assist medical and social service providers in~~  
7 ~~identifying alcoholism and other drug abuse and dependency~~  
8 ~~and coordinating the multidisciplinary delivery of~~  
9 ~~services to addicted pregnant women, addicted mothers and~~  
10 ~~their children. The manual may be used only to provide~~  
11 ~~information and may not be used by the Department to~~  
12 ~~establish practice standards. The Department may not~~  
13 ~~require recipients to use specific providers nor may they~~  
14 ~~require providers to refer recipients to specific~~  
15 ~~providers. The manual may include, but need not be limited~~  
16 ~~to, the following:~~

17           ~~(A) Information concerning risk assessments of~~  
18 ~~women seeking prenatal, natal, and postnatal medical~~  
19 ~~care.~~

20           ~~(B) Information concerning risk assessments of~~  
21 ~~infants who may be substance affected.~~

22           ~~(C) Protocols that have been adopted by the~~  
23 ~~Illinois Department of Children and Family Services~~  
24 ~~for the reporting and investigation of allegations of~~  
25 ~~child abuse or neglect under the Abused and Neglected~~  
26 ~~Child Reporting Act.~~

1           ~~(D) Summary of procedures utilized in juvenile~~  
2           ~~court in cases of children alleged or found to be~~  
3           ~~abused or neglected as a result of being born to~~  
4           ~~addicted women.~~

5           ~~(E) Information concerning referral of addicted~~  
6           ~~pregnant women, addicted mothers and their children by~~  
7           ~~medical, social service, and substance abuse treatment~~  
8           ~~providers, by the Departments of Children and Family~~  
9           ~~Services, Public Aid, Public Health, and Human~~  
10          ~~Services.~~

11          ~~(F) Effects of substance abuse on infants and~~  
12          ~~guidelines on the symptoms, care, and comfort of~~  
13          ~~drug-withdrawing infants.~~

14          ~~(G) Responsibilities of the Illinois Department of~~  
15          ~~Public Health to maintain statistics on the number of~~  
16          ~~children in Illinois addicted at birth.~~

17          (10) (Blank). ~~To the extent permitted by federal law or~~  
18          ~~regulation, establish and maintain a clearinghouse and~~  
19          ~~central repository for the development and maintenance of a~~  
20          ~~centralized data collection and dissemination system and a~~  
21          ~~management information system for all alcoholism and other~~  
22          ~~drug abuse prevention, early intervention and treatment~~  
23          ~~services.~~

24          (11) Fund, promote, or assist entities dealing with  
25          substance use disorders. ~~programs, services,~~  
26          ~~demonstrations or research dealing with addictive or~~

1 ~~habituating behaviors detrimental to the health of~~  
2 ~~Illinois citizens.~~

3 (12) With monies appropriated from the Group Home Loan  
4 Revolving Fund, make loans, directly or through  
5 subcontract, to assist in underwriting the costs of housing  
6 in which individuals recovering from substance use  
7 disorders may reside, ~~alcohol or other drug abuse or~~  
8 ~~dependency may reside in groups of not less than 6 persons,~~  
9 pursuant to Section 50-40 of this Act.

10 (13) Promulgate such regulations ~~as may be necessary to~~  
11 ~~for the administration of grants or to otherwise~~ carry out  
12 the purposes and enforce the provisions of this Act.

13 (14) Provide funding ~~Fund programs~~ to help parents be  
14 effective in preventing substance use disorders ~~abuse~~ by  
15 building an awareness of ~~drugs and alcohol~~ and the family's  
16 role in preventing substance use disorders ~~abuse~~ through  
17 adjusting expectations, developing new skills, and setting  
18 positive family goals. The programs shall include, but not  
19 be limited to, the following subjects: healthy family  
20 communication; establishing rules and limits; how to  
21 reduce family conflict; how to build self-esteem,  
22 competency, and responsibility in children; how to improve  
23 motivation and achievement; effective discipline; problem  
24 solving techniques; and how to talk about drugs and  
25 alcohol. The programs shall be open to all parents.

26 (Source: P.A. 100-494, eff. 6-1-18.)

1 (20 ILCS 301/5-20)

2 Sec. 5-20. Gambling disorders. ~~Compulsive gambling~~  
3 ~~program.~~

4 (a) Subject to appropriation, the Department shall  
5 establish a program for public education, research, and  
6 training regarding ~~problem and compulsive~~ gambling disorders  
7 and the treatment and prevention of gambling disorders. ~~problem~~  
8 ~~and compulsive gambling.~~ Subject to specific appropriation for  
9 these stated purposes, the program must include all of the  
10 following:

11 (1) Establishment and maintenance of a toll-free "800"  
12 telephone number to provide crisis counseling and referral  
13 services to families experiencing difficulty as a result of  
14 gambling disorders. ~~problem or compulsive gambling.~~

15 (2) Promotion of public awareness regarding the  
16 recognition and prevention of gambling disorders. ~~problem~~  
17 ~~and compulsive gambling.~~

18 (3) Facilitation, through in-service training and  
19 other means, of the availability of effective assistance  
20 programs for gambling disorders. ~~problem and compulsive~~  
21 ~~gamblers.~~

22 (4) Conducting studies to identify adults and  
23 juveniles in this State who have, ~~are,~~ or who are at risk  
24 of developing, gambling disorders. ~~becoming, problem or~~  
25 ~~compulsive gamblers.~~

1 (b) Subject to appropriation, the Department shall either  
2 establish and maintain the program or contract with a private  
3 or public entity for the establishment and maintenance of the  
4 program. Subject to appropriation, either the Department or the  
5 private or public entity shall implement the toll-free  
6 telephone number, promote public awareness, and conduct  
7 in-service training concerning gambling disorders. ~~problem and~~  
8 ~~compulsive gambling.~~

9 (c) Subject to appropriation, the Department shall produce  
10 and supply the signs specified in Section 10.7 of the Illinois  
11 Lottery Law, Section 34.1 of the Illinois Horse Racing Act of  
12 1975, Section 4.3 of the Bingo License and Tax Act, Section 8.1  
13 of the Charitable Games Act, and Section 13.1 of the Riverboat  
14 Gambling Act.

15 (Source: P.A. 89-374, eff. 1-1-96; 89-626, eff. 8-9-96.)

16 (20 ILCS 301/5-23)

17 Sec. 5-23. Drug Overdose Prevention Program.

18 (a) Reports of drug overdose.

19 (1) The Department may ~~Director of the Division of~~  
20 ~~Alcoholism and Substance Abuse shall~~ publish annually a  
21 report on drug overdose trends statewide that reviews State  
22 death rates from available data to ascertain changes in the  
23 causes or rates of fatal and nonfatal drug overdose. The  
24 report shall also provide information on interventions  
25 that would be effective in reducing the rate of fatal or

1 nonfatal drug overdose and shall include an analysis of  
2 drug overdose information reported to the Department of  
3 Public Health pursuant to subsection (e) of Section 3-3013  
4 of the Counties Code, Section 6.14g of the Hospital  
5 Licensing Act, and subsection (j) of Section 22-30 of the  
6 School Code.

7 (2) The report may include:

8 (A) Trends in drug overdose death rates.

9 (B) Trends in emergency room utilization related  
10 to drug overdose and the cost impact of emergency room  
11 utilization.

12 (C) Trends in utilization of pre-hospital and  
13 emergency services and the cost impact of emergency  
14 services utilization.

15 (D) Suggested improvements in data collection.

16 (E) A description of other interventions effective  
17 in reducing the rate of fatal or nonfatal drug  
18 overdose.

19 (F) A description of efforts undertaken to educate  
20 the public about unused medication and about how to  
21 properly dispose of unused medication, including the  
22 number of registered collection receptacles in this  
23 State, mail-back programs, and drug take-back events.

24 (b) Programs; drug overdose prevention.

25 (1) The Department ~~Director~~ may establish a program to  
26 provide for the production and publication, in electronic

1 and other formats, of drug overdose prevention,  
2 recognition, and response literature. The Department  
3 ~~Director~~ may develop and disseminate curricula for use by  
4 professionals, organizations, individuals, or committees  
5 interested in the prevention of fatal and nonfatal drug  
6 overdose, including, but not limited to, drug users, jail  
7 and prison personnel, jail and prison inmates, drug  
8 treatment professionals, emergency medical personnel,  
9 hospital staff, families and associates of drug users,  
10 peace officers, firefighters, public safety officers,  
11 needle exchange program staff, and other persons. In  
12 addition to information regarding drug overdose  
13 prevention, recognition, and response, literature produced  
14 by the Department shall stress that drug use remains  
15 illegal and highly dangerous and that complete abstinence  
16 from illegal drug use is the healthiest choice. The  
17 literature shall provide information and resources for  
18 substance use disorder ~~substance abuse~~ treatment.

19 The Department ~~Director~~ may establish or authorize  
20 programs for prescribing, dispensing, or distributing  
21 opioid antagonists for the treatment of drug overdose. Such  
22 programs may include the prescribing of opioid antagonists  
23 for the treatment of drug overdose to a person who is not  
24 at risk of opioid overdose but who, in the judgment of the  
25 health care professional, may be in a position to assist  
26 another individual during an opioid-related drug overdose

1 and who has received basic instruction on how to administer  
2 an opioid antagonist.

3 (2) The Department ~~Director~~ may provide advice to State  
4 and local officials on the growing drug overdose crisis,  
5 including the prevalence of drug overdose incidents,  
6 programs promoting the disposal of unused prescription  
7 drugs, trends in drug overdose incidents, and solutions to  
8 the drug overdose crisis.

9 (c) Grants.

10 (1) The Department ~~Director~~ may award grants, in  
11 accordance with this subsection, to create or support local  
12 drug overdose prevention, recognition, and response  
13 projects. Local health departments, correctional  
14 institutions, hospitals, universities, community-based  
15 organizations, and faith-based organizations may apply to  
16 the Department for a grant under this subsection at the  
17 time and in the manner the Department ~~Director~~ prescribes.

18 (2) In awarding grants, the Department ~~Director~~ shall  
19 consider the necessity for overdose prevention projects in  
20 various settings and shall encourage all grant applicants  
21 to develop interventions that will be effective and viable  
22 in their local areas.

23 (3) The Department ~~Director~~ shall give preference for  
24 grants to proposals that, in addition to providing  
25 life-saving interventions and responses, provide  
26 information to drug users on how to access substance use



1        disorder ~~drug~~ treatment or other strategies for abstaining  
2        from illegal drugs. The Department ~~Director~~ shall give  
3        preference to proposals that include one or more of the  
4        following elements:

5                (A) Policies and projects to encourage persons,  
6                including drug users, to call 911 when they witness a  
7                potentially fatal drug overdose.

8                (B) Drug overdose prevention, recognition, and  
9                response education projects in drug treatment centers,  
10              outreach programs, and other organizations that work  
11              with, or have access to, drug users and their families  
12              and communities.

13              (C) Drug overdose recognition and response  
14              training, including rescue breathing, in drug  
15              treatment centers and for other organizations that  
16              work with, or have access to, drug users and their  
17              families and communities.

18              (D) The production and distribution of targeted or  
19              mass media materials on drug overdose prevention and  
20              response, the potential dangers of keeping unused  
21              prescription drugs in the home, and methods to properly  
22              dispose of unused prescription drugs.

23              (E) Prescription and distribution of opioid  
24              antagonists.

25              (F) The institution of education and training  
26              projects on drug overdose response and treatment for

1 emergency services and law enforcement personnel.

2 (G) A system of parent, family, and survivor  
3 education and mutual support groups.

4 (4) In addition to moneys appropriated by the General  
5 Assembly, the Department ~~Director~~ may seek grants from  
6 private foundations, the federal government, and other  
7 sources to fund the grants under this Section and to fund  
8 an evaluation of the programs supported by the grants.

9 (d) Health care professional prescription of opioid  
10 antagonists.

11 (1) A health care professional who, acting in good  
12 faith, directly or by standing order, prescribes or  
13 dispenses an opioid antagonist to: (a) a patient who, in  
14 the judgment of the health care professional, is capable of  
15 administering the drug in an emergency, or (b) a person who  
16 is not at risk of opioid overdose but who, in the judgment  
17 of the health care professional, may be in a position to  
18 assist another individual during an opioid-related drug  
19 overdose and who has received basic instruction on how to  
20 administer an opioid antagonist shall not, as a result of  
21 his or her acts or omissions, be subject to: (i) any  
22 disciplinary or other adverse action under the Medical  
23 Practice Act of 1987, the Physician Assistant Practice Act  
24 of 1987, the Nurse Practice Act, the Pharmacy Practice Act,  
25 or any other professional licensing statute or (ii) any  
26 criminal liability, except for willful and wanton

1 misconduct.

2 (2) A person who is not otherwise licensed to  
3 administer an opioid antagonist may in an emergency  
4 administer without fee an opioid antagonist if the person  
5 has received the patient information specified in  
6 paragraph (4) of this subsection and believes in good faith  
7 that another person is experiencing a drug overdose. The  
8 person shall not, as a result of his or her acts or  
9 omissions, be (i) liable for any violation of the Medical  
10 Practice Act of 1987, the Physician Assistant Practice Act  
11 of 1987, the Nurse Practice Act, the Pharmacy Practice Act,  
12 or any other professional licensing statute, or (ii)  
13 subject to any criminal prosecution or civil liability,  
14 except for willful and wanton misconduct.

15 (3) A health care professional prescribing an opioid  
16 antagonist to a patient shall ensure that the patient  
17 receives the patient information specified in paragraph  
18 (4) of this subsection. Patient information may be provided  
19 by the health care professional or a community-based  
20 organization, substance use disorder ~~substance abuse~~  
21 program, or other organization with which the health care  
22 professional establishes a written agreement that includes  
23 a description of how the organization will provide patient  
24 information, how employees or volunteers providing  
25 information will be trained, and standards for documenting  
26 the provision of patient information to patients.

1 Provision of patient information shall be documented in the  
2 patient's medical record or through similar means as  
3 determined by agreement between the health care  
4 professional and the organization. The Department,  
5 ~~Director of the Division of Alcoholism and Substance Abuse,~~  
6 in consultation with statewide organizations representing  
7 physicians, pharmacists, advanced practice registered  
8 nurses, physician assistants, substance use disorder  
9 ~~substance abuse~~ programs, and other interested groups,  
10 shall develop and disseminate to health care  
11 professionals, community-based organizations, substance  
12 use disorder ~~substance abuse~~ programs, and other  
13 organizations training materials in video, electronic, or  
14 other formats to facilitate the provision of such patient  
15 information.

16 (4) For the purposes of this subsection:

17 "Opioid antagonist" means a drug that binds to opioid  
18 receptors and blocks or inhibits the effect of opioids  
19 acting on those receptors, including, but not limited to,  
20 naloxone hydrochloride or any other similarly acting drug  
21 approved by the U.S. Food and Drug Administration.

22 "Health care professional" means a physician licensed  
23 to practice medicine in all its branches, a licensed  
24 physician assistant with prescriptive authority, a  
25 licensed advanced practice registered nurse with  
26 prescriptive authority, an advanced practice registered

1 nurse or physician assistant who practices in a hospital,  
2 hospital affiliate, or ambulatory surgical treatment  
3 center and possesses appropriate clinical privileges in  
4 accordance with the Nurse Practice Act, or a pharmacist  
5 licensed to practice pharmacy under the Pharmacy Practice  
6 Act.

7 "Patient" includes a person who is not at risk of  
8 opioid overdose but who, in the judgment of the physician,  
9 advanced practice registered nurse, or physician  
10 assistant, may be in a position to assist another  
11 individual during an overdose and who has received patient  
12 information as required in paragraph (2) of this subsection  
13 on the indications for and administration of an opioid  
14 antagonist.

15 "Patient information" includes information provided to  
16 the patient on drug overdose prevention and recognition;  
17 how to perform rescue breathing and resuscitation; opioid  
18 antagonist dosage and administration; the importance of  
19 calling 911; care for the overdose victim after  
20 administration of the overdose antagonist; and other  
21 issues as necessary.

22 (e) Drug overdose response policy.

23 (1) Every State and local government agency that  
24 employs a law enforcement officer or fireman as those terms  
25 are defined in the Line of Duty Compensation Act must  
26 possess opioid antagonists and must establish a policy to

1 control the acquisition, storage, transportation, and  
2 administration of such opioid antagonists and to provide  
3 training in the administration of opioid antagonists. A  
4 State or local government agency that employs a fireman as  
5 defined in the Line of Duty Compensation Act but does not  
6 respond to emergency medical calls or provide medical  
7 services shall be exempt from this subsection.

8 (2) Every publicly or privately owned ambulance,  
9 special emergency medical services vehicle, non-transport  
10 vehicle, or ambulance assist vehicle, as described in the  
11 Emergency Medical Services (EMS) Systems Act, that ~~which~~  
12 responds to requests for emergency services or transports  
13 patients between hospitals in emergency situations must  
14 possess opioid antagonists.

15 (3) Entities that are required under paragraphs (1) and  
16 (2) to possess opioid antagonists may also apply to the  
17 Department for a grant to fund the acquisition of opioid  
18 antagonists and training programs on the administration of  
19 opioid antagonists.

20 (Source: P.A. 99-173, eff. 7-29-15; 99-480, eff. 9-9-15;  
21 99-581, eff. 1-1-17; 99-642, eff. 7-28-16; 100-201, eff.  
22 8-18-17; 100-513, eff. 1-1-18.)

23 (20 ILCS 301/10-5)

24 Sec. 10-5. Illinois Advisory Council established. There is  
25 established the Illinois Advisory Council on Substance Use

1 ~~Disorders. Alcoholism and Other Drug Dependency.~~ The members of  
2 the Council shall receive no compensation for their service but  
3 shall be reimbursed for all expenses actually and necessarily  
4 incurred by them in the performance of their duties under this  
5 Act, and within the amounts made available to them by the  
6 Department. The Council shall annually elect a presiding  
7 officer from among its membership. The Council shall meet  
8 quarterly or at the call of the Department, or at the call of  
9 its presiding officer, or upon the request of a majority of its  
10 members. The Department shall provide space and clerical and  
11 consulting services to the Council.

12 (Source: P.A. 94-1033, eff. 7-1-07.)

13 (20 ILCS 301/10-10)

14 Sec. 10-10. Powers and duties of the Council. The Council  
15 shall:

16 (a) Advise the Department on ways to encourage public  
17 understanding and support of the Department's programs.

18 (b) Advise the Department on regulations and licensure  
19 proposed by the Department.

20 (c) Advise the Department in the formulation,  
21 preparation, and implementation of the annual plan  
22 submitted with the federal Substance Use Disorder Block  
23 Grant application for prevention, early intervention,  
24 treatment, and other recovery support services for  
25 substance use disorders. ~~comprehensive State plan for~~

1 ~~prevention, intervention, treatment and relapse prevention~~  
2 ~~of alcoholism and other drug abuse and dependency.~~

3 (d) Advise the Department on implementation of  
4 substance use disorder ~~alcoholism and other drug abuse and~~  
5 ~~dependency~~ education and prevention programs throughout  
6 the State.

7 (e) Assist with incorporating into the annual plan  
8 submitted with the federal Substance Use Disorder Block  
9 Grant application, planning information specific to  
10 Illinois' female population. The information ~~By January 1,~~  
11 ~~1995, and by January 1 of every third year thereafter, in~~  
12 ~~cooperation with the Committee on Women's Alcohol and~~  
13 ~~Substance Abuse Treatment, submit to the Governor and~~  
14 ~~General Assembly a planning document, specific to~~  
15 ~~Illinois' female population. The document shall contain,~~  
16 but need not be limited to, ~~interagency information~~  
17 ~~concerning~~ the types of services funded, the ~~elient~~  
18 population served, the support services available, ~~and~~  
19 ~~provided during the preceding 3 year period,~~ and the goals,  
20 objectives, proposed methods of achievement, service  
21 ~~elient~~ projections and cost estimate for the upcoming year.  
22 ~~3 year period. The document may include, if deemed~~  
23 ~~necessary and appropriate, recommendations regarding the~~  
24 ~~reorganization of the Department to enhance and increase~~  
25 ~~prevention, treatment and support services available to~~  
26 ~~women.~~



1 (f) Perform other duties as requested by the Secretary.

2 (g) Advise the Department in the planning,  
3 development, and coordination of programs among all  
4 agencies and departments of State government, including  
5 programs to reduce substance use disorders, ~~alcoholism and~~  
6 ~~drug addiction~~, prevent the misuse of illegal and legal  
7 drugs ~~use of illegal drugs and abuse of legal drugs~~ by  
8 persons of all ages, and prevent the use of alcohol by  
9 minors.

10 (h) Promote and encourage participation by the private  
11 sector, including business, industry, labor, and the  
12 media, in programs to prevent substance use disorders.  
13 ~~alcoholism and other drug abuse and dependency.~~

14 (i) Encourage the implementation of programs to  
15 prevent substance use disorders ~~alcoholism and other drug~~  
16 ~~abuse and dependency~~ in the public and private schools and  
17 educational institutions. ~~, including establishment of~~  
18 ~~alcoholism and other drug abuse and dependency programs.~~

19 (j) Gather information, conduct hearings, and make  
20 recommendations to the Secretary concerning additions,  
21 deletions, or rescheduling of substances under the  
22 Illinois Controlled Substances Act.

23 (k) Report as requested ~~annually~~ to the General  
24 Assembly regarding the activities and recommendations made  
25 by the Council.

26 ~~With the advice and consent of the Secretary, the presiding~~

1 ~~officer shall annually appoint a Special Committee on~~  
2 ~~Licensure, which shall advise the Secretary on particular cases~~  
3 ~~on which the Department intends to take action that is adverse~~  
4 ~~to an applicant or license holder, and shall review an annual~~  
5 ~~report submitted by the Secretary summarizing all licensure~~  
6 ~~sanctions imposed by the Department.~~

7 (Source: P.A. 94-1033, eff. 7-1-07.)

8 (20 ILCS 301/10-15)

9 Sec. 10-15. Qualification and appointment of members. The  
10 membership of the Illinois Advisory Council may, as needed,  
11 ~~shall~~ consist of:

12 (a) A State's Attorney designated by the President of  
13 the Illinois State's Attorneys Association.

14 (b) A judge designated by the Chief Justice of the  
15 Illinois Supreme Court.

16 (c) A Public Defender appointed by the President of the  
17 Illinois Public Defender Association.

18 (d) A local law enforcement officer appointed by the  
19 Governor.

20 (e) A labor representative appointed by the Governor.

21 (f) An educator appointed by the Governor.

22 (g) A physician licensed to practice medicine in all  
23 its branches appointed by the Governor with due regard for  
24 the appointee's knowledge of the field of substance use  
25 disorders. ~~alcoholism and other drug abuse and dependency.~~

1 (h) 4 members of the Illinois House of Representatives,  
2 2 each appointed by the Speaker and Minority Leader.

3 (i) 4 members of the Illinois Senate, 2 each appointed  
4 by the President and Minority Leader.

5 (j) The Chief Executive Officer of the Illinois  
6 Association for Behavioral Health or his or her designee.  
7 ~~President of the Illinois Alcoholism and Drug Dependence~~  
8 ~~Association.~~

9 (k) An advocate for the needs of youth appointed by the  
10 Governor.

11 (l) The President of the Illinois State Medical Society  
12 or his or her designee.

13 (m) The President of the Illinois Hospital Association  
14 or his or her designee.

15 (n) The President of the Illinois Nurses Association or  
16 a registered nurse designated by the President.

17 (o) The President of the Illinois Pharmacists  
18 Association or a licensed pharmacist designated by the  
19 President.

20 (p) The President of the Illinois Chapter of the  
21 Association of Labor-Management Administrators and  
22 Consultants on Alcoholism.

23 (p-1) The Chief Executive Officer ~~President~~ of the  
24 Community Behavioral Healthcare Association of Illinois or  
25 his or her designee.

26 (q) The Attorney General or his or her designee.

1 (r) The State Comptroller or his or her designee.

2 (s) 20 public members, 8 appointed by the Governor, 3  
3 of whom shall be representatives of substance use disorder  
4 ~~alcoholism or other drug abuse and dependency~~ treatment  
5 programs and one of whom shall be a representative of a  
6 manufacturer or importing distributor of alcoholic liquor  
7 licensed by the State of Illinois, and 3 public members  
8 appointed by each of the President and Minority Leader of  
9 the Senate and the Speaker and Minority Leader of the  
10 House.

11 (t) The Director, Secretary, or other chief  
12 administrative officer, ex officio, or his or her designee,  
13 of each of the following: the Department on Aging, the  
14 Department of Children and Family Services, the Department  
15 of Corrections, the Department of Juvenile Justice, the  
16 Department of Healthcare and Family Services, the  
17 Department of Revenue, the Department of Public Health, the  
18 Department of Financial and Professional Regulation, the  
19 Department of State Police, the Administrative Office of  
20 the Illinois Courts, the Criminal Justice Information  
21 Authority, and the Department of Transportation.

22 (u) Each of the following, ex officio, or his or her  
23 designee: the Secretary of State, the State Superintendent  
24 of Education, and the Chairman of the Board of Higher  
25 Education.

26 The public members may not be officers or employees of the

1 executive branch of State government; however, the public  
2 members may be officers or employees of a State college or  
3 university or of any law enforcement agency. In appointing  
4 members, due consideration shall be given to the experience of  
5 appointees in the fields of medicine, law, prevention,  
6 correctional activities, and social welfare. Vacancies in the  
7 public membership shall be filled for the unexpired term by  
8 appointment in like manner as for original appointments, and  
9 the appointive members shall serve until their successors are  
10 appointed and have qualified. Vacancies among the public  
11 members appointed by the legislative leaders shall be filled by  
12 the leader of the same house and of the same political party as  
13 the leader who originally appointed the member.

14 Each non-appointive member may designate a representative  
15 to serve in his place by written notice to the Department. All  
16 General Assembly members shall serve until their respective  
17 successors are appointed or until termination of their  
18 legislative service, whichever occurs first. The terms of  
19 office for each of the members appointed by the Governor shall  
20 be for 3 years, except that of the members first appointed, 3  
21 shall be appointed for a term of one year, and 4 shall be  
22 appointed for a term of 2 years. The terms of office of each of  
23 the public members appointed by the legislative leaders shall  
24 be for 2 years.

25 (Source: P.A. 100-201, eff. 8-18-17.)

1 (20 ILCS 301/10-35)

2 Sec. 10-35. Committees ~~Other committees~~ of the Illinois  
3 Advisory Council. The Illinois Advisory Council may, in its  
4 operating policies and procedures, provide for the creation of  
5 ~~such other~~ Committees as it deems necessary to carry out its  
6 duties.

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

8 (20 ILCS 301/15-5)

9 Sec. 15-5. Applicability.

10 (a) It is unlawful for any person to provide treatment for  
11 substance use disorders ~~alcoholism and other drug abuse or~~  
12 ~~dependency~~ or to provide services as specified in subsections  
13 (a) and (b) ~~(c), (d), (e), and (f)~~ of Section 15-10 of this Act  
14 unless the person is licensed to do so by the Department. The  
15 performance of these activities by any person in violation of  
16 this Act is declared to be inimical to the public health and  
17 welfare, and to be a public nuisance. The Department may  
18 undertake such inspections and investigations as it deems  
19 appropriate to determine whether licensable activities are  
20 being conducted without the requisite license.

21 (b) Nothing in this Act shall be construed to require any  
22 hospital, as defined by the Hospital Licensing Act, required to  
23 have a license from the Department of Public Health pursuant to  
24 the Hospital Licensing Act to obtain any license under this Act  
25 for any substance use disorder ~~alcoholism and other drug~~

1 ~~dependency~~ treatment services operated on the licensed  
2 premises of the hospital, and operated by the hospital or its  
3 designated agent, provided that such services are covered  
4 within the scope of the Hospital Licensing Act. No person or  
5 facility required to be licensed under this Act shall be  
6 required to obtain a license pursuant to the Hospital Licensing  
7 Act or the Child Care Act of 1969.

8 (c) Nothing in this Act shall be construed to require an  
9 individual employee of a licensed program to be licensed under  
10 this Act.

11 (d) Nothing in this Act shall be construed to require any  
12 private professional practice, whether by an individual  
13 practitioner, by a partnership, or by a duly incorporated  
14 professional service corporation, that provides outpatient  
15 treatment for substance use disorders ~~alcoholism and other drug~~  
16 ~~abuse~~ to be licensed under this Act, provided that the  
17 treatment is rendered personally by the professional in his own  
18 name and the professional is authorized by individual  
19 professional licensure or registration from the Department of  
20 Financial and Professional Regulation to provide substance use  
21 disorder ~~do such~~ treatment unsupervised. This exemption shall  
22 not apply to such private professional practice that provides  
23 or holds itself out, as defined in Section 1-10, as providing  
24 substance use disorder outpatient treatment. ~~which specializes~~  
25 ~~primarily or exclusively in the treatment of alcoholism and~~  
26 ~~other drug abuse.~~ This exemption shall also not apply to

1 licensable intervention services, research, or residential  
2 treatment services as defined in this Act or by rule.

3 Notwithstanding any other provisions of this subsection to  
4 the contrary, persons licensed to practice medicine in all of  
5 its branches in Illinois shall not require licensure under this  
6 Act unless their private professional practice provides and  
7 holds itself out, as defined in Section 1-10, as providing  
8 substance use disorder outpatient treatment. ~~specializes~~  
9 ~~exclusively in the treatment of alcoholism and other drug~~  
10 ~~abuse.~~

11 (e) Nothing in this Act shall be construed to require any  
12 employee assistance program operated by an employer or any  
13 intervenor program operated by a professional association to  
14 obtain any license pursuant to this Act to perform services  
15 that do not constitute licensable treatment or intervention as  
16 defined in this Act.

17 (f) Before any violation of this Act is reported by the  
18 Department or any of its agents to any State's Attorney for the  
19 institution of a criminal proceeding, the person against whom  
20 such proceeding is contemplated shall be given appropriate  
21 notice and an opportunity to present his views before the  
22 Department or its designated agent, either orally or in  
23 writing, in person or by an attorney, with regard to such  
24 contemplated proceeding. Nothing in this Act shall be construed  
25 as requiring the Department to report minor violations of this  
26 Act whenever the Department believes that the public interest



1 would be adequately served by a suitable written notice or  
2 warning.

3 (Source: P.A. 88-80; 89-202, eff. 7-21-95; 89-507, eff.  
4 7-1-97.)

5 (20 ILCS 301/15-10)

6 Sec. 15-10. Licensure categories and services. No person or  
7 program may provide the services or conduct the activities  
8 described in this Section without first obtaining a license  
9 therefor from the Department, unless otherwise exempted under  
10 this Act. The Department shall, by rule, provide requirements  
11 for each of the following types of licenses and categories of  
12 service:

13 (a) Treatment: Categories of service authorized by a  
14 treatment license are Early Intervention, Outpatient,  
15 Intensive Outpatient/Partial Hospitalization, Subacute  
16 Residential/Inpatient, and Withdrawal Management.  
17 Medication assisted treatment that includes methadone used  
18 for an opioid use disorder can be licensed as an adjunct to  
19 any of the treatment levels of care specified in this  
20 Section.

21 (b) Intervention: Categories of service authorized by  
22 an intervention license are DUI Evaluation, DUI Risk  
23 Education, Designated Program, and Recovery Homes for  
24 persons in any stage of recovery from a substance use  
25 disorder.

1 ~~. The Department shall, by rule, provide licensure requirements~~  
2 ~~for each of the following categories of service:~~

3 ~~(a) Residential treatment for alcoholism and other~~  
4 ~~drug dependency, sub-acute inpatient treatment, clinically~~  
5 ~~managed or medically monitored detoxification, and~~  
6 ~~residential extended care (formerly halfway house).~~

7 ~~(b) Outpatient treatment for alcoholism and other drug~~  
8 ~~abuse and dependency.~~

9 ~~(c) The screening, assessment, referral or tracking of~~  
10 ~~clients identified by the criminal justice system as having~~  
11 ~~indications of alcoholism or other drug abuse or~~  
12 ~~dependency.~~

13 ~~(d) D.U.I. evaluation services for Illinois courts and~~  
14 ~~the Secretary of State.~~

15 ~~(e) D.U.I. remedial education services for Illinois~~  
16 ~~courts or the Secretary of State.~~

17 ~~(f) Recovery home services for persons in early~~  
18 ~~recovery from substance abuse or for persons who have~~  
19 ~~recently completed or who may still be receiving substance~~  
20 ~~abuse treatment services.~~

21 The Department may, under procedures established by rule  
22 and upon a showing of good cause for such, exempt off-site  
23 services from having to obtain a separate license for services  
24 conducted away from the provider's licensed ~~primary service~~  
25 location.

26 (Source: P.A. 94-1033, eff. 7-1-07.)

1 (20 ILCS 301/20-5)

2 Sec. 20-5. Development of statewide prevention system.

3 (a) The Department shall develop and implement a  
4 comprehensive, statewide, community-based strategy to reduce  
5 substance use disorders and alcoholism, prevent the misuse of  
6 illegal and legal drugs ~~use of illegal drugs and the abuse of~~  
7 ~~legal drugs~~ by persons of all ages, and to prevent the use of  
8 alcohol by minors. The system created to implement this  
9 strategy shall be based on the premise that coordination among  
10 and integration between all community and governmental systems  
11 will facilitate effective and efficient program implementation  
12 and utilization of existing resources.

13 (b) The statewide system developed under this Section may  
14 be adopted by administrative rule or funded as a grant award  
15 condition and shall be responsible for:

16 (1) providing programs and technical assistance to  
17 improve the ability of Illinois communities and schools to  
18 develop, implement and evaluate prevention programs.

19 (2) initiating and fostering continuing cooperation  
20 among the Department, Department-funded prevention  
21 programs, other community-based prevention providers and  
22 other State, regional, or local systems or agencies that  
23 ~~which~~ have an interest in substance use disorder  
24 prevention. ~~alcohol and other drug use or abuse prevention.~~

25 (c) In developing, implementing, and advocating for ~~and~~

1 ~~implementing~~ this statewide strategy and system, the  
2 Department may engage in, but shall not be limited to, the  
3 following activities:

4 (1) establishing and conducting programs to provide  
5 awareness and knowledge of the nature and extent of  
6 substance use disorders and their effect ~~alcohol and other~~  
7 ~~drug use, abuse and dependency and their effects~~ on  
8 individuals, families, and communities.

9 (2) conducting or providing prevention skill building  
10 or education through the use of structured experiences.

11 (3) developing, supporting, and advocating with new  
12 and or supporting existing local community coalitions or  
13 neighborhood-based grassroots networks using action  
14 planning and collaborative systems to initiate change  
15 regarding substance use disorders ~~alcohol and other drug~~  
16 ~~use and abuse~~ in their communities ~~community~~.

17 (4) encouraging, supporting, and advocating for ~~and~~  
18 ~~supporting~~ programs and activities that emphasize  
19 alcohol-free ~~alcohol~~ and other drug-free lifestyles.  
20 ~~socialization.~~

21 (5) drafting and implementing efficient plans for the  
22 use of available resources to address issues of substance  
23 use disorder ~~alcohol and other drug abuse~~ prevention.

24 (6) coordinating local programs of alcoholism and  
25 other drug abuse education and prevention.

26 (7) encouraging the development of local advisory

1 councils.

2 (d) In providing leadership to this system, the Department  
3 shall take into account, wherever possible, the needs and  
4 requirements of local communities. The Department shall also  
5 involve, wherever possible, local communities in its statewide  
6 planning efforts. These planning efforts shall include, but  
7 shall not be limited to, in cooperation with local community  
8 representatives and Department-funded agencies, the analysis  
9 and application of results of local needs assessments, as well  
10 as a process for the integration of an evaluation component  
11 into the system. The results of this collaborative planning  
12 effort shall be taken into account by the Department in making  
13 decisions regarding the allocation of prevention resources.

14 (e) Prevention programs funded in whole or in part by the  
15 Department shall maintain staff whose skills, training,  
16 experiences and cultural awareness demonstrably match the  
17 needs of the people they are serving.

18 (f) The Department may delegate the functions and  
19 activities described in subsection (c) of this Section to  
20 local, community-based providers.

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

22 (20 ILCS 301/20-10)

23 Sec. 20-10. Screening, Brief Intervention, and Referral to  
24 Treatment. ~~Early intervention programs.~~

25 (a) As used in this Section, "SBIRT" means the

1 identification of individuals, within primary care settings,  
2 who need substance use disorder treatment. Primary care  
3 providers will screen and, based on the results of the screen,  
4 deliver a brief intervention or make referral to a licensed  
5 treatment provider as appropriate. SBIRT is not a licensed  
6 category of service.

7 (b) The Department may develop policy or best practice  
8 guidelines for identification of at-risk individuals through  
9 SBIRT and contract or billing requirements for SBIRT.

10 ~~For purposes of this Section, "early intervention" means~~  
11 ~~education, counseling and support services provided to~~  
12 ~~individuals at high risk of developing an alcohol or other drug~~  
13 ~~abuse or dependency. Early intervention programs are delivered~~  
14 ~~in one-to-one, group or family service settings by people who~~  
15 ~~are trained to educate, screen, assess, counsel and refer the~~  
16 ~~high risk individual. Early intervention refers to unlicensed~~  
17 ~~programs which provide services to individuals and groups who~~  
18 ~~have a high risk of developing alcoholism or other drug~~  
19 ~~addiction or dependency. It does not refer to DUI,~~  
20 ~~detoxification or treatment programs which require licensing.~~  
21 ~~"Individuals at high risk" refers to, but is not limited to,~~  
22 ~~those who exhibit one or more of the risk factors listed in~~  
23 ~~subsection (b) of this Section.~~

24 ~~(b) As part of its comprehensive array of services, the~~  
25 ~~Department may fund early intervention programs. In doing so,~~  
26 ~~the Department shall account for local requirements and involve~~

1 ~~as much as possible of the local community. The funded programs~~  
2 ~~shall include services initiated or adapted to meet the needs~~  
3 ~~of individuals experiencing one or more of the following risk~~  
4 ~~factors:~~

5 ~~(1) child of a substance abuser.~~

6 ~~(2) victim of physical, sexual or psychological abuse.~~

7 ~~(3) school drop out.~~

8 ~~(4) teen pregnancy.~~

9 ~~(5) economically and/or environmentally disadvantaged.~~

10 ~~(6) commitment of a violent, delinquent or criminal~~  
11 ~~offense.~~

12 ~~(7) mental health problems.~~

13 ~~(8) attempted suicide.~~

14 ~~(9) long term physical pain due to injury.~~

15 ~~(10) chronic failure in school.~~

16 ~~(11) consequences due to alcohol or other drug abuse.~~

17 ~~(c) The Department may fund early intervention services.~~

18 ~~Early intervention programs funded entirely or in part by the~~  
19 ~~Department must include the following components:~~

20 ~~(1) coping skills training.~~

21 ~~(2) education regarding the appearance and dynamics of~~  
22 ~~dysfunction within the family.~~

23 ~~(3) support group opportunities for children and~~  
24 ~~families.~~

25 ~~(4) education regarding the diseases of alcoholism and~~  
26 ~~other drug addiction.~~

1 ~~(5) screening regarding the need for treatment or other~~  
2 ~~services.~~

3 ~~(d) Early intervention programs funded in whole or in part~~  
4 ~~by the Department shall maintain individual records for each~~  
5 ~~person who receives early intervention services. Any and all~~  
6 ~~such records shall be maintained in accordance with the~~  
7 ~~provisions of 42 CFR 2, "Confidentiality of Alcohol and Drug~~  
8 ~~Abuse Patient Records" and other pertinent State and federal~~  
9 ~~laws. Such records shall include:~~

10 ~~(1) basic demographic information.~~

11 ~~(2) a description of the presenting problem.~~

12 ~~(3) an assessment of risk factors.~~

13 ~~(4) a service plan.~~

14 ~~(5) progress notes.~~

15 ~~(6) a closing summary.~~

16 ~~(e) Early intervention programs funded in whole or in part~~  
17 ~~by the Department shall maintain staff whose skills, training,~~  
18 ~~experiences and cultural awareness demonstrably match the~~  
19 ~~needs of the people they are serving.~~

20 ~~(f) The Department may, at its discretion, impose on early~~  
21 ~~intervention programs which it funds such additional~~  
22 ~~requirements as it may deem necessary or appropriate.~~

23 (Source: P.A. 88-80; 89-202, eff. 7-21-95.)

24 (20 ILCS 301/20-15)

25 Sec. 20-15. Steroid education program. The Department may



1 develop and implement a statewide steroid education program to  
2 alert the public, and particularly Illinois physicians, other  
3 health care professionals, educators, student athletes, health  
4 club personnel, persons engaged in the coaching and supervision  
5 of high school and college athletics, and other groups  
6 determined by the Department to be likely to come into contact  
7 with anabolic steroid abusers to the dangers and adverse  
8 effects of abusing anabolic steroids, and to train these  
9 individuals to recognize the symptoms and side effects of  
10 anabolic steroid abuse. Such education and training may also  
11 include information regarding the education ~~education~~ and  
12 appropriate referral of persons identified as probable or  
13 actual anabolic steroid abusers. The advice of the Illinois  
14 Advisory Council established by Section 10-5 of this Act shall  
15 be sought in the development of any program established under  
16 this Section.

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

18 (20 ILCS 301/25-5)

19 Sec. 25-5. Establishment of comprehensive treatment  
20 system. The Department shall develop, fund and implement a  
21 comprehensive, statewide, community-based system for the  
22 provision of early intervention, treatment, and recovery  
23 support services for persons suffering from substance use  
24 disorders. ~~a full array of intervention, treatment and~~  
25 ~~aftercare for persons suffering from alcohol and other drug~~

1 ~~abuse and dependency.~~ The system created under this Section  
2 shall be based on the premise that coordination among and  
3 integration between all community and governmental systems  
4 will facilitate effective and efficient program implementation  
5 and utilization of existing resources.

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

7 (20 ILCS 301/25-10)

8 Sec. 25-10. Promulgation of regulations. The Department  
9 shall adopt regulations for licensure, certification for  
10 Medicaid reimbursement, and to identify evidence-based best  
11 practice criteria that can be utilized for intervention and  
12 treatment services, ~~acceptance of persons for treatment,~~  
13 taking into consideration available resources and facilities,  
14 for the purpose of early and effective treatment of substance  
15 use disorders. ~~alcoholism and other drug abuse and dependency.~~

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

17 (20 ILCS 301/25-15)

18 Sec. 25-15. Emergency treatment.

19 (a) An alcohol or other drug impaired person who may be a  
20 danger to himself or herself or to others may voluntarily come  
21 to a treatment facility with available capacity for withdrawal  
22 management. An alcohol or other drug impaired person may also  
23 ~~intoxicated person may come voluntarily to a treatment facility~~  
24 ~~for emergency treatment. A person who appears to be intoxicated~~

1 ~~in a public place and who may be a danger to himself or others~~  
2 ~~may~~ be assisted to his or her home, a treatment facility with  
3 available capacity for withdrawal management, or other health  
4 facility either directly by the police or through an  
5 intermediary person.

6 (b) A person who appears to be unconscious or in immediate  
7 need of emergency medical services while in a public place and  
8 who shows symptoms of alcohol or other drug impairment ~~brought~~  
9 ~~on by alcoholism or other drug abuse or dependency~~ may be taken  
10 into protective custody by the police and forthwith brought to  
11 an emergency medical service. A person who ~~is otherwise~~  
12 ~~incapacitated while in a public place and who~~ shows symptoms of  
13 alcohol or other drug impairment in a public place ~~alcoholism~~  
14 ~~or other drug abuse or dependency~~ may be taken into custody and  
15 forthwith brought to a facility with available capacity for  
16 withdrawal management. ~~available for detoxification.~~ The  
17 police in detaining the person shall take him or her into  
18 protective custody only, which shall not constitute an arrest.  
19 No entry or other record shall be made to indicate that the  
20 person has been arrested or charged with a crime. The detaining  
21 officer may take reasonable steps to protect himself or herself  
22 from harm.

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

24 (20 ILCS 301/25-20)

25 Sec. 25-20. Applicability of patients' rights. All persons

1 who are receiving or who have received early intervention,  
2 treatment, or other recovery support ~~or aftercare~~ services  
3 under this Act shall be afforded those rights enumerated in  
4 Article 30.

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

6 (20 ILCS 301/30-5)

7 Sec. 30-5. Patients' rights established.

8 (a) For purposes of this Section, "patient" means any  
9 person who is receiving or has received early intervention,  
10 treatment, or other recovery support ~~or aftercare~~ services  
11 under this Act or any category of service licensed as  
12 "intervention" under this Act.

13 (b) No patient ~~who is receiving or who has received~~  
14 ~~intervention, treatment or aftercare services under this Act~~  
15 shall be deprived of any rights, benefits, or privileges  
16 guaranteed by law, the Constitution of the United States of  
17 America, or the Constitution of the State of Illinois solely  
18 because of his or her status as a patient ~~of a program.~~

19 (c) Persons who have substance use disorders ~~abuse or are~~  
20 ~~dependent on alcohol or other drugs~~ who are also suffering from  
21 medical conditions shall not be discriminated against in  
22 admission or treatment by any hospital that ~~which~~ receives  
23 support in any form ~~from any program~~ supported in whole or in  
24 part by funds appropriated to any State department or agency.

25 (d) Every patient shall have impartial access to services

1 without regard to race, religion, sex, ethnicity, age, sexual  
2 orientation, gender identity, marital status, or other  
3 disability. ~~or disability.~~

4 (e) Patients shall be permitted the free exercise of  
5 religion.

6 (f) Every patient's personal dignity shall be recognized in  
7 the provision of services, and a patient's personal privacy  
8 shall be assured and protected within the constraints of his or  
9 her individual treatment ~~plan~~.

10 (g) Treatment services shall be provided in the least  
11 restrictive environment possible.

12 (h) Each patient receiving treatment services shall be  
13 provided an individual treatment plan, which shall be  
14 periodically reviewed and updated as mandated by  
15 administrative rule. ~~necessary.~~

16 (i) Treatment shall be person-centered, meaning that every  
17 ~~Every~~ patient shall be permitted to participate in the planning  
18 of his or her total care and medical treatment to the extent  
19 that his or her condition permits.

20 (j) A person shall not be denied treatment solely because  
21 he or she has withdrawn from treatment against medical advice  
22 on a prior occasion or had prior treatment episodes. ~~because he~~  
23 ~~has relapsed after earlier treatment or, when in medical~~  
24 ~~crisis, because of inability to pay.~~

25 (k) The patient in residential treatment shall be permitted  
26 visits by family and significant others, unless such visits are

1 clinically contraindicated.

2 (l) A patient in residential treatment shall be allowed to  
3 conduct private telephone conversations with family and  
4 friends unless clinically contraindicated.

5 (m) A patient in residential treatment shall be permitted  
6 to send and receive mail without hindrance, unless clinically  
7 contraindicated.

8 (n) A patient shall be permitted to manage his or her own  
9 financial affairs unless the patient or the patient's ~~he or his~~  
10 guardian, or if the patient is a minor, the patient's ~~his~~  
11 parent, authorizes another competent person to do so.

12 (o) A patient shall be permitted to request the opinion of  
13 a consultant at his or her own expense, or to request an  
14 in-house review of a treatment plan, as provided in the  
15 specific procedures of the provider. A treatment provider is  
16 not liable for the negligence of any consultant.

17 (p) Unless otherwise prohibited by State or federal law,  
18 every patient shall be permitted to obtain from his or her own  
19 physician, the treatment provider, or the treatment provider's  
20 consulting physician complete and current information  
21 concerning the nature of care, procedures, and treatment that  
22 ~~which~~ he or she will receive.

23 (q) A patient shall be permitted to refuse to participate  
24 in any experimental research or medical procedure without  
25 compromising his or her access to other, non-experimental  
26 services. Before a patient is placed in an experimental

1 research or medical procedure, the provider must first obtain  
2 his or her informed written consent or otherwise comply with  
3 the federal requirements regarding the protection of human  
4 subjects contained in 45 C.F.R. Part 46.

5 (r) All medical treatment and procedures shall be  
6 administered as ordered by a physician and in accordance with  
7 all Department rules. ~~In order to assure compliance by the~~  
8 ~~treatment program with all physician orders, all new physician~~  
9 ~~orders shall be reviewed by the treatment program's staff~~  
10 ~~within a reasonable period of time after such orders have been~~  
11 ~~issued. "Medical treatment and procedures" means those~~  
12 ~~services that can be ordered only by a physician licensed to~~  
13 ~~practice medicine in all of its branches in Illinois.~~

14 (s) Every patient in treatment shall be permitted to refuse  
15 medical treatment and to know the consequences of such action.  
16 Such refusal by a patient shall free the treatment licensee  
17 ~~program~~ from the obligation to provide the treatment.

18 (t) Unless otherwise prohibited by State or federal law,  
19 every patient, patient's guardian, or parent, if the patient is  
20 a minor, shall be permitted to inspect and copy all clinical  
21 and other records kept by the intervention or treatment  
22 licensee ~~treatment program~~ or by his or her physician  
23 concerning his or her care and maintenance. The licensee  
24 ~~treatment program~~ or physician may charge a reasonable fee for  
25 the duplication of a record.

26 (u) No owner, licensee, administrator, employee, or agent

1 of a licensed intervention or treatment program shall abuse or  
2 neglect a patient. It is the duty of any individual ~~program~~  
3 ~~employee or agent~~ who becomes aware of such abuse or neglect to  
4 report it to the Department immediately.

5 (v) The licensee ~~administrator of a program~~ may refuse  
6 access ~~to the program~~ to any person if the actions of that  
7 person ~~while in the program~~ are or could be injurious to the  
8 health and safety of a patient or the licensee ~~program~~, or if  
9 the person seeks access ~~to the program~~ for commercial purposes.

10 (w) All patients admitted to community-based treatment  
11 facilities shall be considered voluntary treatment patients  
12 and such patients shall not be contained within a locked  
13 setting. ~~A patient may be discharged from a program after he~~  
14 ~~gives the administrator written notice of his desire to be~~  
15 ~~discharged or upon completion of his prescribed course of~~  
16 ~~treatment. No patient shall be discharged or transferred~~  
17 ~~without the preparation of a post treatment aftercare plan by~~  
18 ~~the program.~~

19 (x) Patients and their families or legal guardians shall  
20 have the right to present complaints to the provider or the  
21 Department concerning the quality of care provided to the  
22 patient, without threat of discharge or reprisal in any form or  
23 manner whatsoever. The complaint process and procedure shall be  
24 adopted by the Department by rule. The treatment provider shall  
25 have in place a mechanism for receiving and responding to such  
26 complaints, and shall inform the patient and the patient's ~~his~~



1 family or legal guardian of this mechanism and how to use it.  
2 The provider shall analyze any complaint received and, when  
3 indicated, take appropriate corrective action. Every patient  
4 and his or her family member or legal guardian who makes a  
5 complaint shall receive a timely response from the provider  
6 that ~~which~~ substantively addresses the complaint. The provider  
7 shall inform the patient and the patient's ~~his~~ family or legal  
8 guardian about other sources of assistance if the provider has  
9 not resolved the complaint to the satisfaction of the patient  
10 or the patient's ~~his~~ family or legal guardian.

11 (y) A patient ~~resident~~ may refuse to perform labor at a  
12 program unless such labor is a part of the patient's ~~his~~  
13 individual treatment plan ~~program~~ as documented in the  
14 patient's ~~his~~ clinical record.

15 (z) A person who is in need of services ~~treatment~~ may apply  
16 for voluntary admission ~~to a treatment program~~ in the manner  
17 and with the rights provided for under regulations promulgated  
18 by the Department. If a person is refused admission, then  
19 staff, ~~to a licensed treatment program, the staff of the~~  
20 ~~program,~~ subject to rules promulgated by the Department, shall  
21 refer the person to another facility or to other appropriate  
22 services. ~~treatment or other appropriate program.~~

23 (aa) No patient shall be denied services based solely on  
24 HIV status. Further, records and information governed by the  
25 AIDS Confidentiality Act and the AIDS Confidentiality and  
26 Testing Code (77 Ill. Adm. Code 697) shall be maintained in

1 accordance therewith.

2 (bb) Records of the identity, diagnosis, prognosis or  
3 treatment of any patient maintained in connection with the  
4 performance of any service program or activity relating to  
5 substance use disorder ~~alcohol or other drug abuse or~~  
6 ~~dependency~~ education, early intervention, intervention,  
7 training, or treatment that ~~or rehabilitation which~~ is  
8 regulated, authorized, or directly or indirectly assisted by  
9 any Department or agency of this State or under any provision  
10 of this Act shall be confidential and may be disclosed only in  
11 accordance with the provisions of federal law and regulations  
12 concerning the confidentiality of substance use disorder  
13 ~~alcohol and drug abuse~~ patient records as contained in 42  
14 U.S.C. Sections 290dd-2 ~~290dd-3 and 290ee-3~~ and 42 C.F.R. Part  
15 2, or any successor federal statute or regulation.

16 (1) The following are exempt from the confidentiality  
17 protections set forth in 42 C.F.R. Section 2.12(c):

18 (A) Veteran's Administration records.

19 (B) Information obtained by the Armed Forces.

20 (C) Information given to qualified service  
21 organizations.

22 (D) Communications within a program or between a  
23 program and an entity having direct administrative  
24 control over that program.

25 (E) Information given to law enforcement personnel  
26 investigating a patient's commission of a crime on the

1 program premises or against program personnel.

2 (F) Reports under State law of incidents of  
3 suspected child abuse and neglect; however,  
4 confidentiality restrictions continue to apply to the  
5 records and any follow-up information for disclosure  
6 and use in civil or criminal proceedings arising from  
7 the report of suspected abuse or neglect.

8 (2) If the information is not exempt, a disclosure can  
9 be made only under the following circumstances:

10 (A) With patient consent as set forth in 42 C.F.R.  
11 Sections 2.1(b)(1) and 2.31, and as consistent with  
12 pertinent State law.

13 (B) For medical emergencies as set forth in 42  
14 C.F.R. Sections 2.1(b)(2) and 2.51.

15 (C) For research activities as set forth in 42  
16 C.F.R. Sections 2.1(b)(2) and 2.52.

17 (D) For audit evaluation activities as set forth in  
18 42 C.F.R. Section 2.53.

19 (E) With a court order as set forth in 42 C.F.R.  
20 Sections 2.61 through 2.67.

21 (3) The restrictions on disclosure and use of patient  
22 information apply whether the holder of the information  
23 already has it, has other means of obtaining it, is a law  
24 enforcement or other official, has obtained a subpoena, or  
25 asserts any other justification for a disclosure or use  
26 that ~~which~~ is not permitted by 42 C.F.R. Part 2. Any court

1 orders authorizing disclosure of patient records under  
2 this Act must comply with the procedures and criteria set  
3 forth in 42 C.F.R. Sections 2.64 and 2.65. Except as  
4 authorized by a court order granted under this Section, no  
5 record referred to in this Section may be used to initiate  
6 or substantiate any charges against a patient or to conduct  
7 any investigation of a patient.

8 (4) The prohibitions of this subsection shall apply to  
9 records concerning any person who has been a patient,  
10 regardless of whether or when the person ~~he~~ ceases to be a  
11 patient.

12 (5) Any person who discloses the content of any record  
13 referred to in this Section except as authorized shall,  
14 upon conviction, be guilty of a Class A misdemeanor.

15 (6) The Department shall prescribe regulations to  
16 carry out the purposes of this subsection. These  
17 regulations may contain such definitions, and may provide  
18 for such safeguards and procedures, including procedures  
19 and criteria for the issuance and scope of court orders, as  
20 in the judgment of the Department are necessary or proper  
21 to effectuate the purposes of this Section, to prevent  
22 circumvention or evasion thereof, or to facilitate  
23 compliance therewith.

24 (cc) Each patient shall be given a written explanation of  
25 all the rights enumerated in this Section and a copy, signed by  
26 the patient, shall be kept in every patient record. If a

1 patient is unable to read such written explanation, it shall be  
2 read to the patient in a language that the patient understands.  
3 A copy of all the rights enumerated in this Section shall be  
4 posted in a conspicuous place within the program where it may  
5 readily be seen and read by program patients and visitors.

6 (dd) The program shall ensure that its staff is familiar  
7 with and observes the rights and responsibilities enumerated in  
8 this Section.

9 (ee) Licensed organizations shall comply with the right of  
10 any adolescent to consent to treatment without approval of the  
11 parent or legal guardian in accordance with the Consent by  
12 Minors to Medical Procedures Act.

13 (ff) At the point of admission for services, licensed  
14 organizations must obtain written informed consent, as defined  
15 in Section 1-10 and in administrative rule, from each client,  
16 patient, or legal guardian.

17 (Source: P.A. 99-143, eff. 7-27-15.)

18 (20 ILCS 301/35-5)

19 Sec. 35-5. Services for pregnant women and mothers.

20 (a) In order to promote a comprehensive, statewide and  
21 multidisciplinary approach to serving ~~addicted~~ pregnant women  
22 and mothers, including those who are minors, and their children  
23 who are affected by substance use disorders, ~~alcoholism and~~  
24 ~~other drug abuse or dependency~~, the Department shall have  
25 responsibility for an ongoing exchange of referral

1 information, ~~as set forth in subsections (b) and (c) of this~~  
2 ~~Section,~~ among the following:

3 (1) those who provide medical and social services to  
4 pregnant women, mothers and their children, whether or not  
5 there exists evidence of a substance use disorder. These  
6 include any other State-funded medical or social services  
7 to pregnant women. ~~alcoholism or other drug abuse or~~  
8 ~~dependency. These include providers in the Healthy~~  
9 ~~Moms/Healthy Kids program, the Drug Free Families With a~~  
10 ~~Future program, the Parents Too Soon program, and any other~~  
11 ~~State-funded medical or social service programs which~~  
12 ~~provide services to pregnant women.~~

13 (2) providers of treatment services to women affected  
14 by substance use disorders. ~~alcoholism or other drug abuse~~  
15 ~~or dependency.~~

16 (b) (Blank). ~~The Department may, in conjunction with the~~  
17 ~~Departments of Children and Family Services, Public Health and~~  
18 ~~Public Aid, develop and maintain an updated and comprehensive~~  
19 ~~list of medical and social service providers by geographic~~  
20 ~~region. The Department may periodically send this~~  
21 ~~comprehensive list of medical and social service providers to~~  
22 ~~all providers of treatment for alcoholism and other drug abuse~~  
23 ~~and dependency, identified under subsection (f) of this~~  
24 ~~Section, so that appropriate referrals can be made. The~~  
25 ~~Department shall obtain the specific consent of each provider~~  
26 ~~of services before publishing, distributing, verbally making~~

1 ~~information available for purposes of referral, or otherwise~~  
2 ~~publicizing the availability of services from a provider. The~~  
3 ~~Department may make information concerning availability of~~  
4 ~~services available to recipients, but may not require~~  
5 ~~recipients to specific sources of care.~~

6 (c) (Blank). ~~The Department may, on an ongoing basis, keep~~  
7 ~~all medical and social service providers identified under~~  
8 ~~subsection (b) of this Section informed about any relevant~~  
9 ~~changes in any laws relating to alcoholism and other drug abuse~~  
10 ~~and dependency, about services that are available from any~~  
11 ~~State agencies for addicted pregnant women and addicted mothers~~  
12 ~~and their children, and about any other developments that the~~  
13 ~~Department finds to be informative.~~

14 (d) (Blank). ~~All providers of treatment for alcoholism and~~  
15 ~~other drug abuse and dependency may receive information from~~  
16 ~~the Department on the availability of services under the Drug~~  
17 ~~Free Families with a Future or any comparable program providing~~  
18 ~~case management services for alcoholic or addicted women,~~  
19 ~~including information on appropriate referrals for other~~  
20 ~~services that may be needed in addition to treatment.~~

21 (e) (Blank). ~~The Department may implement the policies and~~  
22 ~~programs set forth in this Section with the advice of the~~  
23 ~~Committee on Women's Alcohol and Substance Abuse Treatment~~  
24 ~~created under Section 10-20 of this Act.~~

25 (f) The Department shall develop and maintain an updated  
26 and comprehensive directory of licensed ~~service~~ providers that

1 deliver ~~provide~~ treatment and intervention services. The  
2 Department shall post on its website a licensed provider  
3 directory updated at least quarterly. ~~services to pregnant~~  
4 ~~women, mothers, and their children in this State. The~~  
5 ~~Department shall disseminate an updated directory as often as~~  
6 ~~is necessary to the list of medical and social service~~  
7 ~~providers compiled under subsection (b) of this Section. The~~  
8 ~~Department shall obtain the specific consent of each provider~~  
9 ~~of services before publishing, distributing, verbally making~~  
10 ~~information available for purposes of referral or otherwise~~  
11 ~~using or publicizing the availability of services from a~~  
12 ~~provider. The Department may make information concerning~~  
13 ~~availability of services available to recipients, but may not~~  
14 ~~require recipients to use specific sources of care.~~

15 (g) As a condition of any State grant or contract, the  
16 Department shall require that any treatment program for  
17 ~~addicted~~ women with substance use disorders provide services,  
18 either by its own staff or by agreement with other agencies or  
19 individuals, which include but need not be limited to the  
20 following:

21 (1) coordination with any ~~the Healthy Moms/Healthy~~  
22 ~~Kids program, the Drug Free Families with a Future program,~~  
23 ~~or any comparable~~ program providing case management  
24 services to ensure ~~assure~~ ongoing monitoring and  
25 coordination of services after the addicted woman has  
26 returned home.



1           (2) coordination with medical services for individual  
2           medical care of ~~addicted~~ pregnant women, including  
3           prenatal care under the supervision of a physician.

4           (3) coordination with child care services, ~~under any~~  
5           ~~State plan developed pursuant to subsection (c) of Section~~  
6           ~~10-25 of this Act.~~

7           (h) As a condition of any State grant or contract, the  
8           Department shall require that any nonresidential program  
9           receiving any funding for treatment services accept women who  
10          are pregnant, provided that such services are clinically  
11          appropriate. Failure to comply with this subsection shall  
12          result in termination of the grant or contract and loss of  
13          State funding.

14          (i) (1) From funds appropriated expressly for the purposes  
15          of this Section, the Department shall create or contract with  
16          licensed, certified agencies to develop a program for the care  
17          and treatment of ~~addicted~~ pregnant women, ~~addicted~~ mothers and  
18          their children. The program shall be in Cook County in an area  
19          of high density population having a disproportionate number of  
20          ~~addicted~~ women with substance use disorders and a high infant  
21          mortality rate.

22          (2) From funds appropriated expressly for the purposes of  
23          this Section, the Department shall create or contract with  
24          licensed, certified agencies to develop a program for the care  
25          and treatment of low income pregnant women. The program shall  
26          be located anywhere in the State outside of Cook County in an

1 area of high density population having a disproportionate  
2 number of low income pregnant women.

3 (3) In implementing the programs established under this  
4 subsection, the Department shall contract with existing  
5 residential treatment or ~~residencies or~~ recovery homes in areas  
6 having a disproportionate number of women with substance use  
7 disorders who ~~who abuse alcohol or other drugs and~~ need  
8 residential treatment ~~and counseling~~. Priority shall be given  
9 to ~~addicted and abusing~~ women who:

10 (A) are pregnant, especially if they are intravenous  
11 drug users,

12 (B) have minor children,

13 (C) are both pregnant and have minor children, or

14 (D) are referred by medical personnel because they  
15 either have given birth to a baby with a substance use  
16 disorder, ~~addicted to a controlled substance,~~ or will give  
17 birth to a baby with a ~~addicted to a controlled~~ substance  
18 use disorder.

19 (4) The services provided by the programs shall include but  
20 not be limited to:

21 (A) individual medical care, including prenatal care,  
22 under the supervision of a physician.

23 (B) temporary, residential shelter for pregnant women,  
24 mothers and children when necessary.

25 (C) a range of educational or counseling services.

26 (D) comprehensive and coordinated social services,

1 including ~~substance abuse~~ therapy groups for the treatment  
2 of substance use disorders; ~~alcoholism and other drug abuse~~  
3 ~~and dependency~~; family therapy groups; programs to develop  
4 positive self-awareness; parent-child therapy; and  
5 residential support groups.

6 (5) (Blank). ~~No services that require a license shall be~~  
7 ~~provided until and unless the recovery home or other residence~~  
8 ~~obtains and maintains the requisite license.~~

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

10 (20 ILCS 301/35-10)

11 Sec. 35-10. Adolescent Family Life Program.

12 (a) The General Assembly finds and declares the following:

13 (1) In Illinois, a substantial number of babies are  
14 born each year to adolescent mothers between 12 and 19  
15 years of age.

16 (2) A substantial percentage of pregnant adolescents  
17 have substance use disorders ~~either abuse substances by~~  
18 ~~experimenting with alcohol and drugs~~ or live in  
19 environments ~~an environment~~ in which substance use  
20 disorders occur ~~abuse occurs~~ and thus are at risk of  
21 exposing their infants to dangerous and harmful  
22 circumstances ~~substances~~.

23 (3) It is difficult to provide substance use disorder  
24 ~~abuse~~ counseling for adolescents in settings designed to  
25 serve adults.

1 (b) To address the findings set forth in subsection (a),  
2 and subject to appropriation, the Department ~~of Human Services~~  
3 ~~as successor to the Department of Alcoholism and Substance~~  
4 ~~Abuse~~ may establish and fund treatment strategies ~~a 3-year~~  
5 ~~demonstration program in Cook County to be known as the~~  
6 ~~Adolescent Family Life Program. The program shall be designed~~  
7 ~~specifically~~ to meet the developmental, social, and  
8 educational needs of high-risk pregnant adolescents and shall  
9 do the following:

10 (1) To the maximum extent feasible and appropriate,  
11 utilize existing services ~~programs~~ and funding rather than  
12 create new, duplicative ~~programs and~~ services.

13 (2) Include plans for coordination and collaboration  
14 with existing perinatal substance use disorder services.  
15 ~~abuse programs.~~

16 (3) Include goals and objectives for reducing the  
17 incidence of high-risk pregnant adolescents.

18 (4) Be culturally and linguistically appropriate to  
19 the population being served.

20 (5) Include staff development training by substance  
21 use disorder ~~abuse~~ counselors.

22 As used in this Section, "high-risk pregnant adolescent"  
23 means a person at least 12 but not more than 18 years of age  
24 with a substance use disorder who ~~uses alcohol to excess, is~~  
25 ~~addicted to a controlled substance, or habitually uses cannabis~~  
26 ~~and~~ is pregnant.

1           (c) (Blank). ~~If the Department establishes a program under~~  
2 ~~this Section, the Department shall report the following to the~~  
3 ~~General Assembly on or before the first day of the thirty-first~~  
4 ~~month following the month in which the program is initiated:~~

5           ~~(1) An accounting of the incidence of high risk~~  
6 ~~pregnant adolescents who are abusing alcohol or drugs or a~~  
7 ~~combination of alcohol and drugs.~~

8           ~~(2) An accounting of the health outcomes of infants of~~  
9 ~~high risk pregnant adolescents, including infant~~  
10 ~~morbidity, rehospitalization, low birth weight, premature~~  
11 ~~birth, developmental delay, and other related areas.~~

12           ~~(3) An accounting of school enrollment among high risk~~  
13 ~~pregnant adolescents.~~

14           ~~(4) An assessment of the effectiveness of the~~  
15 ~~counseling services in reducing the incidence of high risk~~  
16 ~~pregnant adolescents who are abusing alcohol or drugs or a~~  
17 ~~combination of alcohol and drugs.~~

18           ~~(5) The effectiveness of the component of other health~~  
19 ~~programs aimed at reducing substance use among pregnant~~  
20 ~~adolescents.~~

21           ~~(6) The need for an availability of substance abuse~~  
22 ~~treatment programs in the program areas that are~~  
23 ~~appropriate, acceptable, and accessible to adolescents.~~

24 (Source: P.A. 90-238, eff. 1-1-98.)

25 (20 ILCS 301/Art. 40 heading)



1           probation under Section 70 of the Methamphetamine Control  
2           and Community Protection Act;

3           (3) the person has a record of 2 or more convictions of  
4           a crime of violence;

5           (4) other criminal proceedings alleging commission of  
6           a felony are pending against the person;

7           (5) the person is on probation or parole and the  
8           appropriate parole or probation authority does not consent  
9           to that election;

10          (6) the person elected and was admitted to a designated  
11          program on 2 prior occasions within any consecutive 2-year  
12          period;

13          (7) the person has been convicted of residential  
14          burglary and has a record of one or more felony  
15          convictions;

16          (8) the crime is a violation of Section 11-501 of the  
17          Illinois Vehicle Code or a similar provision of a local  
18          ordinance; or

19          (9) the crime is a reckless homicide or a reckless  
20          homicide of an unborn child, as defined in Section 9-3 or  
21          9-3.2 of the Criminal Code of 1961 or the Criminal Code of  
22          2012, in which the cause of death consists of the driving  
23          of a motor vehicle by a person under the influence of  
24          alcohol or any other drug or drugs at the time of the  
25          violation.

26          Nothing in this Section shall preclude an individual who is

1 charged with or convicted of a crime that is a violation of  
2 Section 60(b)(1) or 60(b)(2) of the Methamphetamine Control and  
3 Community Protection Act, and who is otherwise eligible to make  
4 the election provided for under this Section, from being  
5 eligible to make an election for treatment as a condition of  
6 probation as provided for under this Article.

7 (Source: P.A. 98-896, eff. 1-1-15; 98-1124, eff. 8-26-14;  
8 99-78, eff. 7-20-15.)

9 (20 ILCS 301/40-10)

10 Sec. 40-10. Treatment as a condition of probation.

11 (a) If a court has reason to believe that an individual who  
12 is charged with or convicted of a crime suffers from a  
13 substance use disorder ~~alcoholism or other drug addiction~~ and  
14 the court finds that he or she is eligible to make the election  
15 provided for under Section 40-5, the court shall advise the  
16 individual that he or she may be sentenced to probation and  
17 shall be subject to terms and conditions of probation under  
18 Section 5-6-3 of the Unified Code of Corrections if he or she  
19 elects to participate in ~~submit to~~ treatment and is accepted  
20 for services ~~treatment~~ by a designated program. The court shall  
21 further advise the individual that:

22 (1) If ~~if~~ he or she elects to participate in ~~submit to~~  
23 treatment and is accepted he or she shall be sentenced to  
24 probation and placed under the supervision of the  
25 designated program for a period not to exceed the maximum



1 sentence that could be imposed for his or her conviction or  
2 5 years, whichever is less.

3 (2) During ~~during~~ probation he or she may be treated at  
4 the discretion of the designated program.

5 (3) If ~~if~~ he or she adheres to the requirements of the  
6 designated program and fulfills the other conditions of  
7 probation ordered by the court, he or she will be  
8 discharged, but any failure to adhere to the requirements  
9 of the designated program is a breach of probation.

10 The court may require ~~certify~~ an individual to obtain ~~for~~  
11 treatment while on probation under the supervision of a  
12 designated program and probation authorities regardless of the  
13 election of the individual if the assessment, as specified in  
14 subsection (b), indicates that such treatment is medically  
15 necessary.

16 (b) If the individual elects to undergo treatment or is  
17 required to obtain ~~certified for~~ treatment, the court shall  
18 order an assessment ~~examination~~ by a designated program to  
19 determine whether he or she suffers from a substance use  
20 disorder ~~alcoholism or other drug addiction~~ and is likely to be  
21 rehabilitated through treatment. The designated program shall  
22 report to the court the results of the assessment and, if  
23 treatment is determined medically necessary, indicate the  
24 diagnosis and the recommended initial level of care.  
25 ~~examination and recommend whether the individual should be~~  
26 ~~placed for treatment.~~ If the court, on the basis of the report

1 and other information, finds that such an individual suffers  
2 from a substance use disorder ~~alcoholism or other drug~~  
3 ~~addiction~~ and is likely to be rehabilitated through treatment,  
4 the individual shall be placed on probation and under the  
5 supervision of a designated program for treatment and under the  
6 supervision of the proper probation authorities for probation  
7 supervision unless, giving consideration to the nature and  
8 circumstances of the offense and to the history, character, and  
9 condition of the individual, the court is of the opinion that  
10 no significant relationship exists between the substance use  
11 disorder ~~addiction or alcoholism~~ of the individual and the  
12 crime committed, or that his or her imprisonment or periodic  
13 imprisonment is necessary for the protection of the public, and  
14 the court specifies on the record the particular evidence,  
15 information, or other reasons that form the basis of such  
16 opinion. However, under no circumstances shall the individual  
17 be placed under the supervision of a designated program for  
18 treatment before the entry of a judgment of conviction.

19 (c) If the court, on the basis of the report or other  
20 information, finds that the individual suffering from a  
21 substance use disorder ~~alcoholism or other drug addiction~~ is  
22 not likely to be rehabilitated through treatment, or that his  
23 or her substance use disorder ~~addiction or alcoholism~~ and the  
24 crime committed are not significantly related, or that his or  
25 her imprisonment or periodic imprisonment is necessary for the  
26 protection of the public, the court shall impose sentence as in

1 other cases. The court may require such progress reports on the  
2 individual from the probation officer and designated program as  
3 the court finds necessary. Case management services, as defined  
4 in this Act and as further described by rule, shall also be  
5 delivered by the designated program. No individual may be  
6 placed under treatment supervision unless a designated program  
7 accepts him or her for treatment.

8 (d) Failure of an individual placed on probation and under  
9 the supervision of a designated program to observe the  
10 requirements set down by the designated program shall be  
11 considered a probation violation. Such failure shall be  
12 reported by the designated program to the probation officer in  
13 charge of the individual and treated in accordance with  
14 probation regulations.

15 (e) Upon successful fulfillment of the terms and conditions  
16 of probation the court shall discharge the person from  
17 probation. If the person has not previously been convicted of  
18 any felony offense and has not previously been granted a  
19 vacation of judgment under this Section, upon motion, the court  
20 shall vacate the judgment of conviction and dismiss the  
21 criminal proceedings against him or her unless, having  
22 considered the nature and circumstances of the offense and the  
23 history, character and condition of the individual, the court  
24 finds that the motion should not be granted. Unless good cause  
25 is shown, such motion to vacate must be filed at any time from  
26 the date of the entry of the judgment to a date that is not more

1 than 60 days after the discharge of the probation.

2 (Source: P.A. 99-574, eff. 1-1-17.)

3 (20 ILCS 301/40-15)

4 Sec. 40-15. Acceptance for treatment as a parole or  
5 ~~aftercare~~ release condition. Acceptance for treatment for a  
6 substance use disorder ~~drug addiction or alcoholism~~ under the  
7 supervision of a designated program may be made a condition of  
8 parole or ~~aftercare~~ release, and failure to comply with such  
9 services ~~treatment~~ may be treated as a violation of parole or  
10 ~~aftercare~~ release. A designated program shall establish the  
11 conditions under which a parolee or releasee is accepted for  
12 services ~~treatment~~. No parolee or releasee may be placed under  
13 the supervision of a designated program for treatment unless  
14 the designated program accepts him or her for treatment. The  
15 designated program shall make periodic progress reports  
16 regarding each such parolee or releasee to the appropriate  
17 parole authority and shall report failures to comply with the  
18 prescribed treatment program.

19 (Source: P.A. 98-558, eff. 1-1-14.)

20 (20 ILCS 301/45-5)

21 Sec. 45-5. Inspections.

22 (a) Employees ~~or officers~~ of the Department are authorized  
23 to enter, at reasonable times and upon presentation of  
24 credentials, the premises on which any licensed or funded

1 activity is conducted, including off-site services, in order to  
2 inspect all pertinent property, records, personnel and  
3 business data that ~~which~~ relate to such activity.

4 (b) When authorized by an administrative inspection  
5 warrant issued pursuant to this Act, any officer or employee  
6 may execute the inspection warrant according to its terms.  
7 Entries, inspections and seizures of property may be made  
8 without a warrant:

9 (1) if the person in charge of the premises consents.

10 (2) in situations presenting imminent danger to health  
11 or safety.

12 (3) in situations involving inspections of conveyances  
13 if there is reasonable cause to believe that the mobility  
14 of the conveyance makes it impracticable to obtain a  
15 warrant.

16 (4) in any other exceptional or emergency  
17 circumstances where time or opportunity to apply for a  
18 warrant is lacking.

19 (c) Issuance and execution of administrative inspection  
20 warrants shall be as follows.

21 (1) A judge of the circuit court, upon proper oath or  
22 affirmation showing probable cause, may issue  
23 administrative inspection warrants for the purpose of  
24 conducting inspections and seizing property. Probable  
25 cause exists upon showing a valid public interest in the  
26 effective enforcement of this Act or regulations

1 promulgated hereunder, sufficient to justify inspection or  
2 seizure of property.

3 (2) An inspection warrant shall be issued only upon an  
4 affidavit of a person having knowledge of the facts  
5 alleged, sworn to before the circuit judge and established  
6 as grounds for issuance of a warrant. If the circuit judge  
7 is satisfied that probable cause exists, he shall issue an  
8 inspection warrant identifying the premises to be  
9 inspected, the property, if any, to be seized, and the  
10 purpose of the inspection or seizure.

11 (3) The inspection warrant shall state the grounds for  
12 its issuance, the names of persons whose affidavits have  
13 been taken in support thereof and any items or types of  
14 property to be seized.

15 (4) The inspection warrant shall be directed to a  
16 person authorized by the Secretary to execute it, shall  
17 command the person to inspect or seize the property, direct  
18 that it be served at any time of day or night, and  
19 designate a circuit judge to whom it shall be returned.

20 (5) The inspection warrant must be executed and  
21 returned within 10 days of the date of issuance unless the  
22 court orders otherwise.

23 (6) If property is seized, an inventory shall be made.  
24 A copy of the inventory of the seized property shall be  
25 given to the person from whom the property was taken, or if  
26 no person is available to receive the inventory, it shall

1 be left at the premises.

2 (7) No warrant shall be quashed nor evidence suppressed  
3 because of technical irregularities not affecting the  
4 substantive rights of the persons affected. The Department  
5 shall have exclusive jurisdiction for the enforcement of  
6 this Act and for violations thereof.

7 (Source: P.A. 88-80; 89-202, eff. 7-21-95; 89-507, eff.  
8 7-1-97.)

9 (20 ILCS 301/50-10)

10 Sec. 50-10. Alcoholism and Substance Abuse Fund. Monies  
11 received from the federal government, except monies received  
12 under the Block Grant for the Prevention and Treatment of  
13 Alcoholism and Substance Abuse, and other gifts or grants made  
14 by any person or other organization or State entity to the fund  
15 shall be deposited into the Alcoholism and Substance Abuse Fund  
16 which is hereby created as a special fund in the State  
17 treasury. Monies in this fund shall be appropriated to the  
18 Department and expended for the purposes and activities  
19 specified by the person, organization or federal agency making  
20 the gift or grant.

21 (Source: P.A. 98-463, eff. 8-16-13.)

22 (20 ILCS 301/50-20)

23 Sec. 50-20. Drunk and Drugged Driving Prevention Fund.  
24 There is hereby created in the State treasury a special fund to

1 be known as the Drunk and Drugged Driving Prevention Fund.  
2 There shall be deposited into this Fund such amounts as may be  
3 received pursuant to subsection (c)(2) of Section 6-118 of the  
4 Illinois Vehicle Code. Monies in this fund shall be  
5 appropriated to the Department and expended for the purpose of  
6 making grants to reimburse DUI evaluation and risk ~~remedial~~  
7 education programs licensed by the Department for the costs of  
8 providing indigent persons with free or reduced-cost services  
9 relating to a criminal charge of driving under the influence of  
10 alcohol or other drugs. Monies in the Drunk and Drugged Driving  
11 Prevention Fund may also be used to enhance and support  
12 regulatory inspections and investigations conducted by the  
13 Department under Article 45 of this Act. The balance of the  
14 Fund on June 30 of each fiscal year, less the amount of any  
15 expenditures attributable to that fiscal year during the lapse  
16 period, shall be transferred by the Treasurer to the General  
17 Revenue Fund by the following October 10.

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

19 (20 ILCS 301/50-40)

20 Sec. 50-40. Group Home Loan Revolving Fund.

21 (a) There is hereby established the Group Home Loan  
22 Revolving Fund, referred to in this Section as the "fund", to  
23 be held as a separate fund within the State Treasury. Monies in  
24 this fund shall be appropriated to the Department on a  
25 continuing annual basis. With these funds, the Department



1 shall, directly or through subcontract, make loans to assist in  
2 underwriting the costs of housing in which there may reside ~~no~~  
3 ~~fewer than 6~~ individuals who are recovering from substance use  
4 disorders ~~alcohol or other drug abuse or dependency~~, and who  
5 are seeking an alcohol-free or a drug-free environment in which  
6 to live. Consistent with federal law and regulation, the  
7 Department may establish guidelines for approving the use and  
8 management of monies loaned from the fund, the operation of  
9 group homes receiving loans under this Section and the  
10 repayment of monies loaned.

11 (b) There shall be deposited into the fund such amounts  
12 including, but not limited to:

13 (1) all receipts, including principal and interest  
14 payments and royalties, from any applicable loan agreement  
15 made from the fund.

16 (2) all proceeds of assets of whatever nature received  
17 by the Department as a result of default or delinquency  
18 with respect to loan agreements made from the fund,  
19 including proceeds from the sale, disposal, lease or rental  
20 of real or personal property that ~~which~~ the Department may  
21 receive as a result thereof.

22 (3) any direct appropriations made by the General  
23 Assembly, or any gifts or grants made by any person to the  
24 fund.

25 (4) any income received from interest on investments of  
26 monies in the fund.

1 (c) The Treasurer may invest monies in the fund in  
2 securities constituting obligations of the United States  
3 government, or in obligations the principal of and interest on  
4 which are guaranteed by the United States government, or in  
5 certificates of deposit of any State or national bank which are  
6 fully secured by obligations guaranteed as to principal and  
7 interest by the United States government.

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

9 (20 ILCS 301/55-25)

10 Sec. 55-25. Drug court grant program.

11 (a) Subject to appropriation, the Department ~~Division of~~  
12 ~~Alcoholism and Substance Abuse within the Department of Human~~  
13 ~~Services~~ shall establish a program to administer grants to  
14 local drug courts. Grant moneys may be used for the following  
15 purposes:

16 (1) treatment or other clinical intervention through  
17 an appropriately licensed provider;

18 (2) monitoring, supervision, and clinical case  
19 management via probation, Department Designated Programs,  
20 or licensed treatment providers; ~~TASC, or other licensed~~  
21 ~~Division of Alcoholism and Substance Abuse (DASA)~~  
22 ~~providers;~~

23 (3) transportation of the offender to required  
24 appointments;

25 (4) interdisciplinary and other training of both

1 clinical and legal professionals who are involved in the  
2 local drug court;

3 (5) other activities including data collection related  
4 to drug court operation and purchase of software or other  
5 administrative tools to assist in the overall management of  
6 the local system; or

7 (6) court appointed special advocate programs.

8 (b) The position of Statewide Drug Court Coordinator is  
9 created as a full-time position within the Department ~~Division~~  
10 ~~of Alcoholism and Substance Abuse~~. The Statewide Drug Court  
11 Coordinator shall be responsible for the following:

12 (1) coordinating training, technical assistance, and  
13 overall support to drug courts in Illinois;

14 (2) assisting in the development of new drug courts and  
15 advising local partnerships on appropriate practices;

16 (3) collecting data from local drug court partnerships  
17 on drug court operations and aggregating that data into an  
18 annual report to be presented to the General Assembly; and

19 (4) acting as a liaison between the State and the  
20 Illinois Association of Drug Court Professionals.

21 (Source: P.A. 95-204, eff. 1-1-08.)

22 (20 ILCS 301/55-30)

23 Sec. 55-30. Rate increase. The Department ~~Within 30 days~~  
24 ~~after the effective date of this amendatory Act of the 100th~~  
25 ~~General Assembly, the Division of Alcoholism and Substance~~

1 ~~Abuse~~ shall by rule develop the increased rate methodology and  
2 annualize the increased rate beginning with State fiscal year  
3 2018 contracts to licensed providers of community-based  
4 substance use disorder intervention or treatment ~~community~~  
5 ~~based addiction treatment~~, based on the additional amounts  
6 appropriated for the purpose of providing a rate increase to  
7 licensed providers ~~of community based addiction treatment~~. The  
8 Department shall adopt rules, including emergency rules under  
9 subsection (y) of Section 5-45 of the Illinois Administrative  
10 Procedure Act, to implement the provisions of this Section.  
11 (Source: P.A. 100-23, eff. 7-6-17.)

12 (20 ILCS 301/10-20 rep.)

13 (20 ILCS 301/10-25 rep.)

14 (20 ILCS 301/10-30 rep.)

15 (20 ILCS 301/10-55 rep.)

16 (20 ILCS 301/10-60 rep.)

17 Section 10. The Alcoholism and Other Drug Abuse and  
18 Dependency Act is amended by repealing Sections 10-20, 10-25,  
19 10-30, 10-55, and 10-60.

20 Section 11. The Children and Family Services Act is amended  
21 by changing Section 5 as follows:

22 (20 ILCS 505/5) (from Ch. 23, par. 5005)

23 Sec. 5. Direct child welfare services; Department of

1 Children and Family Services. To provide direct child welfare  
2 services when not available through other public or private  
3 child care or program facilities.

4 (a) For purposes of this Section:

5 (1) "Children" means persons found within the State who  
6 are under the age of 18 years. The term also includes  
7 persons under age 21 who:

8 (A) were committed to the Department pursuant to  
9 the Juvenile Court Act or the Juvenile Court Act of  
10 1987, as amended, prior to the age of 18 and who  
11 continue under the jurisdiction of the court; or

12 (B) were accepted for care, service and training by  
13 the Department prior to the age of 18 and whose best  
14 interest in the discretion of the Department would be  
15 served by continuing that care, service and training  
16 because of severe emotional disturbances, physical  
17 disability, social adjustment or any combination  
18 thereof, or because of the need to complete an  
19 educational or vocational training program.

20 (2) "Homeless youth" means persons found within the  
21 State who are under the age of 19, are not in a safe and  
22 stable living situation and cannot be reunited with their  
23 families.

24 (3) "Child welfare services" means public social  
25 services which are directed toward the accomplishment of  
26 the following purposes:

1 (A) protecting and promoting the health, safety  
2 and welfare of children, including homeless, dependent  
3 or neglected children;

4 (B) remedying, or assisting in the solution of  
5 problems which may result in, the neglect, abuse,  
6 exploitation or delinquency of children;

7 (C) preventing the unnecessary separation of  
8 children from their families by identifying family  
9 problems, assisting families in resolving their  
10 problems, and preventing the breakup of the family  
11 where the prevention of child removal is desirable and  
12 possible when the child can be cared for at home  
13 without endangering the child's health and safety;

14 (D) restoring to their families children who have  
15 been removed, by the provision of services to the child  
16 and the families when the child can be cared for at  
17 home without endangering the child's health and  
18 safety;

19 (E) placing children in suitable adoptive homes,  
20 in cases where restoration to the biological family is  
21 not safe, possible or appropriate;

22 (F) assuring safe and adequate care of children  
23 away from their homes, in cases where the child cannot  
24 be returned home or cannot be placed for adoption. At  
25 the time of placement, the Department shall consider  
26 concurrent planning, as described in subsection (1-1)

1 of this Section so that permanency may occur at the  
2 earliest opportunity. Consideration should be given so  
3 that if reunification fails or is delayed, the  
4 placement made is the best available placement to  
5 provide permanency for the child;

6 (G) (blank);

7 (H) (blank); and

8 (I) placing and maintaining children in facilities  
9 that provide separate living quarters for children  
10 under the age of 18 and for children 18 years of age  
11 and older, unless a child 18 years of age is in the  
12 last year of high school education or vocational  
13 training, in an approved individual or group treatment  
14 program, in a licensed shelter facility, or secure  
15 child care facility. The Department is not required to  
16 place or maintain children:

17 (i) who are in a foster home, or

18 (ii) who are persons with a developmental  
19 disability, as defined in the Mental Health and  
20 Developmental Disabilities Code, or

21 (iii) who are female children who are  
22 pregnant, pregnant and parenting or parenting, or

23 (iv) who are siblings, in facilities that  
24 provide separate living quarters for children 18  
25 years of age and older and for children under 18  
26 years of age.

1           (b) Nothing in this Section shall be construed to authorize  
2 the expenditure of public funds for the purpose of performing  
3 abortions.

4           (c) The Department shall establish and maintain  
5 tax-supported child welfare services and extend and seek to  
6 improve voluntary services throughout the State, to the end  
7 that services and care shall be available on an equal basis  
8 throughout the State to children requiring such services.

9           (d) The Director may authorize advance disbursements for  
10 any new program initiative to any agency contracting with the  
11 Department. As a prerequisite for an advance disbursement, the  
12 contractor must post a surety bond in the amount of the advance  
13 disbursement and have a purchase of service contract approved  
14 by the Department. The Department may pay up to 2 months  
15 operational expenses in advance. The amount of the advance  
16 disbursement shall be prorated over the life of the contract or  
17 the remaining months of the fiscal year, whichever is less, and  
18 the installment amount shall then be deducted from future  
19 bills. Advance disbursement authorizations for new initiatives  
20 shall not be made to any agency after that agency has operated  
21 during 2 consecutive fiscal years. The requirements of this  
22 Section concerning advance disbursements shall not apply with  
23 respect to the following: payments to local public agencies for  
24 child day care services as authorized by Section 5a of this  
25 Act; and youth service programs receiving grant funds under  
26 Section 17a-4.



1 (e) (Blank).

2 (f) (Blank).

3 (g) The Department shall establish rules and regulations  
4 concerning its operation of programs designed to meet the goals  
5 of child safety and protection, family preservation, family  
6 reunification, and adoption, including but not limited to:

7 (1) adoption;

8 (2) foster care;

9 (3) family counseling;

10 (4) protective services;

11 (5) (blank);

12 (6) homemaker service;

13 (7) return of runaway children;

14 (8) (blank);

15 (9) placement under Section 5-7 of the Juvenile Court  
16 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile  
17 Court Act of 1987 in accordance with the federal Adoption  
18 Assistance and Child Welfare Act of 1980; and

19 (10) interstate services.

20 Rules and regulations established by the Department shall  
21 include provisions for training Department staff and the staff  
22 of Department grantees, through contracts with other agencies  
23 or resources, in ~~alcohol and drug abuse~~ screening techniques to  
24 identify substance use disorders, as defined in the Substance  
25 Use Disorder Act, approved by the Department of Human Services,  
26 as a successor to the Department of Alcoholism and Substance

1 Abuse, for the purpose of identifying children and adults who  
2 should be referred for an assessment at an organization  
3 appropriately licensed by the Department of Human Services for  
4 substance use disorder treatment ~~to an alcohol and drug abuse~~  
5 ~~treatment program for professional evaluation.~~

6 (h) If the Department finds that there is no appropriate  
7 program or facility within or available to the Department for a  
8 youth in care and that no licensed private facility has an  
9 adequate and appropriate program or none agrees to accept the  
10 youth in care, the Department shall create an appropriate  
11 individualized, program-oriented plan for such youth in care.  
12 The plan may be developed within the Department or through  
13 purchase of services by the Department to the extent that it is  
14 within its statutory authority to do.

15 (i) Service programs shall be available throughout the  
16 State and shall include but not be limited to the following  
17 services:

- 18 (1) case management;
- 19 (2) homemakers;
- 20 (3) counseling;
- 21 (4) parent education;
- 22 (5) day care; and
- 23 (6) emergency assistance and advocacy.

24 In addition, the following services may be made available  
25 to assess and meet the needs of children and families:

- 26 (1) comprehensive family-based services;

- 1 (2) assessments;
- 2 (3) respite care; and
- 3 (4) in-home health services.

4 The Department shall provide transportation for any of the  
5 services it makes available to children or families or for  
6 which it refers children or families.

7 (j) The Department may provide categories of financial  
8 assistance and education assistance grants, and shall  
9 establish rules and regulations concerning the assistance and  
10 grants, to persons who adopt children with physical or mental  
11 disabilities, children who are older, or other hard-to-place  
12 children who (i) immediately prior to their adoption were youth  
13 in care or (ii) were determined eligible for financial  
14 assistance with respect to a prior adoption and who become  
15 available for adoption because the prior adoption has been  
16 dissolved and the parental rights of the adoptive parents have  
17 been terminated or because the child's adoptive parents have  
18 died. The Department may continue to provide financial  
19 assistance and education assistance grants for a child who was  
20 determined eligible for financial assistance under this  
21 subsection (j) in the interim period beginning when the child's  
22 adoptive parents died and ending with the finalization of the  
23 new adoption of the child by another adoptive parent or  
24 parents. The Department may also provide categories of  
25 financial assistance and education assistance grants, and  
26 shall establish rules and regulations for the assistance and

1 grants, to persons appointed guardian of the person under  
2 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
3 4-25 or 5-740 of the Juvenile Court Act of 1987 for children  
4 who were youth in care for 12 months immediately prior to the  
5 appointment of the guardian.

6 The amount of assistance may vary, depending upon the needs  
7 of the child and the adoptive parents, as set forth in the  
8 annual assistance agreement. Special purpose grants are  
9 allowed where the child requires special service but such costs  
10 may not exceed the amounts which similar services would cost  
11 the Department if it were to provide or secure them as guardian  
12 of the child.

13 Any financial assistance provided under this subsection is  
14 inalienable by assignment, sale, execution, attachment,  
15 garnishment, or any other remedy for recovery or collection of  
16 a judgment or debt.

17 (j-5) The Department shall not deny or delay the placement  
18 of a child for adoption if an approved family is available  
19 either outside of the Department region handling the case, or  
20 outside of the State of Illinois.

21 (k) The Department shall accept for care and training any  
22 child who has been adjudicated neglected or abused, or  
23 dependent committed to it pursuant to the Juvenile Court Act or  
24 the Juvenile Court Act of 1987.

25 (l) The Department shall offer family preservation  
26 services, as defined in Section 8.2 of the Abused and Neglected

1 Child Reporting Act, to help families, including adoptive and  
2 extended families. Family preservation services shall be  
3 offered (i) to prevent the placement of children in substitute  
4 care when the children can be cared for at home or in the  
5 custody of the person responsible for the children's welfare,  
6 (ii) to reunite children with their families, or (iii) to  
7 maintain an adoptive placement. Family preservation services  
8 shall only be offered when doing so will not endanger the  
9 children's health or safety. With respect to children who are  
10 in substitute care pursuant to the Juvenile Court Act of 1987,  
11 family preservation services shall not be offered if a goal  
12 other than those of subdivisions (A), (B), or (B-1) of  
13 subsection (2) of Section 2-28 of that Act has been set.  
14 Nothing in this paragraph shall be construed to create a  
15 private right of action or claim on the part of any individual  
16 or child welfare agency, except that when a child is the  
17 subject of an action under Article II of the Juvenile Court Act  
18 of 1987 and the child's service plan calls for services to  
19 facilitate achievement of the permanency goal, the court  
20 hearing the action under Article II of the Juvenile Court Act  
21 of 1987 may order the Department to provide the services set  
22 out in the plan, if those services are not provided with  
23 reasonable promptness and if those services are available.

24 The Department shall notify the child and his family of the  
25 Department's responsibility to offer and provide family  
26 preservation services as identified in the service plan. The

1 child and his family shall be eligible for services as soon as  
2 the report is determined to be "indicated". The Department may  
3 offer services to any child or family with respect to whom a  
4 report of suspected child abuse or neglect has been filed,  
5 prior to concluding its investigation under Section 7.12 of the  
6 Abused and Neglected Child Reporting Act. However, the child's  
7 or family's willingness to accept services shall not be  
8 considered in the investigation. The Department may also  
9 provide services to any child or family who is the subject of  
10 any report of suspected child abuse or neglect or may refer  
11 such child or family to services available from other agencies  
12 in the community, even if the report is determined to be  
13 unfounded, if the conditions in the child's or family's home  
14 are reasonably likely to subject the child or family to future  
15 reports of suspected child abuse or neglect. Acceptance of such  
16 services shall be voluntary. The Department may also provide  
17 services to any child or family after completion of a family  
18 assessment, as an alternative to an investigation, as provided  
19 under the "differential response program" provided for in  
20 subsection (a-5) of Section 7.4 of the Abused and Neglected  
21 Child Reporting Act.

22 The Department may, at its discretion except for those  
23 children also adjudicated neglected or dependent, accept for  
24 care and training any child who has been adjudicated addicted,  
25 as a truant minor in need of supervision or as a minor  
26 requiring authoritative intervention, under the Juvenile Court

1 Act or the Juvenile Court Act of 1987, but no such child shall  
2 be committed to the Department by any court without the  
3 approval of the Department. On and after January 1, 2015 (the  
4 effective date of Public Act 98-803) ~~this amendatory Act of the~~  
5 ~~98th General Assembly~~ and before January 1, 2017, a minor  
6 charged with a criminal offense under the Criminal Code of 1961  
7 or the Criminal Code of 2012 or adjudicated delinquent shall  
8 not be placed in the custody of or committed to the Department  
9 by any court, except (i) a minor less than 16 years of age  
10 committed to the Department under Section 5-710 of the Juvenile  
11 Court Act of 1987, (ii) a minor for whom an independent basis  
12 of abuse, neglect, or dependency exists, which must be defined  
13 by departmental rule, or (iii) a minor for whom the court has  
14 granted a supplemental petition to reinstate wardship pursuant  
15 to subsection (2) of Section 2-33 of the Juvenile Court Act of  
16 1987. On and after January 1, 2017, a minor charged with a  
17 criminal offense under the Criminal Code of 1961 or the  
18 Criminal Code of 2012 or adjudicated delinquent shall not be  
19 placed in the custody of or committed to the Department by any  
20 court, except (i) a minor less than 15 years of age committed  
21 to the Department under Section 5-710 of the Juvenile Court Act  
22 of 1987, ii) a minor for whom an independent basis of abuse,  
23 neglect, or dependency exists, which must be defined by  
24 departmental rule, or (iii) a minor for whom the court has  
25 granted a supplemental petition to reinstate wardship pursuant  
26 to subsection (2) of Section 2-33 of the Juvenile Court Act of

1 1987. An independent basis exists when the allegations or  
2 adjudication of abuse, neglect, or dependency do not arise from  
3 the same facts, incident, or circumstances which give rise to a  
4 charge or adjudication of delinquency. The Department shall  
5 assign a caseworker to attend any hearing involving a youth in  
6 the care and custody of the Department who is placed on  
7 aftercare release, including hearings involving sanctions for  
8 violation of aftercare release conditions and aftercare  
9 release revocation hearings.

10 As soon as is possible after August 7, 2009 (the effective  
11 date of Public Act 96-134), the Department shall develop and  
12 implement a special program of family preservation services to  
13 support intact, foster, and adoptive families who are  
14 experiencing extreme hardships due to the difficulty and stress  
15 of caring for a child who has been diagnosed with a pervasive  
16 developmental disorder if the Department determines that those  
17 services are necessary to ensure the health and safety of the  
18 child. The Department may offer services to any family whether  
19 or not a report has been filed under the Abused and Neglected  
20 Child Reporting Act. The Department may refer the child or  
21 family to services available from other agencies in the  
22 community if the conditions in the child's or family's home are  
23 reasonably likely to subject the child or family to future  
24 reports of suspected child abuse or neglect. Acceptance of  
25 these services shall be voluntary. The Department shall develop  
26 and implement a public information campaign to alert health and



1 social service providers and the general public about these  
2 special family preservation services. The nature and scope of  
3 the services offered and the number of families served under  
4 the special program implemented under this paragraph shall be  
5 determined by the level of funding that the Department annually  
6 allocates for this purpose. The term "pervasive developmental  
7 disorder" under this paragraph means a neurological condition,  
8 including but not limited to, Asperger's Syndrome and autism,  
9 as defined in the most recent edition of the Diagnostic and  
10 Statistical Manual of Mental Disorders of the American  
11 Psychiatric Association.

12 (1-1) The legislature recognizes that the best interests of  
13 the child require that the child be placed in the most  
14 permanent living arrangement as soon as is practically  
15 possible. To achieve this goal, the legislature directs the  
16 Department of Children and Family Services to conduct  
17 concurrent planning so that permanency may occur at the  
18 earliest opportunity. Permanent living arrangements may  
19 include prevention of placement of a child outside the home of  
20 the family when the child can be cared for at home without  
21 endangering the child's health or safety; reunification with  
22 the family, when safe and appropriate, if temporary placement  
23 is necessary; or movement of the child toward the most  
24 permanent living arrangement and permanent legal status.

25 When determining reasonable efforts to be made with respect  
26 to a child, as described in this subsection, and in making such

1 reasonable efforts, the child's health and safety shall be the  
2 paramount concern.

3 When a child is placed in foster care, the Department shall  
4 ensure and document that reasonable efforts were made to  
5 prevent or eliminate the need to remove the child from the  
6 child's home. The Department must make reasonable efforts to  
7 reunify the family when temporary placement of the child occurs  
8 unless otherwise required, pursuant to the Juvenile Court Act  
9 of 1987. At any time after the dispositional hearing where the  
10 Department believes that further reunification services would  
11 be ineffective, it may request a finding from the court that  
12 reasonable efforts are no longer appropriate. The Department is  
13 not required to provide further reunification services after  
14 such a finding.

15 A decision to place a child in substitute care shall be  
16 made with considerations of the child's health, safety, and  
17 best interests. At the time of placement, consideration should  
18 also be given so that if reunification fails or is delayed, the  
19 placement made is the best available placement to provide  
20 permanency for the child.

21 The Department shall adopt rules addressing concurrent  
22 planning for reunification and permanency. The Department  
23 shall consider the following factors when determining  
24 appropriateness of concurrent planning:

- 25 (1) the likelihood of prompt reunification;  
26 (2) the past history of the family;

1           (3) the barriers to reunification being addressed by  
2 the family;

3           (4) the level of cooperation of the family;

4           (5) the foster parents' willingness to work with the  
5 family to reunite;

6           (6) the willingness and ability of the foster family to  
7 provide an adoptive home or long-term placement;

8           (7) the age of the child;

9           (8) placement of siblings.

10          (m) The Department may assume temporary custody of any  
11 child if:

12           (1) it has received a written consent to such temporary  
13 custody signed by the parents of the child or by the parent  
14 having custody of the child if the parents are not living  
15 together or by the guardian or custodian of the child if  
16 the child is not in the custody of either parent, or

17           (2) the child is found in the State and neither a  
18 parent, guardian nor custodian of the child can be located.

19 If the child is found in his or her residence without a parent,  
20 guardian, custodian or responsible caretaker, the Department  
21 may, instead of removing the child and assuming temporary  
22 custody, place an authorized representative of the Department  
23 in that residence until such time as a parent, guardian or  
24 custodian enters the home and expresses a willingness and  
25 apparent ability to ensure the child's health and safety and  
26 resume permanent charge of the child, or until a relative

1 enters the home and is willing and able to ensure the child's  
2 health and safety and assume charge of the child until a  
3 parent, guardian or custodian enters the home and expresses  
4 such willingness and ability to ensure the child's safety and  
5 resume permanent charge. After a caretaker has remained in the  
6 home for a period not to exceed 12 hours, the Department must  
7 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
8 5-415 of the Juvenile Court Act of 1987.

9 The Department shall have the authority, responsibilities  
10 and duties that a legal custodian of the child would have  
11 pursuant to subsection (9) of Section 1-3 of the Juvenile Court  
12 Act of 1987. Whenever a child is taken into temporary custody  
13 pursuant to an investigation under the Abused and Neglected  
14 Child Reporting Act, or pursuant to a referral and acceptance  
15 under the Juvenile Court Act of 1987 of a minor in limited  
16 custody, the Department, during the period of temporary custody  
17 and before the child is brought before a judicial officer as  
18 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile  
19 Court Act of 1987, shall have the authority, responsibilities  
20 and duties that a legal custodian of the child would have under  
21 subsection (9) of Section 1-3 of the Juvenile Court Act of  
22 1987.

23 The Department shall ensure that any child taken into  
24 custody is scheduled for an appointment for a medical  
25 examination.

26 A parent, guardian or custodian of a child in the temporary

1 custody of the Department who would have custody of the child  
2 if he were not in the temporary custody of the Department may  
3 deliver to the Department a signed request that the Department  
4 surrender the temporary custody of the child. The Department  
5 may retain temporary custody of the child for 10 days after the  
6 receipt of the request, during which period the Department may  
7 cause to be filed a petition pursuant to the Juvenile Court Act  
8 of 1987. If a petition is so filed, the Department shall retain  
9 temporary custody of the child until the court orders  
10 otherwise. If a petition is not filed within the 10-day ~~10-day~~  
11 period, the child shall be surrendered to the custody of the  
12 requesting parent, guardian or custodian not later than the  
13 expiration of the 10-day ~~10-day~~ period, at which time the  
14 authority and duties of the Department with respect to the  
15 temporary custody of the child shall terminate.

16 (m-1) The Department may place children under 18 years of  
17 age in a secure child care facility licensed by the Department  
18 that cares for children who are in need of secure living  
19 arrangements for their health, safety, and well-being after a  
20 determination is made by the facility director and the Director  
21 or the Director's designate prior to admission to the facility  
22 subject to Section 2-27.1 of the Juvenile Court Act of 1987.  
23 This subsection (m-1) does not apply to a child who is subject  
24 to placement in a correctional facility operated pursuant to  
25 Section 3-15-2 of the Unified Code of Corrections, unless the  
26 child is a youth in care who was placed in the care of the

1 Department before being subject to placement in a correctional  
2 facility and a court of competent jurisdiction has ordered  
3 placement of the child in a secure care facility.

4 (n) The Department may place children under 18 years of age  
5 in licensed child care facilities when in the opinion of the  
6 Department, appropriate services aimed at family preservation  
7 have been unsuccessful and cannot ensure the child's health and  
8 safety or are unavailable and such placement would be for their  
9 best interest. Payment for board, clothing, care, training and  
10 supervision of any child placed in a licensed child care  
11 facility may be made by the Department, by the parents or  
12 guardians of the estates of those children, or by both the  
13 Department and the parents or guardians, except that no  
14 payments shall be made by the Department for any child placed  
15 in a licensed child care facility for board, clothing, care,  
16 training and supervision of such a child that exceed the  
17 average per capita cost of maintaining and of caring for a  
18 child in institutions for dependent or neglected children  
19 operated by the Department. However, such restriction on  
20 payments does not apply in cases where children require  
21 specialized care and treatment for problems of severe emotional  
22 disturbance, physical disability, social adjustment, or any  
23 combination thereof and suitable facilities for the placement  
24 of such children are not available at payment rates within the  
25 limitations set forth in this Section. All reimbursements for  
26 services delivered shall be absolutely inalienable by

1 assignment, sale, attachment, garnishment or otherwise.

2 (n-1) The Department shall provide or authorize child  
3 welfare services, aimed at assisting minors to achieve  
4 sustainable self-sufficiency as independent adults, for any  
5 minor eligible for the reinstatement of wardship pursuant to  
6 subsection (2) of Section 2-33 of the Juvenile Court Act of  
7 1987, whether or not such reinstatement is sought or allowed,  
8 provided that the minor consents to such services and has not  
9 yet attained the age of 21. The Department shall have  
10 responsibility for the development and delivery of services  
11 under this Section. An eligible youth may access services under  
12 this Section through the Department of Children and Family  
13 Services or by referral from the Department of Human Services.  
14 Youth participating in services under this Section shall  
15 cooperate with the assigned case manager in developing an  
16 agreement identifying the services to be provided and how the  
17 youth will increase skills to achieve self-sufficiency. A  
18 homeless shelter is not considered appropriate housing for any  
19 youth receiving child welfare services under this Section. The  
20 Department shall continue child welfare services under this  
21 Section to any eligible minor until the minor becomes 21 years  
22 of age, no longer consents to participate, or achieves  
23 self-sufficiency as identified in the minor's service plan. The  
24 Department of Children and Family Services shall create clear,  
25 readable notice of the rights of former foster youth to child  
26 welfare services under this Section and how such services may

1 be obtained. The Department of Children and Family Services and  
2 the Department of Human Services shall disseminate this  
3 information statewide. The Department shall adopt regulations  
4 describing services intended to assist minors in achieving  
5 sustainable self-sufficiency as independent adults.

6 (o) The Department shall establish an administrative  
7 review and appeal process for children and families who request  
8 or receive child welfare services from the Department. Youth in  
9 care who are placed by private child welfare agencies, and  
10 foster families with whom those youth are placed, shall be  
11 afforded the same procedural and appeal rights as children and  
12 families in the case of placement by the Department, including  
13 the right to an initial review of a private agency decision by  
14 that agency. The Department shall ensure that any private child  
15 welfare agency, which accepts youth in care for placement,  
16 affords those rights to children and foster families. The  
17 Department shall accept for administrative review and an appeal  
18 hearing a complaint made by (i) a child or foster family  
19 concerning a decision following an initial review by a private  
20 child welfare agency or (ii) a prospective adoptive parent who  
21 alleges a violation of subsection (j-5) of this Section. An  
22 appeal of a decision concerning a change in the placement of a  
23 child shall be conducted in an expedited manner. A court  
24 determination that a current foster home placement is necessary  
25 and appropriate under Section 2-28 of the Juvenile Court Act of  
26 1987 does not constitute a judicial determination on the merits



1 of an administrative appeal, filed by a former foster parent,  
2 involving a change of placement decision.

3 (p) (Blank).

4 (q) The Department may receive and use, in their entirety,  
5 for the benefit of children any gift, donation or bequest of  
6 money or other property which is received on behalf of such  
7 children, or any financial benefits to which such children are  
8 or may become entitled while under the jurisdiction or care of  
9 the Department.

10 The Department shall set up and administer no-cost,  
11 interest-bearing accounts in appropriate financial  
12 institutions for children for whom the Department is legally  
13 responsible and who have been determined eligible for Veterans'  
14 Benefits, Social Security benefits, assistance allotments from  
15 the armed forces, court ordered payments, parental voluntary  
16 payments, Supplemental Security Income, Railroad Retirement  
17 payments, Black Lung benefits, or other miscellaneous  
18 payments. Interest earned by each account shall be credited to  
19 the account, unless disbursed in accordance with this  
20 subsection.

21 In disbursing funds from children's accounts, the  
22 Department shall:

23 (1) Establish standards in accordance with State and  
24 federal laws for disbursing money from children's  
25 accounts. In all circumstances, the Department's  
26 "Guardianship Administrator" or his or her designee must

1 approve disbursements from children's accounts. The  
2 Department shall be responsible for keeping complete  
3 records of all disbursements for each account for any  
4 purpose.

5 (2) Calculate on a monthly basis the amounts paid from  
6 State funds for the child's board and care, medical care  
7 not covered under Medicaid, and social services; and  
8 utilize funds from the child's account, as covered by  
9 regulation, to reimburse those costs. Monthly,  
10 disbursements from all children's accounts, up to 1/12 of  
11 \$13,000,000, shall be deposited by the Department into the  
12 General Revenue Fund and the balance over 1/12 of  
13 \$13,000,000 into the DCFS Children's Services Fund.

14 (3) Maintain any balance remaining after reimbursing  
15 for the child's costs of care, as specified in item (2).  
16 The balance shall accumulate in accordance with relevant  
17 State and federal laws and shall be disbursed to the child  
18 or his or her guardian, or to the issuing agency.

19 (r) The Department shall promulgate regulations  
20 encouraging all adoption agencies to voluntarily forward to the  
21 Department or its agent names and addresses of all persons who  
22 have applied for and have been approved for adoption of a  
23 hard-to-place child or child with a disability and the names of  
24 such children who have not been placed for adoption. A list of  
25 such names and addresses shall be maintained by the Department  
26 or its agent, and coded lists which maintain the

1 confidentiality of the person seeking to adopt the child and of  
2 the child shall be made available, without charge, to every  
3 adoption agency in the State to assist the agencies in placing  
4 such children for adoption. The Department may delegate to an  
5 agent its duty to maintain and make available such lists. The  
6 Department shall ensure that such agent maintains the  
7 confidentiality of the person seeking to adopt the child and of  
8 the child.

9 (s) The Department of Children and Family Services may  
10 establish and implement a program to reimburse Department and  
11 private child welfare agency foster parents licensed by the  
12 Department of Children and Family Services for damages  
13 sustained by the foster parents as a result of the malicious or  
14 negligent acts of foster children, as well as providing third  
15 party coverage for such foster parents with regard to actions  
16 of foster children to other individuals. Such coverage will be  
17 secondary to the foster parent liability insurance policy, if  
18 applicable. The program shall be funded through appropriations  
19 from the General Revenue Fund, specifically designated for such  
20 purposes.

21 (t) The Department shall perform home studies and  
22 investigations and shall exercise supervision over visitation  
23 as ordered by a court pursuant to the Illinois Marriage and  
24 Dissolution of Marriage Act or the Adoption Act only if:

25 (1) an order entered by an Illinois court specifically  
26 directs the Department to perform such services; and

1           (2) the court has ordered one or both of the parties to  
2           the proceeding to reimburse the Department for its  
3           reasonable costs for providing such services in accordance  
4           with Department rules, or has determined that neither party  
5           is financially able to pay.

6           The Department shall provide written notification to the  
7           court of the specific arrangements for supervised visitation  
8           and projected monthly costs within 60 days of the court order.  
9           The Department shall send to the court information related to  
10          the costs incurred except in cases where the court has  
11          determined the parties are financially unable to pay. The court  
12          may order additional periodic reports as appropriate.

13          (u) In addition to other information that must be provided,  
14          whenever the Department places a child with a prospective  
15          adoptive parent or parents or in a licensed foster home, group  
16          home, child care institution, or in a relative home, the  
17          Department shall provide to the prospective adoptive parent or  
18          parents or other caretaker:

19               (1) available detailed information concerning the  
20               child's educational and health history, copies of  
21               immunization records (including insurance and medical card  
22               information), a history of the child's previous  
23               placements, if any, and reasons for placement changes  
24               excluding any information that identifies or reveals the  
25               location of any previous caretaker;

26               (2) a copy of the child's portion of the client service

1 plan, including any visitation arrangement, and all  
2 amendments or revisions to it as related to the child; and

3 (3) information containing details of the child's  
4 individualized educational plan when the child is  
5 receiving special education services.

6 The caretaker shall be informed of any known social or  
7 behavioral information (including, but not limited to,  
8 criminal background, fire setting, perpetuation of sexual  
9 abuse, destructive behavior, and substance abuse) necessary to  
10 care for and safeguard the children to be placed or currently  
11 in the home. The Department may prepare a written summary of  
12 the information required by this paragraph, which may be  
13 provided to the foster or prospective adoptive parent in  
14 advance of a placement. The foster or prospective adoptive  
15 parent may review the supporting documents in the child's file  
16 in the presence of casework staff. In the case of an emergency  
17 placement, casework staff shall at least provide known  
18 information verbally, if necessary, and must subsequently  
19 provide the information in writing as required by this  
20 subsection.

21 The information described in this subsection shall be  
22 provided in writing. In the case of emergency placements when  
23 time does not allow prior review, preparation, and collection  
24 of written information, the Department shall provide such  
25 information as it becomes available. Within 10 business days  
26 after placement, the Department shall obtain from the

1 prospective adoptive parent or parents or other caretaker a  
2 signed verification of receipt of the information provided.  
3 Within 10 business days after placement, the Department shall  
4 provide to the child's guardian ad litem a copy of the  
5 information provided to the prospective adoptive parent or  
6 parents or other caretaker. The information provided to the  
7 prospective adoptive parent or parents or other caretaker shall  
8 be reviewed and approved regarding accuracy at the supervisory  
9 level.

10 (u-5) Effective July 1, 1995, only foster care placements  
11 licensed as foster family homes pursuant to the Child Care Act  
12 of 1969 shall be eligible to receive foster care payments from  
13 the Department. Relative caregivers who, as of July 1, 1995,  
14 were approved pursuant to approved relative placement rules  
15 previously promulgated by the Department at 89 Ill. Adm. Code  
16 335 and had submitted an application for licensure as a foster  
17 family home may continue to receive foster care payments only  
18 until the Department determines that they may be licensed as a  
19 foster family home or that their application for licensure is  
20 denied or until September 30, 1995, whichever occurs first.

21 (v) The Department shall access criminal history record  
22 information as defined in the Illinois Uniform Conviction  
23 Information Act and information maintained in the adjudicatory  
24 and dispositional record system as defined in Section 2605-355  
25 of the Department of State Police Law (20 ILCS 2605/2605-355)  
26 if the Department determines the information is necessary to

1 perform its duties under the Abused and Neglected Child  
2 Reporting Act, the Child Care Act of 1969, and the Children and  
3 Family Services Act. The Department shall provide for  
4 interactive computerized communication and processing  
5 equipment that permits direct on-line communication with the  
6 Department of State Police's central criminal history data  
7 repository. The Department shall comply with all certification  
8 requirements and provide certified operators who have been  
9 trained by personnel from the Department of State Police. In  
10 addition, one Office of the Inspector General investigator  
11 shall have training in the use of the criminal history  
12 information access system and have access to the terminal. The  
13 Department of Children and Family Services and its employees  
14 shall abide by rules and regulations established by the  
15 Department of State Police relating to the access and  
16 dissemination of this information.

17 (v-1) Prior to final approval for placement of a child, the  
18 Department shall conduct a criminal records background check of  
19 the prospective foster or adoptive parent, including  
20 fingerprint-based checks of national crime information  
21 databases. Final approval for placement shall not be granted if  
22 the record check reveals a felony conviction for child abuse or  
23 neglect, for spousal abuse, for a crime against children, or  
24 for a crime involving violence, including rape, sexual assault,  
25 or homicide, but not including other physical assault or  
26 battery, or if there is a felony conviction for physical

1 assault, battery, or a drug-related offense committed within  
2 the past 5 years.

3 (v-2) Prior to final approval for placement of a child, the  
4 Department shall check its child abuse and neglect registry for  
5 information concerning prospective foster and adoptive  
6 parents, and any adult living in the home. If any prospective  
7 foster or adoptive parent or other adult living in the home has  
8 resided in another state in the preceding 5 years, the  
9 Department shall request a check of that other state's child  
10 abuse and neglect registry.

11 (w) Within 120 days of August 20, 1995 (the effective date  
12 of Public Act 89-392), the Department shall prepare and submit  
13 to the Governor and the General Assembly, a written plan for  
14 the development of in-state licensed secure child care  
15 facilities that care for children who are in need of secure  
16 living arrangements for their health, safety, and well-being.  
17 For purposes of this subsection, secure care facility shall  
18 mean a facility that is designed and operated to ensure that  
19 all entrances and exits from the facility, a building or a  
20 distinct part of the building, are under the exclusive control  
21 of the staff of the facility, whether or not the child has the  
22 freedom of movement within the perimeter of the facility,  
23 building, or distinct part of the building. The plan shall  
24 include descriptions of the types of facilities that are needed  
25 in Illinois; the cost of developing these secure care  
26 facilities; the estimated number of placements; the potential



1 cost savings resulting from the movement of children currently  
2 out-of-state who are projected to be returned to Illinois; the  
3 necessary geographic distribution of these facilities in  
4 Illinois; and a proposed timetable for development of such  
5 facilities.

6 (x) The Department shall conduct annual credit history  
7 checks to determine the financial history of children placed  
8 under its guardianship pursuant to the Juvenile Court Act of  
9 1987. The Department shall conduct such credit checks starting  
10 when a youth in care turns 12 years old and each year  
11 thereafter for the duration of the guardianship as terminated  
12 pursuant to the Juvenile Court Act of 1987. The Department  
13 shall determine if financial exploitation of the child's  
14 personal information has occurred. If financial exploitation  
15 appears to have taken place or is presently ongoing, the  
16 Department shall notify the proper law enforcement agency, the  
17 proper State's Attorney, or the Attorney General.

18 (y) Beginning on July 22, 2010 (the effective date of  
19 Public Act 96-1189) ~~this amendatory Act of the 96th General~~  
20 ~~Assembly~~, a child with a disability who receives residential  
21 and educational services from the Department shall be eligible  
22 to receive transition services in accordance with Article 14 of  
23 the School Code from the age of 14.5 through age 21, inclusive,  
24 notwithstanding the child's residential services arrangement.  
25 For purposes of this subsection, "child with a disability"  
26 means a child with a disability as defined by the federal

1 Individuals with Disabilities Education Improvement Act of  
2 2004.

3 (z) The Department shall access criminal history record  
4 information as defined as "background information" in this  
5 subsection and criminal history record information as defined  
6 in the Illinois Uniform Conviction Information Act for each  
7 Department employee or Department applicant. Each Department  
8 employee or Department applicant shall submit his or her  
9 fingerprints to the Department of State Police in the form and  
10 manner prescribed by the Department of State Police. These  
11 fingerprints shall be checked against the fingerprint records  
12 now and hereafter filed in the Department of State Police and  
13 the Federal Bureau of Investigation criminal history records  
14 databases. The Department of State Police shall charge a fee  
15 for conducting the criminal history record check, which shall  
16 be deposited into the State Police Services Fund and shall not  
17 exceed the actual cost of the record check. The Department of  
18 State Police shall furnish, pursuant to positive  
19 identification, all Illinois conviction information to the  
20 Department of Children and Family Services.

21 For purposes of this subsection:

22 "Background information" means all of the following:

23 (i) Upon the request of the Department of Children and  
24 Family Services, conviction information obtained from the  
25 Department of State Police as a result of a  
26 fingerprint-based criminal history records check of the

1 Illinois criminal history records database and the Federal  
2 Bureau of Investigation criminal history records database  
3 concerning a Department employee or Department applicant.

4 (ii) Information obtained by the Department of  
5 Children and Family Services after performing a check of  
6 the Department of State Police's Sex Offender Database, as  
7 authorized by Section 120 of the Sex Offender Community  
8 Notification Law, concerning a Department employee or  
9 Department applicant.

10 (iii) Information obtained by the Department of  
11 Children and Family Services after performing a check of  
12 the Child Abuse and Neglect Tracking System (CANTS)  
13 operated and maintained by the Department.

14 "Department employee" means a full-time or temporary  
15 employee coded or certified within the State of Illinois  
16 Personnel System.

17 "Department applicant" means an individual who has  
18 conditional Department full-time or part-time work, a  
19 contractor, an individual used to replace or supplement staff,  
20 an academic intern, a volunteer in Department offices or on  
21 Department contracts, a work-study student, an individual or  
22 entity licensed by the Department, or an unlicensed service  
23 provider who works as a condition of a contract or an agreement  
24 and whose work may bring the unlicensed service provider into  
25 contact with Department clients or client records.

26 (Source: P.A. 99-143, eff. 7-27-15; 99-933, eff. 1-27-17;

1 100-159, eff. 8-18-17; 100-522, eff. 9-22-17; revised  
2 1-22-18.)

3 Section 13. The Department of Human Services Act is amended  
4 by changing Sections 1-40, 10-15, and 10-66 as follows:

5 (20 ILCS 1305/1-40)

6 Sec. 1-40. Substance Use Disorders ~~Alcoholism~~ and  
7 ~~Substance Abuse~~; Mental Health; provider payments. For  
8 authorized Medicaid services to enrolled individuals, Division  
9 of Substance Use Prevention and Recovery ~~Alcoholism~~ and  
10 ~~Substance Abuse~~ and Division of Mental Health providers shall  
11 receive payment for such authorized services, with payment  
12 occurring no later than in the next fiscal year.

13 (Source: P.A. 96-1472, eff. 8-23-10.)

14 (20 ILCS 1305/10-15)

15 Sec. 10-15. Pregnant women with a substance use disorder.  
16 ~~Addicted pregnant women.~~ The Department shall develop  
17 guidelines for use in non-hospital residential care facilities  
18 for pregnant women who have a substance use disorder ~~addicted~~  
19 ~~pregnant women~~ with respect to the care of those clients.

20 The Department shall administer infant mortality and  
21 prenatal programs, through its provider agencies, to develop  
22 special programs for case finding and service coordination for  
23 pregnant women who have a substance use disorder ~~addicted~~

1 ~~pregnant women.~~

2 (Source: P.A. 89-507, eff. 7-1-97.)

3 (20 ILCS 1305/10-66)

4 Sec. 10-66. Rate reductions. Rates for medical services  
5 purchased by the Divisions of Substance Use Prevention and  
6 Recovery, Alcoholism and Substance Abuse, Community Health and  
7 Prevention, Developmental Disabilities, Mental Health, or  
8 Rehabilitation Services within the Department of Human  
9 Services shall not be reduced below the rates calculated on  
10 April 1, 2011 unless the Department of Human Services  
11 promulgates rules and rules are implemented authorizing rate  
12 reductions.

13 (Source: P.A. 99-78, eff. 7-20-15.)

14 Section 14. The Regional Integrated Behavioral Health  
15 Networks Act is amended by changing Sections 10, 15, 20, and 25  
16 as follows:

17 (20 ILCS 1340/10)

18 Sec. 10. Purpose. The purpose of this Act is to require the  
19 Department of Human Services to facilitate the creation of  
20 Regional Integrated Behavioral Health Networks (hereinafter  
21 "Networks") for the purpose of ensuring and improving access to  
22 appropriate mental health and substance abuse (hereinafter  
23 "behavioral health") services throughout Illinois by providing

1 a platform for the organization of all relevant health, mental  
2 health, substance use disorder ~~substance abuse~~, and other  
3 community entities, and by providing a mechanism to use and  
4 channel financial and other resources efficiently and  
5 effectively. Networks may be located in each of the Department  
6 of Human Services geographic regions.

7 (Source: P.A. 97-381, eff. 1-1-12.)

8 (20 ILCS 1340/15)

9 Sec. 15. Goals. Goals shall include, but not be limited to,  
10 the following: enabling persons with mental and substance use  
11 illnesses to access clinically appropriate, evidence-based  
12 services, regardless of where they reside in the State and  
13 particularly in rural areas; improving access to mental health  
14 and substance use disorder ~~substance abuse~~ services throughout  
15 Illinois, but especially in rural Illinois communities, by  
16 fostering innovative financing and collaboration among a  
17 variety of health, behavioral health, social service, and other  
18 community entities and by supporting the development of  
19 regional-specific planning and strategies; facilitating the  
20 integration of behavioral health services with primary and  
21 other medical services, advancing opportunities under federal  
22 health reform initiatives; ensuring actual or  
23 technologically-assisted access to the entire continuum of  
24 integrated care, including the provision of services in the  
25 areas of prevention, consumer or patient assessment and

1 diagnosis, psychiatric care, case coordination, crisis and  
2 emergency care, acute inpatient and outpatient treatment in  
3 private hospitals and from other community providers, support  
4 services, and community residential settings; identifying  
5 funding for persons who do not have insurance and do not  
6 qualify for State and federal healthcare payment programs such  
7 as Medicaid or Medicare; and improving access to transportation  
8 in rural areas.

9 (Source: P.A. 97-381, eff. 1-1-12.)

10 (20 ILCS 1340/20)

11 Sec. 20. Steering Committee and Networks.

12 (a) To achieve these goals, the Department of Human  
13 Services shall convene a Regional Integrated Behavioral Health  
14 Networks Steering Committee (hereinafter "Steering Committee")  
15 comprised of State agencies involved in the provision,  
16 regulation, or financing of health, mental health, substance  
17 use disorder ~~substance abuse~~, rehabilitation, and other  
18 services. These include, but shall not be limited to, the  
19 following agencies:

20 (1) The Department of Healthcare and Family Services.

21 (2) The Department of Human Services and its Divisions  
22 of Mental Illness and Substance Use Prevention and  
23 Recovery. ~~Alcoholism and Substance Abuse Services.~~

24 (3) The Department of Public Health, including its  
25 Center for Rural Health.

1           The Steering Committee shall include a representative from  
2 each Network. The agencies of the Steering Committee are  
3 directed to work collaboratively to provide consultation,  
4 advice, and leadership to the Networks in facilitating  
5 communication within and across multiple agencies and in  
6 removing regulatory barriers that may prevent Networks from  
7 accomplishing the goals. The Steering Committee collectively  
8 or through one of its member Agencies shall also provide  
9 technical assistance to the Networks.

10           (b) There also shall be convened Networks in each of the  
11 Department of Human Services' regions comprised of  
12 representatives of community stakeholders represented in the  
13 Network, including when available, but not limited to, relevant  
14 trade and professional associations representing hospitals,  
15 community providers, public health care, hospice care, long  
16 term care, law enforcement, emergency medical service,  
17 physicians, advanced practice registered nurses, and physician  
18 assistants trained in psychiatry; an organization that  
19 advocates on behalf of federally qualified health centers, an  
20 organization that advocates on behalf of persons suffering with  
21 mental illness and substance use ~~substance abuse~~ disorders, an  
22 organization that advocates on behalf of persons with  
23 disabilities, an organization that advocates on behalf of  
24 persons who live in rural areas, an organization that advocates  
25 on behalf of persons who live in medically underserved areas;  
26 and others designated by the Steering Committee or the



1 Networks. A member from each Network may choose a  
2 representative who may serve on the Steering Committee.

3 (Source: P.A. 99-581, eff. 1-1-17; 100-513, eff. 1-1-18.)

4 (20 ILCS 1340/25)

5 Sec. 25. Development of Network Plans. Each Network shall  
6 develop a plan for its respective region that addresses the  
7 following:

8 (a) Inventory of all mental health and substance use  
9 disorder ~~substance abuse treatment~~ services, primary health  
10 care facilities and services, private hospitals,  
11 State-operated psychiatric hospitals, long term care  
12 facilities, social services, transportation services, and any  
13 services available to serve persons with mental and substance  
14 use illnesses.

15 (b) Identification of unmet community needs, including,  
16 but not limited to, the following:

17 (1) Waiting lists in community mental health and  
18 substance use disorder ~~substance abuse~~ services.

19 (2) Hospital emergency department use by persons with  
20 mental and substance use illnesses, including volume,  
21 length of stay, and challenges associated with obtaining  
22 psychiatric assessment.

23 (3) Difficulty obtaining admission to inpatient  
24 facilities, and reasons therefore.

25 (4) Availability of primary care providers in the

1 community, including Federally Qualified Health Centers  
2 and Rural Health Centers.

3 (5) Availability of psychiatrists and mental health  
4 professionals.

5 (6) Transportation issues.

6 (7) Other.

7 (c) Identification of opportunities to improve access to  
8 mental and substance use disorder ~~substance abuse~~ services  
9 through the integration of specialty behavioral health  
10 services with primary care, including, but not limited to, the  
11 following:

12 (1) Availability of Federally Qualified Health Centers  
13 in community with mental health staff.

14 (2) Development of accountable care organizations or  
15 other primary care entities.

16 (3) Availability of acute care hospitals with  
17 specialized psychiatric capacity.

18 (4) Community providers with an interest in  
19 collaborating with acute care providers.

20 (d) Development of a plan to address community needs,  
21 including a specific timeline for implementation of specific  
22 objectives and establishment of evaluation measures. The  
23 comprehensive plan should include the complete continuum of  
24 behavioral health services, including, but not limited to, the  
25 following:

26 (1) Prevention.

- 1 (2) Client assessment and diagnosis.
- 2 (3) An array of outpatient behavioral health services.
- 3 (4) Case coordination.
- 4 (5) Crisis and emergency services.
- 5 (6) Treatment, including inpatient psychiatric
- 6 services in public and private hospitals.
- 7 (7) Long term care facilities.
- 8 (8) Community residential alternatives to
- 9 institutional settings.
- 10 (9) Primary care services.

11 (Source: P.A. 97-381, eff. 1-1-12.)

12 Section 15. The Mental Health and Developmental  
13 Disabilities Administrative Act is amended by changing  
14 Sections 10 and 18.6 as follows:

15 (20 ILCS 1705/10) (from Ch. 91 1/2, par. 100-10)

16 Sec. 10. To examine persons admitted to facilities of the  
17 Department for treatment of mental illness or developmental  
18 disability to determine if the person has a substance use  
19 disorder as defined in the Substance Use Disorder Act  
20 ~~alcoholism, drug addiction or other substance abuse~~. Based on  
21 such examination, the Department shall provide necessary  
22 medical, education and rehabilitation services, and shall  
23 arrange for further assessment and referral of such persons to  
24 appropriate treatment services for persons with substance use

1 ~~disorders alcoholism or substance abuse services~~. Referral of  
2 such persons by the Department to appropriate treatment  
3 services for persons with substance use disorders ~~alcoholism or~~  
4 ~~substance abuse services~~ shall be made to providers who are  
5 able to accept the persons and perform a further assessment  
6 within a clinically appropriate time. This Section does not  
7 require that the Department maintain an individual in a  
8 Department facility who is otherwise eligible for discharge as  
9 provided in the Mental Health and Developmental Disabilities  
10 Code.

11 The Department shall not deny treatment and care to any  
12 person subject to admission to a facility under its control for  
13 treatment for a mental illness or developmental disability  
14 solely on the basis of their substance use disorders.  
15 ~~alcoholism, drug addiction or abuse of other substances.~~

16 (Source: P.A. 95-281, eff. 1-1-08.)

17 (20 ILCS 1705/18.6)

18 (Section scheduled to be repealed on December 31, 2019)

19 Sec. 18.6. Mental Health Services Strategic Planning Task  
20 Force.

21 (a) Task Force. The Mental Health Services Strategic  
22 Planning Task Force is created.

23 (b) Meeting. The Task Force shall be appointed and hold its  
24 first meeting within 90 days after the effective date of this  
25 amendatory Act of the 97th General Assembly.

1 (c) Composition. The Task Force shall be comprised of the  
2 following members:

3 (1) Two members of the Senate appointed by the  
4 President of the Senate and 2 members of the Senate  
5 appointed by the Minority Leader of the Senate.

6 (2) Two members of the House of Representatives  
7 appointed by the Speaker of the House of Representatives  
8 and 2 members of the House of Representatives appointed by  
9 the Minority Leader of the House of Representatives.

10 (3) One representative of the Division of Mental Health  
11 within the Department of Human Services.

12 (4) One representative of the Department of Healthcare  
13 and Family Services.

14 (5) One representative of the Bureau of Long Term Care  
15 within the Department of Public Health.

16 (6) One representative of the Illinois Children's  
17 Mental Health Partnership.

18 (7) Six representatives of the mental health providers  
19 and community stakeholders selected from names submitted  
20 by associates representing the various types of providers.

21 (8) Three representatives of the consumer community  
22 including a primary consumer, secondary consumer, and a  
23 representative of a mental health consumer advocacy  
24 organization.

25 (9) An individual from a union representing State  
26 employees providing services to persons with mental

1 illness.

2 (10) One academic specialist in mental health  
3 outcomes, research, and evidence-based practices.

4 (d) Duty. The Task Force shall meet with the Office of the  
5 Governor and the appropriate legislative committees on mental  
6 health to develop a 5-year comprehensive strategic plan for the  
7 State's mental health services. The plan shall address the  
8 following topics:

9 (1) Provide sufficient home and community-based  
10 services to give consumers real options in care settings.

11 (2) Improve access to care.

12 (3) Reduce regulatory redundancy.

13 (4) Maintain financial viability for providers in a  
14 cost-effective manner to the State.

15 (5) Ensure care is effective, efficient, and  
16 appropriate regardless of the setting in which it is  
17 provided.

18 (6) Ensure quality of care in all care settings via the  
19 use of appropriate clinical outcomes.

20 (7) Ensure hospitalizations and institutional care,  
21 when necessary, is available to meet demand now and in the  
22 future.

23 (e) The Task Force shall work in conjunction with the  
24 Department of Human Services' Division of Developmental  
25 Disabilities to ensure effective treatment for those dually  
26 diagnosed with both mental illness and developmental

1 disabilities. The Task Force shall also work in conjunction  
2 with the Department of Human Services' Division of Substance  
3 Use Prevention and Recovery ~~Alcoholism and Substance Abuse~~ to  
4 ensure effective treatment for those who are dually diagnosed  
5 with both mental illness as well as substance abuse challenges.

6 (f) Compensation. Members of the Task Force shall not  
7 receive compensation nor reimbursement for necessary expenses  
8 incurred in performing the duties associated with the Task  
9 Force.

10 (g) Reporting. The Task Force shall present its plan to the  
11 Governor and the General Assembly no later than 18 months after  
12 the effective date of the amendatory Act of the 97th General  
13 Assembly. With its approval and authorization, and subject to  
14 appropriation, the Task Force shall convene quarterly meetings  
15 during the implementation of the 5-year strategic plan to  
16 monitor progress, review outcomes, and make ongoing  
17 recommendations. These ongoing recommendations shall be  
18 presented to the Governor and the General Assembly for  
19 feedback, suggestions, support, and approval. Within one year  
20 after recommendations are presented to the Governor and the  
21 General Assembly, the General Assembly shall vote on whether  
22 the recommendations should become law.

23 (h) Administrative support. The Department of Human  
24 Services shall provide administrative and staff support to the  
25 Task Force.

26 (i) This Section is repealed on December 31, 2019.

1 (Source: P.A. 99-78, eff. 7-20-15.)

2 Section 16. The Civil Administrative Code of Illinois is  
3 amended by changing Sections 2605-54 and 2605-97 as follows:

4 (20 ILCS 2605/2605-54)

5 (This Section may contain text from a Public Act with a  
6 delayed effective date)

7 Sec. 2605-54. Training policy; persons arrested while  
8 under the influence of alcohol or drugs. The Department shall  
9 adopt a policy and provide training to State Police officers  
10 concerning response and care for persons under the influence of  
11 alcohol or drugs. The policy shall be consistent with the  
12 Substance Use Disorder Act ~~Alcoholism and Other Drug Abuse and~~  
13 ~~Dependency Act~~ and shall provide guidance for the arrest of  
14 persons under the influence of alcohol or drugs, proper medical  
15 attention if warranted, and care and release of those persons  
16 from custody. The policy shall provide guidance concerning the  
17 release of persons arrested under the influence of alcohol or  
18 drugs who are under the age of 21 years of age which shall  
19 include, but not be limited to, language requiring the  
20 arresting officer to make a reasonable attempt to contact a  
21 responsible adult who is willing to take custody of the person  
22 who is under the influence of alcohol or drugs.

23 (Source: P.A. 100-537, eff. 6-1-18.)



1 (20 ILCS 2605/2605-97)

2 Sec. 2605-97. Training; opioid antagonists. The Department  
3 shall conduct or approve a training program for State police  
4 officers in the administration of opioid antagonists as defined  
5 in paragraph (1) of subsection (e) of Section 5-23 of the  
6 Substance Use Disorder Act ~~Alcoholism and Other Drug Abuse and~~  
7 ~~Dependency Act~~ that is in accordance with that Section. As used  
8 in this Section 2605-97, the term "State police officers"  
9 includes full-time or part-time State troopers, police  
10 officers, investigators, or any other employee of the  
11 Department exercising the powers of a peace officer.

12 (Source: P.A. 99-480, eff. 9-9-15.)

13 Section 20. The Criminal Identification Act is amended by  
14 changing Sections 2.1 and 5.2 as follows:

15 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

16 Sec. 2.1. For the purpose of maintaining complete and  
17 accurate criminal records of the Department of State Police, it  
18 is necessary for all policing bodies of this State, the clerk  
19 of the circuit court, the Illinois Department of Corrections,  
20 the sheriff of each county, and State's Attorney of each county  
21 to submit certain criminal arrest, charge, and disposition  
22 information to the Department for filing at the earliest time  
23 possible. Unless otherwise noted herein, it shall be the duty  
24 of all policing bodies of this State, the clerk of the circuit

1 court, the Illinois Department of Corrections, the sheriff of  
2 each county, and the State's Attorney of each county to report  
3 such information as provided in this Section, both in the form  
4 and manner required by the Department and within 30 days of the  
5 criminal history event. Specifically:

6 (a) Arrest Information. All agencies making arrests  
7 for offenses which are required by statute to be collected,  
8 maintained or disseminated by the Department of State  
9 Police shall be responsible for furnishing daily to the  
10 Department fingerprints, charges and descriptions of all  
11 persons who are arrested for such offenses. All such  
12 agencies shall also notify the Department of all decisions  
13 by the arresting agency not to refer such arrests for  
14 prosecution. With approval of the Department, an agency  
15 making such arrests may enter into arrangements with other  
16 agencies for the purpose of furnishing daily such  
17 fingerprints, charges and descriptions to the Department  
18 upon its behalf.

19 (b) Charge Information. The State's Attorney of each  
20 county shall notify the Department of all charges filed and  
21 all petitions filed alleging that a minor is delinquent,  
22 including all those added subsequent to the filing of a  
23 case, and whether charges were not filed in cases for which  
24 the Department has received information required to be  
25 reported pursuant to paragraph (a) of this Section. With  
26 approval of the Department, the State's Attorney may enter

1 into arrangements with other agencies for the purpose of  
2 furnishing the information required by this subsection (b)  
3 to the Department upon the State's Attorney's behalf.

4 (c) Disposition Information. The clerk of the circuit  
5 court of each county shall furnish the Department, in the  
6 form and manner required by the Supreme Court, with all  
7 final dispositions of cases for which the Department has  
8 received information required to be reported pursuant to  
9 paragraph (a) or (d) of this Section. Such information  
10 shall include, for each charge, all (1) judgments of not  
11 guilty, judgments of guilty including the sentence  
12 pronounced by the court with statutory citations to the  
13 relevant sentencing provision, findings that a minor is  
14 delinquent and any sentence made based on those findings,  
15 discharges and dismissals in the court; (2) reviewing court  
16 orders filed with the clerk of the circuit court which  
17 reverse or remand a reported conviction or findings that a  
18 minor is delinquent or that vacate or modify a sentence or  
19 sentence made following a trial that a minor is delinquent;  
20 (3) continuances to a date certain in furtherance of an  
21 order of supervision granted under Section 5-6-1 of the  
22 Unified Code of Corrections or an order of probation  
23 granted under Section 10 of the Cannabis Control Act,  
24 Section 410 of the Illinois Controlled Substances Act,  
25 Section 70 of the Methamphetamine Control and Community  
26 Protection Act, Section 12-4.3 or subdivision (b)(1) of

1 Section 12-3.05 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012, Section 10-102 of the Illinois  
3 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
4 the Substance Use Disorder Act, ~~Alcoholism and Other Drug~~  
5 ~~Abuse and Dependency Act~~, Section 10 of the Steroid Control  
6 Act, or Section 5-615 of the Juvenile Court Act of 1987;  
7 and (4) judgments or court orders terminating or revoking a  
8 sentence to or juvenile disposition of probation,  
9 supervision or conditional discharge and any resentencing  
10 or new court orders entered by a juvenile court relating to  
11 the disposition of a minor's case involving delinquency  
12 after such revocation.

13 (d) Fingerprints After Sentencing.

14 (1) After the court pronounces sentence, sentences  
15 a minor following a trial in which a minor was found to  
16 be delinquent or issues an order of supervision or an  
17 order of probation granted under Section 10 of the  
18 Cannabis Control Act, Section 410 of the Illinois  
19 Controlled Substances Act, Section 70 of the  
20 Methamphetamine Control and Community Protection Act,  
21 Section 12-4.3 or subdivision (b)(1) of Section  
22 12-3.05 of the Criminal Code of 1961 or the Criminal  
23 Code of 2012, Section 10-102 of the Illinois Alcoholism  
24 and Other Drug Dependency Act, Section 40-10 of the  
25 Substance Use Disorder Act, ~~Alcoholism and Other Drug~~  
26 ~~Abuse and Dependency Act~~, Section 10 of the Steroid

1 Control Act, or Section 5-615 of the Juvenile Court Act  
2 of 1987 for any offense which is required by statute to  
3 be collected, maintained, or disseminated by the  
4 Department of State Police, the State's Attorney of  
5 each county shall ask the court to order a law  
6 enforcement agency to fingerprint immediately all  
7 persons appearing before the court who have not  
8 previously been fingerprinted for the same case. The  
9 court shall so order the requested fingerprinting, if  
10 it determines that any such person has not previously  
11 been fingerprinted for the same case. The law  
12 enforcement agency shall submit such fingerprints to  
13 the Department daily.

14 (2) After the court pronounces sentence or makes a  
15 disposition of a case following a finding of  
16 delinquency for any offense which is not required by  
17 statute to be collected, maintained, or disseminated  
18 by the Department of State Police, the prosecuting  
19 attorney may ask the court to order a law enforcement  
20 agency to fingerprint immediately all persons  
21 appearing before the court who have not previously been  
22 fingerprinted for the same case. The court may so order  
23 the requested fingerprinting, if it determines that  
24 any so sentenced person has not previously been  
25 fingerprinted for the same case. The law enforcement  
26 agency may retain such fingerprints in its files.

1           (e) Corrections Information. The Illinois Department  
2 of Corrections and the sheriff of each county shall furnish  
3 the Department with all information concerning the  
4 receipt, escape, execution, death, release, pardon,  
5 parole, commutation of sentence, granting of executive  
6 clemency or discharge of an individual who has been  
7 sentenced or committed to the agency's custody for any  
8 offenses which are mandated by statute to be collected,  
9 maintained or disseminated by the Department of State  
10 Police. For an individual who has been charged with any  
11 such offense and who escapes from custody or dies while in  
12 custody, all information concerning the receipt and escape  
13 or death, whichever is appropriate, shall also be so  
14 furnished to the Department.

15 (Source: P.A. 100-3, eff. 1-1-18.)

16 (20 ILCS 2630/5.2)

17 Sec. 5.2. Expungement, sealing, and immediate sealing.

18 (a) General Provisions.

19 (1) Definitions. In this Act, words and phrases have  
20 the meanings set forth in this subsection, except when a  
21 particular context clearly requires a different meaning.

22 (A) The following terms shall have the meanings  
23 ascribed to them in the Unified Code of Corrections,  
24 730 ILCS 5/5-1-2 through 5/5-1-22:

25 (i) Business Offense (730 ILCS 5/5-1-2),

- 1 (ii) Charge (730 ILCS 5/5-1-3),  
2 (iii) Court (730 ILCS 5/5-1-6),  
3 (iv) Defendant (730 ILCS 5/5-1-7),  
4 (v) Felony (730 ILCS 5/5-1-9),  
5 (vi) Imprisonment (730 ILCS 5/5-1-10),  
6 (vii) Judgment (730 ILCS 5/5-1-12),  
7 (viii) Misdemeanor (730 ILCS 5/5-1-14),  
8 (ix) Offense (730 ILCS 5/5-1-15),  
9 (x) Parole (730 ILCS 5/5-1-16),  
10 (xi) Petty Offense (730 ILCS 5/5-1-17),  
11 (xii) Probation (730 ILCS 5/5-1-18),  
12 (xiii) Sentence (730 ILCS 5/5-1-19),  
13 (xiv) Supervision (730 ILCS 5/5-1-21), and  
14 (xv) Victim (730 ILCS 5/5-1-22).

15 (B) As used in this Section, "charge not initiated  
16 by arrest" means a charge (as defined by 730 ILCS  
17 5/5-1-3) brought against a defendant where the  
18 defendant is not arrested prior to or as a direct  
19 result of the charge.

20 (C) "Conviction" means a judgment of conviction or  
21 sentence entered upon a plea of guilty or upon a  
22 verdict or finding of guilty of an offense, rendered by  
23 a legally constituted jury or by a court of competent  
24 jurisdiction authorized to try the case without a jury.  
25 An order of supervision successfully completed by the  
26 petitioner is not a conviction. An order of qualified

1           probation (as defined in subsection (a)(1)(J))  
2           successfully completed by the petitioner is not a  
3           conviction. An order of supervision or an order of  
4           qualified probation that is terminated  
5           unsatisfactorily is a conviction, unless the  
6           unsatisfactory termination is reversed, vacated, or  
7           modified and the judgment of conviction, if any, is  
8           reversed or vacated.

9           (D) "Criminal offense" means a petty offense,  
10          business offense, misdemeanor, felony, or municipal  
11          ordinance violation (as defined in subsection  
12          (a)(1)(H)). As used in this Section, a minor traffic  
13          offense (as defined in subsection (a)(1)(G)) shall not  
14          be considered a criminal offense.

15          (E) "Expunge" means to physically destroy the  
16          records or return them to the petitioner and to  
17          obliterate the petitioner's name from any official  
18          index or public record, or both. Nothing in this Act  
19          shall require the physical destruction of the circuit  
20          court file, but such records relating to arrests or  
21          charges, or both, ordered expunged shall be impounded  
22          as required by subsections (d)(9)(A)(ii) and  
23          (d)(9)(B)(ii).

24          (F) As used in this Section, "last sentence" means  
25          the sentence, order of supervision, or order of  
26          qualified probation (as defined by subsection



1 (a)(1)(J)), for a criminal offense (as defined by  
2 subsection (a)(1)(D)) that terminates last in time in  
3 any jurisdiction, regardless of whether the petitioner  
4 has included the criminal offense for which the  
5 sentence or order of supervision or qualified  
6 probation was imposed in his or her petition. If  
7 multiple sentences, orders of supervision, or orders  
8 of qualified probation terminate on the same day and  
9 are last in time, they shall be collectively considered  
10 the "last sentence" regardless of whether they were  
11 ordered to run concurrently.

12 (G) "Minor traffic offense" means a petty offense,  
13 business offense, or Class C misdemeanor under the  
14 Illinois Vehicle Code or a similar provision of a  
15 municipal or local ordinance.

16 (H) "Municipal ordinance violation" means an  
17 offense defined by a municipal or local ordinance that  
18 is criminal in nature and with which the petitioner was  
19 charged or for which the petitioner was arrested and  
20 released without charging.

21 (I) "Petitioner" means an adult or a minor  
22 prosecuted as an adult who has applied for relief under  
23 this Section.

24 (J) "Qualified probation" means an order of  
25 probation under Section 10 of the Cannabis Control Act,  
26 Section 410 of the Illinois Controlled Substances Act,

1 Section 70 of the Methamphetamine Control and  
2 Community Protection Act, Section 5-6-3.3 or 5-6-3.4  
3 of the Unified Code of Corrections, Section  
4 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as  
5 those provisions existed before their deletion by  
6 Public Act 89-313), Section 10-102 of the Illinois  
7 Alcoholism and Other Drug Dependency Act, Section  
8 40-10 of the Substance Use Disorder Act ~~Alcoholism and~~  
9 ~~Other Drug Abuse and Dependency Act~~, or Section 10 of  
10 the Steroid Control Act. For the purpose of this  
11 Section, "successful completion" of an order of  
12 qualified probation under Section 10-102 of the  
13 Illinois Alcoholism and Other Drug Dependency Act and  
14 Section 40-10 of the Substance Use Disorder Act  
15 ~~Alcoholism and Other Drug Abuse and Dependency Act~~  
16 means that the probation was terminated satisfactorily  
17 and the judgment of conviction was vacated.

18 (K) "Seal" means to physically and electronically  
19 maintain the records, unless the records would  
20 otherwise be destroyed due to age, but to make the  
21 records unavailable without a court order, subject to  
22 the exceptions in Sections 12 and 13 of this Act. The  
23 petitioner's name shall also be obliterated from the  
24 official index required to be kept by the circuit court  
25 clerk under Section 16 of the Clerks of Courts Act, but  
26 any index issued by the circuit court clerk before the

1 entry of the order to seal shall not be affected.

2 (L) "Sexual offense committed against a minor"  
3 includes but is not limited to the offenses of indecent  
4 solicitation of a child or criminal sexual abuse when  
5 the victim of such offense is under 18 years of age.

6 (M) "Terminate" as it relates to a sentence or  
7 order of supervision or qualified probation includes  
8 either satisfactory or unsatisfactory termination of  
9 the sentence, unless otherwise specified in this  
10 Section.

11 (2) Minor Traffic Offenses. Orders of supervision or  
12 convictions for minor traffic offenses shall not affect a  
13 petitioner's eligibility to expunge or seal records  
14 pursuant to this Section.

15 (2.5) Commencing 180 days after July 29, 2016 (the  
16 effective date of Public Act 99-697), the law enforcement  
17 agency issuing the citation shall automatically expunge,  
18 on or before January 1 and July 1 of each year, the law  
19 enforcement records of a person found to have committed a  
20 civil law violation of subsection (a) of Section 4 of the  
21 Cannabis Control Act or subsection (c) of Section 3.5 of  
22 the Drug Paraphernalia Control Act in the law enforcement  
23 agency's possession or control and which contains the final  
24 satisfactory disposition which pertain to the person  
25 issued a citation for that offense. The law enforcement  
26 agency shall provide by rule the process for access,

1 review, and to confirm the automatic expungement by the law  
2 enforcement agency issuing the citation. Commencing 180  
3 days after July 29, 2016 (the effective date of Public Act  
4 99-697), the clerk of the circuit court shall expunge, upon  
5 order of the court, or in the absence of a court order on  
6 or before January 1 and July 1 of each year, the court  
7 records of a person found in the circuit court to have  
8 committed a civil law violation of subsection (a) of  
9 Section 4 of the Cannabis Control Act or subsection (c) of  
10 Section 3.5 of the Drug Paraphernalia Control Act in the  
11 clerk's possession or control and which contains the final  
12 satisfactory disposition which pertain to the person  
13 issued a citation for any of those offenses.

14 (3) Exclusions. Except as otherwise provided in  
15 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)  
16 of this Section, the court shall not order:

17 (A) the sealing or expungement of the records of  
18 arrests or charges not initiated by arrest that result  
19 in an order of supervision for or conviction of: (i)  
20 any sexual offense committed against a minor; (ii)  
21 Section 11-501 of the Illinois Vehicle Code or a  
22 similar provision of a local ordinance; or (iii)  
23 Section 11-503 of the Illinois Vehicle Code or a  
24 similar provision of a local ordinance, unless the  
25 arrest or charge is for a misdemeanor violation of  
26 subsection (a) of Section 11-503 or a similar provision

1 of a local ordinance, that occurred prior to the  
2 offender reaching the age of 25 years and the offender  
3 has no other conviction for violating Section 11-501 or  
4 11-503 of the Illinois Vehicle Code or a similar  
5 provision of a local ordinance.

6 (B) the sealing or expungement of records of minor  
7 traffic offenses (as defined in subsection (a)(1)(G)),  
8 unless the petitioner was arrested and released  
9 without charging.

10 (C) the sealing of the records of arrests or  
11 charges not initiated by arrest which result in an  
12 order of supervision or a conviction for the following  
13 offenses:

14 (i) offenses included in Article 11 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012  
16 or a similar provision of a local ordinance, except  
17 Section 11-14 and a misdemeanor violation of  
18 Section 11-30 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012, or a similar provision of a  
20 local ordinance;

21 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
22 26-5, or 48-1 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012, or a similar provision of a  
24 local ordinance;

25 (iii) Sections 12-3.1 or 12-3.2 of the  
26 Criminal Code of 1961 or the Criminal Code of 2012,

1 or Section 125 of the Stalking No Contact Order  
2 Act, or Section 219 of the Civil No Contact Order  
3 Act, or a similar provision of a local ordinance;

4 (iv) Class A misdemeanors or felony offenses  
5 under the Humane Care for Animals Act; or

6 (v) any offense or attempted offense that  
7 would subject a person to registration under the  
8 Sex Offender Registration Act.

9 (D) (blank).

10 (b) Expungement.

11 (1) A petitioner may petition the circuit court to  
12 expunge the records of his or her arrests and charges not  
13 initiated by arrest when each arrest or charge not  
14 initiated by arrest sought to be expunged resulted in: (i)  
15 acquittal, dismissal, or the petitioner's release without  
16 charging, unless excluded by subsection (a)(3)(B); (ii) a  
17 conviction which was vacated or reversed, unless excluded  
18 by subsection (a)(3)(B); (iii) an order of supervision and  
19 such supervision was successfully completed by the  
20 petitioner, unless excluded by subsection (a)(3)(A) or  
21 (a)(3)(B); or (iv) an order of qualified probation (as  
22 defined in subsection (a)(1)(J)) and such probation was  
23 successfully completed by the petitioner.

24 (1.5) When a petitioner seeks to have a record of  
25 arrest expunged under this Section, and the offender has  
26 been convicted of a criminal offense, the State's Attorney

1           may object to the expungement on the grounds that the  
2 records contain specific relevant information aside from  
3 the mere fact of the arrest.

4           (2) Time frame for filing a petition to expunge.

5           (A) When the arrest or charge not initiated by  
6 arrest sought to be expunged resulted in an acquittal,  
7 dismissal, the petitioner's release without charging,  
8 or the reversal or vacation of a conviction, there is  
9 no waiting period to petition for the expungement of  
10 such records.

11           (B) When the arrest or charge not initiated by  
12 arrest sought to be expunged resulted in an order of  
13 supervision, successfully completed by the petitioner,  
14 the following time frames will apply:

15           (i) Those arrests or charges that resulted in  
16 orders of supervision under Section 3-707, 3-708,  
17 3-710, or 5-401.3 of the Illinois Vehicle Code or a  
18 similar provision of a local ordinance, or under  
19 Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
20 Code of 1961 or the Criminal Code of 2012, or a  
21 similar provision of a local ordinance, shall not  
22 be eligible for expungement until 5 years have  
23 passed following the satisfactory termination of  
24 the supervision.

25           (i-5) Those arrests or charges that resulted  
26 in orders of supervision for a misdemeanor

1 violation of subsection (a) of Section 11-503 of  
2 the Illinois Vehicle Code or a similar provision of  
3 a local ordinance, that occurred prior to the  
4 offender reaching the age of 25 years and the  
5 offender has no other conviction for violating  
6 Section 11-501 or 11-503 of the Illinois Vehicle  
7 Code or a similar provision of a local ordinance  
8 shall not be eligible for expungement until the  
9 petitioner has reached the age of 25 years.

10 (ii) Those arrests or charges that resulted in  
11 orders of supervision for any other offenses shall  
12 not be eligible for expungement until 2 years have  
13 passed following the satisfactory termination of  
14 the supervision.

15 (C) When the arrest or charge not initiated by  
16 arrest sought to be expunged resulted in an order of  
17 qualified probation, successfully completed by the  
18 petitioner, such records shall not be eligible for  
19 expungement until 5 years have passed following the  
20 satisfactory termination of the probation.

21 (3) Those records maintained by the Department for  
22 persons arrested prior to their 17th birthday shall be  
23 expunged as provided in Section 5-915 of the Juvenile Court  
24 Act of 1987.

25 (4) Whenever a person has been arrested for or  
26 convicted of any offense, in the name of a person whose



1 identity he or she has stolen or otherwise come into  
2 possession of, the aggrieved person from whom the identity  
3 was stolen or otherwise obtained without authorization,  
4 upon learning of the person having been arrested using his  
5 or her identity, may, upon verified petition to the chief  
6 judge of the circuit wherein the arrest was made, have a  
7 court order entered nunc pro tunc by the Chief Judge to  
8 correct the arrest record, conviction record, if any, and  
9 all official records of the arresting authority, the  
10 Department, other criminal justice agencies, the  
11 prosecutor, and the trial court concerning such arrest, if  
12 any, by removing his or her name from all such records in  
13 connection with the arrest and conviction, if any, and by  
14 inserting in the records the name of the offender, if known  
15 or ascertainable, in lieu of the aggrieved's name. The  
16 records of the circuit court clerk shall be sealed until  
17 further order of the court upon good cause shown and the  
18 name of the aggrieved person obliterated on the official  
19 index required to be kept by the circuit court clerk under  
20 Section 16 of the Clerks of Courts Act, but the order shall  
21 not affect any index issued by the circuit court clerk  
22 before the entry of the order. Nothing in this Section  
23 shall limit the Department of State Police or other  
24 criminal justice agencies or prosecutors from listing  
25 under an offender's name the false names he or she has  
26 used.

1           (5) Whenever a person has been convicted of criminal  
2 sexual assault, aggravated criminal sexual assault,  
3 predatory criminal sexual assault of a child, criminal  
4 sexual abuse, or aggravated criminal sexual abuse, the  
5 victim of that offense may request that the State's  
6 Attorney of the county in which the conviction occurred  
7 file a verified petition with the presiding trial judge at  
8 the petitioner's trial to have a court order entered to  
9 seal the records of the circuit court clerk in connection  
10 with the proceedings of the trial court concerning that  
11 offense. However, the records of the arresting authority  
12 and the Department of State Police concerning the offense  
13 shall not be sealed. The court, upon good cause shown,  
14 shall make the records of the circuit court clerk in  
15 connection with the proceedings of the trial court  
16 concerning the offense available for public inspection.

17           (6) If a conviction has been set aside on direct review  
18 or on collateral attack and the court determines by clear  
19 and convincing evidence that the petitioner was factually  
20 innocent of the charge, the court that finds the petitioner  
21 factually innocent of the charge shall enter an expungement  
22 order for the conviction for which the petitioner has been  
23 determined to be innocent as provided in subsection (b) of  
24 Section 5-5-4 of the Unified Code of Corrections.

25           (7) Nothing in this Section shall prevent the  
26 Department of State Police from maintaining all records of

1 any person who is admitted to probation upon terms and  
2 conditions and who fulfills those terms and conditions  
3 pursuant to Section 10 of the Cannabis Control Act, Section  
4 410 of the Illinois Controlled Substances Act, Section 70  
5 of the Methamphetamine Control and Community Protection  
6 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
7 Corrections, Section 12-4.3 or subdivision (b)(1) of  
8 Section 12-3.05 of the Criminal Code of 1961 or the  
9 Criminal Code of 2012, Section 10-102 of the Illinois  
10 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
11 the Substance Use Disorder Act, ~~Alcoholism and Other Drug~~  
12 ~~Abuse and Dependency Act~~, or Section 10 of the Steroid  
13 Control Act.

14 (8) If the petitioner has been granted a certificate of  
15 innocence under Section 2-702 of the Code of Civil  
16 Procedure, the court that grants the certificate of  
17 innocence shall also enter an order expunging the  
18 conviction for which the petitioner has been determined to  
19 be innocent as provided in subsection (h) of Section 2-702  
20 of the Code of Civil Procedure.

21 (c) Sealing.

22 (1) Applicability. Notwithstanding any other provision  
23 of this Act to the contrary, and cumulative with any rights  
24 to expungement of criminal records, this subsection  
25 authorizes the sealing of criminal records of adults and of  
26 minors prosecuted as adults. Subsection (g) of this Section

1 provides for immediate sealing of certain records.

2 (2) Eligible Records. The following records may be  
3 sealed:

4 (A) All arrests resulting in release without  
5 charging;

6 (B) Arrests or charges not initiated by arrest  
7 resulting in acquittal, dismissal, or conviction when  
8 the conviction was reversed or vacated, except as  
9 excluded by subsection (a) (3) (B);

10 (C) Arrests or charges not initiated by arrest  
11 resulting in orders of supervision, including orders  
12 of supervision for municipal ordinance violations,  
13 successfully completed by the petitioner, unless  
14 excluded by subsection (a) (3);

15 (D) Arrests or charges not initiated by arrest  
16 resulting in convictions, including convictions on  
17 municipal ordinance violations, unless excluded by  
18 subsection (a) (3);

19 (E) Arrests or charges not initiated by arrest  
20 resulting in orders of first offender probation under  
21 Section 10 of the Cannabis Control Act, Section 410 of  
22 the Illinois Controlled Substances Act, Section 70 of  
23 the Methamphetamine Control and Community Protection  
24 Act, or Section 5-6-3.3 of the Unified Code of  
25 Corrections; and

26 (F) Arrests or charges not initiated by arrest

1 resulting in felony convictions unless otherwise  
2 excluded by subsection (a) paragraph (3) of this  
3 Section.

4 (3) When Records Are Eligible to Be Sealed. Records  
5 identified as eligible under subsection (c)(2) may be  
6 sealed as follows:

7 (A) Records identified as eligible under  
8 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any  
9 time.

10 (B) Except as otherwise provided in subparagraph  
11 (E) of this paragraph (3), records identified as  
12 eligible under subsection (c)(2)(C) may be sealed 2  
13 years after the termination of petitioner's last  
14 sentence (as defined in subsection (a)(1)(F)).

15 (C) Except as otherwise provided in subparagraph  
16 (E) of this paragraph (3), records identified as  
17 eligible under subsections (c)(2)(D), (c)(2)(E), and  
18 (c)(2)(F) may be sealed 3 years after the termination  
19 of the petitioner's last sentence (as defined in  
20 subsection (a)(1)(F)). Convictions requiring public  
21 registration under the Arsonist Registration Act, the  
22 Sex Offender Registration Act, or the Murderer and  
23 Violent Offender Against Youth Registration Act may  
24 not be sealed until the petitioner is no longer  
25 required to register under that relevant Act.

26 (D) Records identified in subsection

1 (a) (3) (A) (iii) may be sealed after the petitioner has  
2 reached the age of 25 years.

3 (E) Records identified as eligible under  
4 subsections (c) (2) (C), (c) (2) (D), (c) (2) (E), or  
5 (c) (2) (F) may be sealed upon termination of the  
6 petitioner's last sentence if the petitioner earned a  
7 high school diploma, associate's degree, career  
8 certificate, vocational technical certification, or  
9 bachelor's degree, or passed the high school level Test  
10 of General Educational Development, during the period  
11 of his or her sentence, aftercare release, or mandatory  
12 supervised release. This subparagraph shall apply only  
13 to a petitioner who has not completed the same  
14 educational goal prior to the period of his or her  
15 sentence, aftercare release, or mandatory supervised  
16 release. If a petition for sealing eligible records  
17 filed under this subparagraph is denied by the court,  
18 the time periods under subparagraph (B) or (C) shall  
19 apply to any subsequent petition for sealing filed by  
20 the petitioner.

21 (4) Subsequent felony convictions. A person may not  
22 have subsequent felony conviction records sealed as  
23 provided in this subsection (c) if he or she is convicted  
24 of any felony offense after the date of the sealing of  
25 prior felony convictions as provided in this subsection  
26 (c). The court may, upon conviction for a subsequent felony

1 offense, order the unsealing of prior felony conviction  
2 records previously ordered sealed by the court.

3 (5) Notice of eligibility for sealing. Upon entry of a  
4 disposition for an eligible record under this subsection  
5 (c), the petitioner shall be informed by the court of the  
6 right to have the records sealed and the procedures for the  
7 sealing of the records.

8 (d) Procedure. The following procedures apply to  
9 expungement under subsections (b), (e), and (e-6) and sealing  
10 under subsections (c) and (e-5):

11 (1) Filing the petition. Upon becoming eligible to  
12 petition for the expungement or sealing of records under  
13 this Section, the petitioner shall file a petition  
14 requesting the expungement or sealing of records with the  
15 clerk of the court where the arrests occurred or the  
16 charges were brought, or both. If arrests occurred or  
17 charges were brought in multiple jurisdictions, a petition  
18 must be filed in each such jurisdiction. The petitioner  
19 shall pay the applicable fee, except no fee shall be  
20 required if the petitioner has obtained a court order  
21 waiving fees under Supreme Court Rule 298 or it is  
22 otherwise waived.

23 (1.5) County fee waiver pilot program. In a county of  
24 3,000,000 or more inhabitants, no fee shall be required to  
25 be paid by a petitioner if the records sought to be  
26 expunged or sealed were arrests resulting in release

1 without charging or arrests or charges not initiated by  
2 arrest resulting in acquittal, dismissal, or conviction  
3 when the conviction was reversed or vacated, unless  
4 excluded by subsection (a) (3) (B). The provisions of this  
5 paragraph (1.5), other than this sentence, are inoperative  
6 on and after January 1, 2019 ~~or one year after January 1,~~  
7 ~~2017 (the effective date of Public Act 99-881), whichever~~  
8 ~~is later.~~

9 (2) Contents of petition. The petition shall be  
10 verified and shall contain the petitioner's name, date of  
11 birth, current address and, for each arrest or charge not  
12 initiated by arrest sought to be sealed or expunged, the  
13 case number, the date of arrest (if any), the identity of  
14 the arresting authority, and such other information as the  
15 court may require. During the pendency of the proceeding,  
16 the petitioner shall promptly notify the circuit court  
17 clerk of any change of his or her address. If the  
18 petitioner has received a certificate of eligibility for  
19 sealing from the Prisoner Review Board under paragraph (10)  
20 of subsection (a) of Section 3-3-2 of the Unified Code of  
21 Corrections, the certificate shall be attached to the  
22 petition.

23 (3) Drug test. The petitioner must attach to the  
24 petition proof that the petitioner has passed a test taken  
25 within 30 days before the filing of the petition showing  
26 the absence within his or her body of all illegal



1 substances as defined by the Illinois Controlled  
2 Substances Act, the Methamphetamine Control and Community  
3 Protection Act, and the Cannabis Control Act if he or she  
4 is petitioning to:

5 (A) seal felony records under clause (c) (2) (E);

6 (B) seal felony records for a violation of the  
7 Illinois Controlled Substances Act, the  
8 Methamphetamine Control and Community Protection Act,  
9 or the Cannabis Control Act under clause (c) (2) (F);

10 (C) seal felony records under subsection (e-5); or

11 (D) expunge felony records of a qualified  
12 probation under clause (b) (1) (iv).

13 (4) Service of petition. The circuit court clerk shall  
14 promptly serve a copy of the petition and documentation to  
15 support the petition under subsection (e-5) or (e-6) on the  
16 State's Attorney or prosecutor charged with the duty of  
17 prosecuting the offense, the Department of State Police,  
18 the arresting agency and the chief legal officer of the  
19 unit of local government effecting the arrest.

20 (5) Objections.

21 (A) Any party entitled to notice of the petition  
22 may file an objection to the petition. All objections  
23 shall be in writing, shall be filed with the circuit  
24 court clerk, and shall state with specificity the basis  
25 of the objection. Whenever a person who has been  
26 convicted of an offense is granted a pardon by the

1 Governor which specifically authorizes expungement, an  
2 objection to the petition may not be filed.

3 (B) Objections to a petition to expunge or seal  
4 must be filed within 60 days of the date of service of  
5 the petition.

6 (6) Entry of order.

7 (A) The Chief Judge of the circuit wherein the  
8 charge was brought, any judge of that circuit  
9 designated by the Chief Judge, or in counties of less  
10 than 3,000,000 inhabitants, the presiding trial judge  
11 at the petitioner's trial, if any, shall rule on the  
12 petition to expunge or seal as set forth in this  
13 subsection (d) (6).

14 (B) Unless the State's Attorney or prosecutor, the  
15 Department of State Police, the arresting agency, or  
16 the chief legal officer files an objection to the  
17 petition to expunge or seal within 60 days from the  
18 date of service of the petition, the court shall enter  
19 an order granting or denying the petition.

20 (7) Hearings. If an objection is filed, the court shall  
21 set a date for a hearing and notify the petitioner and all  
22 parties entitled to notice of the petition of the hearing  
23 date at least 30 days prior to the hearing. Prior to the  
24 hearing, the State's Attorney shall consult with the  
25 Department as to the appropriateness of the relief sought  
26 in the petition to expunge or seal. At the hearing, the

1 court shall hear evidence on whether the petition should or  
2 should not be granted, and shall grant or deny the petition  
3 to expunge or seal the records based on the evidence  
4 presented at the hearing. The court may consider the  
5 following:

6 (A) the strength of the evidence supporting the  
7 defendant's conviction;

8 (B) the reasons for retention of the conviction  
9 records by the State;

10 (C) the petitioner's age, criminal record history,  
11 and employment history;

12 (D) the period of time between the petitioner's  
13 arrest on the charge resulting in the conviction and  
14 the filing of the petition under this Section; and

15 (E) the specific adverse consequences the  
16 petitioner may be subject to if the petition is denied.

17 (8) Service of order. After entering an order to  
18 expunge or seal records, the court must provide copies of  
19 the order to the Department, in a form and manner  
20 prescribed by the Department, to the petitioner, to the  
21 State's Attorney or prosecutor charged with the duty of  
22 prosecuting the offense, to the arresting agency, to the  
23 chief legal officer of the unit of local government  
24 effecting the arrest, and to such other criminal justice  
25 agencies as may be ordered by the court.

26 (9) Implementation of order.

1 (A) Upon entry of an order to expunge records  
2 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

3 (i) the records shall be expunged (as defined  
4 in subsection (a) (1) (E)) by the arresting agency,  
5 the Department, and any other agency as ordered by  
6 the court, within 60 days of the date of service of  
7 the order, unless a motion to vacate, modify, or  
8 reconsider the order is filed pursuant to  
9 paragraph (12) of subsection (d) of this Section;

10 (ii) the records of the circuit court clerk  
11 shall be impounded until further order of the court  
12 upon good cause shown and the name of the  
13 petitioner obliterated on the official index  
14 required to be kept by the circuit court clerk  
15 under Section 16 of the Clerks of Courts Act, but  
16 the order shall not affect any index issued by the  
17 circuit court clerk before the entry of the order;  
18 and

19 (iii) in response to an inquiry for expunged  
20 records, the court, the Department, or the agency  
21 receiving such inquiry, shall reply as it does in  
22 response to inquiries when no records ever  
23 existed.

24 (B) Upon entry of an order to expunge records  
25 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

26 (i) the records shall be expunged (as defined

1 in subsection (a)(1)(E)) by the arresting agency  
2 and any other agency as ordered by the court,  
3 within 60 days of the date of service of the order,  
4 unless a motion to vacate, modify, or reconsider  
5 the order is filed pursuant to paragraph (12) of  
6 subsection (d) of this Section;

7 (ii) the records of the circuit court clerk  
8 shall be impounded until further order of the court  
9 upon good cause shown and the name of the  
10 petitioner obliterated on the official index  
11 required to be kept by the circuit court clerk  
12 under Section 16 of the Clerks of Courts Act, but  
13 the order shall not affect any index issued by the  
14 circuit court clerk before the entry of the order;

15 (iii) the records shall be impounded by the  
16 Department within 60 days of the date of service of  
17 the order as ordered by the court, unless a motion  
18 to vacate, modify, or reconsider the order is filed  
19 pursuant to paragraph (12) of subsection (d) of  
20 this Section;

21 (iv) records impounded by the Department may  
22 be disseminated by the Department only as required  
23 by law or to the arresting authority, the State's  
24 Attorney, and the court upon a later arrest for the  
25 same or a similar offense or for the purpose of  
26 sentencing for any subsequent felony, and to the

1 Department of Corrections upon conviction for any  
2 offense; and

3 (v) in response to an inquiry for such records  
4 from anyone not authorized by law to access such  
5 records, the court, the Department, or the agency  
6 receiving such inquiry shall reply as it does in  
7 response to inquiries when no records ever  
8 existed.

9 (B-5) Upon entry of an order to expunge records  
10 under subsection (e-6):

11 (i) the records shall be expunged (as defined  
12 in subsection (a)(1)(E)) by the arresting agency  
13 and any other agency as ordered by the court,  
14 within 60 days of the date of service of the order,  
15 unless a motion to vacate, modify, or reconsider  
16 the order is filed under paragraph (12) of  
17 subsection (d) of this Section;

18 (ii) the records of the circuit court clerk  
19 shall be impounded until further order of the court  
20 upon good cause shown and the name of the  
21 petitioner obliterated on the official index  
22 required to be kept by the circuit court clerk  
23 under Section 16 of the Clerks of Courts Act, but  
24 the order shall not affect any index issued by the  
25 circuit court clerk before the entry of the order;

26 (iii) the records shall be impounded by the

1 Department within 60 days of the date of service of  
2 the order as ordered by the court, unless a motion  
3 to vacate, modify, or reconsider the order is filed  
4 under paragraph (12) of subsection (d) of this  
5 Section;

6 (iv) records impounded by the Department may  
7 be disseminated by the Department only as required  
8 by law or to the arresting authority, the State's  
9 Attorney, and the court upon a later arrest for the  
10 same or a similar offense or for the purpose of  
11 sentencing for any subsequent felony, and to the  
12 Department of Corrections upon conviction for any  
13 offense; and

14 (v) in response to an inquiry for these records  
15 from anyone not authorized by law to access the  
16 records, the court, the Department, or the agency  
17 receiving the inquiry shall reply as it does in  
18 response to inquiries when no records ever  
19 existed.

20 (C) Upon entry of an order to seal records under  
21 subsection (c), the arresting agency, any other agency  
22 as ordered by the court, the Department, and the court  
23 shall seal the records (as defined in subsection  
24 (a) (1) (K)). In response to an inquiry for such records,  
25 from anyone not authorized by law to access such  
26 records, the court, the Department, or the agency

1 receiving such inquiry shall reply as it does in  
2 response to inquiries when no records ever existed.

3 (D) The Department shall send written notice to the  
4 petitioner of its compliance with each order to expunge  
5 or seal records within 60 days of the date of service  
6 of that order or, if a motion to vacate, modify, or  
7 reconsider is filed, within 60 days of service of the  
8 order resolving the motion, if that order requires the  
9 Department to expunge or seal records. In the event of  
10 an appeal from the circuit court order, the Department  
11 shall send written notice to the petitioner of its  
12 compliance with an Appellate Court or Supreme Court  
13 judgment to expunge or seal records within 60 days of  
14 the issuance of the court's mandate. The notice is not  
15 required while any motion to vacate, modify, or  
16 reconsider, or any appeal or petition for  
17 discretionary appellate review, is pending.

18 (10) Fees. The Department may charge the petitioner a  
19 fee equivalent to the cost of processing any order to  
20 expunge or seal records. Notwithstanding any provision of  
21 the Clerks of Courts Act to the contrary, the circuit court  
22 clerk may charge a fee equivalent to the cost associated  
23 with the sealing or expungement of records by the circuit  
24 court clerk. From the total filing fee collected for the  
25 petition to seal or expunge, the circuit court clerk shall  
26 deposit \$10 into the Circuit Court Clerk Operation and



1 Administrative Fund, to be used to offset the costs  
2 incurred by the circuit court clerk in performing the  
3 additional duties required to serve the petition to seal or  
4 expunge on all parties. The circuit court clerk shall  
5 collect and forward the Department of State Police portion  
6 of the fee to the Department and it shall be deposited in  
7 the State Police Services Fund.

8 (11) Final Order. No court order issued under the  
9 expungement or sealing provisions of this Section shall  
10 become final for purposes of appeal until 30 days after  
11 service of the order on the petitioner and all parties  
12 entitled to notice of the petition.

13 (12) Motion to Vacate, Modify, or Reconsider. Under  
14 Section 2-1203 of the Code of Civil Procedure, the  
15 petitioner or any party entitled to notice may file a  
16 motion to vacate, modify, or reconsider the order granting  
17 or denying the petition to expunge or seal within 60 days  
18 of service of the order. If filed more than 60 days after  
19 service of the order, a petition to vacate, modify, or  
20 reconsider shall comply with subsection (c) of Section  
21 2-1401 of the Code of Civil Procedure. Upon filing of a  
22 motion to vacate, modify, or reconsider, notice of the  
23 motion shall be served upon the petitioner and all parties  
24 entitled to notice of the petition.

25 (13) Effect of Order. An order granting a petition  
26 under the expungement or sealing provisions of this Section

1 shall not be considered void because it fails to comply  
2 with the provisions of this Section or because of any error  
3 asserted in a motion to vacate, modify, or reconsider. The  
4 circuit court retains jurisdiction to determine whether  
5 the order is voidable and to vacate, modify, or reconsider  
6 its terms based on a motion filed under paragraph (12) of  
7 this subsection (d).

8 (14) Compliance with Order Granting Petition to Seal  
9 Records. Unless a court has entered a stay of an order  
10 granting a petition to seal, all parties entitled to notice  
11 of the petition must fully comply with the terms of the  
12 order within 60 days of service of the order even if a  
13 party is seeking relief from the order through a motion  
14 filed under paragraph (12) of this subsection (d) or is  
15 appealing the order.

16 (15) Compliance with Order Granting Petition to  
17 Expunge Records. While a party is seeking relief from the  
18 order granting the petition to expunge through a motion  
19 filed under paragraph (12) of this subsection (d) or is  
20 appealing the order, and unless a court has entered a stay  
21 of that order, the parties entitled to notice of the  
22 petition must seal, but need not expunge, the records until  
23 there is a final order on the motion for relief or, in the  
24 case of an appeal, the issuance of that court's mandate.

25 (16) The changes to this subsection (d) made by Public  
26 Act 98-163 apply to all petitions pending on August 5, 2013

1 (the effective date of Public Act 98-163) and to all orders  
2 ruling on a petition to expunge or seal on or after August  
3 5, 2013 (the effective date of Public Act 98-163).

4 (e) Whenever a person who has been convicted of an offense  
5 is granted a pardon by the Governor which specifically  
6 authorizes expungement, he or she may, upon verified petition  
7 to the Chief Judge of the circuit where the person had been  
8 convicted, any judge of the circuit designated by the Chief  
9 Judge, or in counties of less than 3,000,000 inhabitants, the  
10 presiding trial judge at the defendant's trial, have a court  
11 order entered expunging the record of arrest from the official  
12 records of the arresting authority and order that the records  
13 of the circuit court clerk and the Department be sealed until  
14 further order of the court upon good cause shown or as  
15 otherwise provided herein, and the name of the defendant  
16 obliterated from the official index requested to be kept by the  
17 circuit court clerk under Section 16 of the Clerks of Courts  
18 Act in connection with the arrest and conviction for the  
19 offense for which he or she had been pardoned but the order  
20 shall not affect any index issued by the circuit court clerk  
21 before the entry of the order. All records sealed by the  
22 Department may be disseminated by the Department only to the  
23 arresting authority, the State's Attorney, and the court upon a  
24 later arrest for the same or similar offense or for the purpose  
25 of sentencing for any subsequent felony. Upon conviction for  
26 any subsequent offense, the Department of Corrections shall

1 have access to all sealed records of the Department pertaining  
2 to that individual. Upon entry of the order of expungement, the  
3 circuit court clerk shall promptly mail a copy of the order to  
4 the person who was pardoned.

5 (e-5) Whenever a person who has been convicted of an  
6 offense is granted a certificate of eligibility for sealing by  
7 the Prisoner Review Board which specifically authorizes  
8 sealing, he or she may, upon verified petition to the Chief  
9 Judge of the circuit where the person had been convicted, any  
10 judge of the circuit designated by the Chief Judge, or in  
11 counties of less than 3,000,000 inhabitants, the presiding  
12 trial judge at the petitioner's trial, have a court order  
13 entered sealing the record of arrest from the official records  
14 of the arresting authority and order that the records of the  
15 circuit court clerk and the Department be sealed until further  
16 order of the court upon good cause shown or as otherwise  
17 provided herein, and the name of the petitioner obliterated  
18 from the official index requested to be kept by the circuit  
19 court clerk under Section 16 of the Clerks of Courts Act in  
20 connection with the arrest and conviction for the offense for  
21 which he or she had been granted the certificate but the order  
22 shall not affect any index issued by the circuit court clerk  
23 before the entry of the order. All records sealed by the  
24 Department may be disseminated by the Department only as  
25 required by this Act or to the arresting authority, a law  
26 enforcement agency, the State's Attorney, and the court upon a

1 later arrest for the same or similar offense or for the purpose  
2 of sentencing for any subsequent felony. Upon conviction for  
3 any subsequent offense, the Department of Corrections shall  
4 have access to all sealed records of the Department pertaining  
5 to that individual. Upon entry of the order of sealing, the  
6 circuit court clerk shall promptly mail a copy of the order to  
7 the person who was granted the certificate of eligibility for  
8 sealing.

9 (e-6) Whenever a person who has been convicted of an  
10 offense is granted a certificate of eligibility for expungement  
11 by the Prisoner Review Board which specifically authorizes  
12 expungement, he or she may, upon verified petition to the Chief  
13 Judge of the circuit where the person had been convicted, any  
14 judge of the circuit designated by the Chief Judge, or in  
15 counties of less than 3,000,000 inhabitants, the presiding  
16 trial judge at the petitioner's trial, have a court order  
17 entered expunging the record of arrest from the official  
18 records of the arresting authority and order that the records  
19 of the circuit court clerk and the Department be sealed until  
20 further order of the court upon good cause shown or as  
21 otherwise provided herein, and the name of the petitioner  
22 obliterated from the official index requested to be kept by the  
23 circuit court clerk under Section 16 of the Clerks of Courts  
24 Act in connection with the arrest and conviction for the  
25 offense for which he or she had been granted the certificate  
26 but the order shall not affect any index issued by the circuit

1 court clerk before the entry of the order. All records sealed  
2 by the Department may be disseminated by the Department only as  
3 required by this Act or to the arresting authority, a law  
4 enforcement agency, the State's Attorney, and the court upon a  
5 later arrest for the same or similar offense or for the purpose  
6 of sentencing for any subsequent felony. Upon conviction for  
7 any subsequent offense, the Department of Corrections shall  
8 have access to all expunged records of the Department  
9 pertaining to that individual. Upon entry of the order of  
10 expungement, the circuit court clerk shall promptly mail a copy  
11 of the order to the person who was granted the certificate of  
12 eligibility for expungement.

13 (f) Subject to available funding, the Illinois Department  
14 of Corrections shall conduct a study of the impact of sealing,  
15 especially on employment and recidivism rates, utilizing a  
16 random sample of those who apply for the sealing of their  
17 criminal records under Public Act 93-211. At the request of the  
18 Illinois Department of Corrections, records of the Illinois  
19 Department of Employment Security shall be utilized as  
20 appropriate to assist in the study. The study shall not  
21 disclose any data in a manner that would allow the  
22 identification of any particular individual or employing unit.  
23 The study shall be made available to the General Assembly no  
24 later than September 1, 2010.

25 (g) Immediate Sealing.

26 (1) Applicability. Notwithstanding any other provision

1 of this Act to the contrary, and cumulative with any rights  
2 to expungement or sealing of criminal records, this  
3 subsection authorizes the immediate sealing of criminal  
4 records of adults and of minors prosecuted as adults.

5 (2) Eligible Records. Arrests or charges not initiated  
6 by arrest resulting in acquittal or dismissal with  
7 prejudice, except as excluded by subsection (a)(3)(B),  
8 that occur on or after January 1, 2018 (the effective date  
9 of Public Act 100-282) ~~this amendatory Act of the 100th~~  
10 ~~General Assembly~~, may be sealed immediately if the petition  
11 is filed with the circuit court clerk on the same day and  
12 during the same hearing in which the case is disposed.

13 (3) When Records are Eligible to be Immediately Sealed.  
14 Eligible records under paragraph (2) of this subsection (g)  
15 may be sealed immediately after entry of the final  
16 disposition of a case, notwithstanding the disposition of  
17 other charges in the same case.

18 (4) Notice of Eligibility for Immediate Sealing. Upon  
19 entry of a disposition for an eligible record under this  
20 subsection (g), the defendant shall be informed by the  
21 court of his or her right to have eligible records  
22 immediately sealed and the procedure for the immediate  
23 sealing of these records.

24 (5) Procedure. The following procedures apply to  
25 immediate sealing under this subsection (g).

26 (A) Filing the Petition. Upon entry of the final

1 disposition of the case, the defendant's attorney may  
2 immediately petition the court, on behalf of the  
3 defendant, for immediate sealing of eligible records  
4 under paragraph (2) of this subsection (g) that are  
5 entered on or after January 1, 2018 (the effective date  
6 of Public Act 100-282) ~~this amendatory Act of the 100th~~  
7 ~~General Assembly~~. The immediate sealing petition may  
8 be filed with the circuit court clerk during the  
9 hearing in which the final disposition of the case is  
10 entered. If the defendant's attorney does not file the  
11 petition for immediate sealing during the hearing, the  
12 defendant may file a petition for sealing at any time  
13 as authorized under subsection (c) (3) (A).

14 (B) Contents of Petition. The immediate sealing  
15 petition shall be verified and shall contain the  
16 petitioner's name, date of birth, current address, and  
17 for each eligible record, the case number, the date of  
18 arrest if applicable, the identity of the arresting  
19 authority if applicable, and other information as the  
20 court may require.

21 (C) Drug Test. The petitioner shall not be required  
22 to attach proof that he or she has passed a drug test.

23 (D) Service of Petition. A copy of the petition  
24 shall be served on the State's Attorney in open court.  
25 The petitioner shall not be required to serve a copy of  
26 the petition on any other agency.



1           (E) Entry of Order. The presiding trial judge shall  
2 enter an order granting or denying the petition for  
3 immediate sealing during the hearing in which it is  
4 filed. Petitions for immediate sealing shall be ruled  
5 on in the same hearing in which the final disposition  
6 of the case is entered.

7           (F) Hearings. The court shall hear the petition for  
8 immediate sealing on the same day and during the same  
9 hearing in which the disposition is rendered.

10          (G) Service of Order. An order to immediately seal  
11 eligible records shall be served in conformance with  
12 subsection (d) (8).

13          (H) Implementation of Order. An order to  
14 immediately seal records shall be implemented in  
15 conformance with subsections (d) (9) (C) and (d) (9) (D).

16          (I) Fees. The fee imposed by the circuit court  
17 clerk and the Department of State Police shall comply  
18 with paragraph (1) of subsection (d) of this Section.

19          (J) Final Order. No court order issued under this  
20 subsection (g) shall become final for purposes of  
21 appeal until 30 days after service of the order on the  
22 petitioner and all parties entitled to service of the  
23 order in conformance with subsection (d) (8).

24          (K) Motion to Vacate, Modify, or Reconsider. Under  
25 Section 2-1203 of the Code of Civil Procedure, the  
26 petitioner, State's Attorney, or the Department of

1 State Police may file a motion to vacate, modify, or  
2 reconsider the order denying the petition to  
3 immediately seal within 60 days of service of the  
4 order. If filed more than 60 days after service of the  
5 order, a petition to vacate, modify, or reconsider  
6 shall comply with subsection (c) of Section 2-1401 of  
7 the Code of Civil Procedure.

8 (L) Effect of Order. An order granting an immediate  
9 sealing petition shall not be considered void because  
10 it fails to comply with the provisions of this Section  
11 or because of an error asserted in a motion to vacate,  
12 modify, or reconsider. The circuit court retains  
13 jurisdiction to determine whether the order is  
14 voidable, and to vacate, modify, or reconsider its  
15 terms based on a motion filed under subparagraph (L) of  
16 this subsection (g).

17 (M) Compliance with Order Granting Petition to  
18 Seal Records. Unless a court has entered a stay of an  
19 order granting a petition to immediately seal, all  
20 parties entitled to service of the order must fully  
21 comply with the terms of the order within 60 days of  
22 service of the order.

23 (Source: P.A. 99-78, eff. 7-20-15; 99-378, eff. 1-1-16; 99-385,  
24 eff. 1-1-16; 99-642, eff. 7-28-16; 99-697, eff. 7-29-16;  
25 99-881, eff. 1-1-17; 100-201, eff. 8-18-17; 100-282, eff.  
26 1-1-18; 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; revised

1 10-13-17.)

2 Section 25. The Illinois Uniform Conviction Information  
3 Act is amended by changing Section 3 as follows:

4 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

5 Sec. 3. Definitions. Whenever used in this Act, and for the  
6 purposes of this Act, unless the context clearly indicates  
7 otherwise:

8 (A) "Accurate" means factually correct, containing no  
9 mistake or error of a material nature.

10 (B) The phrase "administer the criminal laws" includes any  
11 of the following activities: intelligence gathering,  
12 surveillance, criminal investigation, crime detection and  
13 prevention (including research), apprehension, detention,  
14 pretrial or post-trial release, prosecution, the correctional  
15 supervision or rehabilitation of accused persons or criminal  
16 offenders, criminal identification activities, data analysis  
17 and research done by the sentencing commission, or the  
18 collection, maintenance or dissemination of criminal history  
19 record information.

20 (C) "The Authority" means the Illinois Criminal Justice  
21 Information Authority.

22 (D) "Automated" means the utilization of computers,  
23 telecommunication lines, or other automatic data processing  
24 equipment for data collection or storage, analysis,

1 processing, preservation, maintenance, dissemination, or  
2 display and is distinguished from a system in which such  
3 activities are performed manually.

4 (E) "Complete" means accurately reflecting all the  
5 criminal history record information about an individual that is  
6 required to be reported to the Department pursuant to Section  
7 2.1 of the Criminal Identification Act.

8 (F) "Conviction information" means data reflecting a  
9 judgment of guilt or nolo contendere. The term includes all  
10 prior and subsequent criminal history events directly relating  
11 to such judgments, such as, but not limited to: (1) the  
12 notation of arrest; (2) the notation of charges filed; (3) the  
13 sentence imposed; (4) the fine imposed; and (5) all related  
14 probation, parole, and release information. Information ceases  
15 to be "conviction information" when a judgment of guilt is  
16 reversed or vacated.

17 For purposes of this Act, continuances to a date certain in  
18 furtherance of an order of supervision granted under Section  
19 5-6-1 of the Unified Code of Corrections or an order of  
20 probation granted under either Section 10 of the Cannabis  
21 Control Act, Section 410 of the Illinois Controlled Substances  
22 Act, Section 70 of the Methamphetamine Control and Community  
23 Protection Act, Section 12-4.3 or subdivision (b) (1) of Section  
24 12-3.05 of the Criminal Code of 1961 or the Criminal Code of  
25 2012, Section 10-102 of the Illinois Alcoholism and Other Drug  
26 Dependency Act, Section 40-10 of the Substance Use Disorder

1 ~~Act, Alcoholism and Other Drug Abuse and Dependency Act,~~ or  
2 Section 10 of the Steroid Control Act shall not be deemed  
3 "conviction information".

4 (G) "Criminal history record information" means data  
5 identifiable to an individual, including information collected  
6 under Section 4.5 of the Criminal Identification Act, and  
7 consisting of descriptions or notations of arrests,  
8 detentions, indictments, informations, pretrial proceedings,  
9 trials, or other formal events in the criminal justice system  
10 or descriptions or notations of criminal charges (including  
11 criminal violations of local municipal ordinances) and the  
12 nature of any disposition arising therefrom, including  
13 sentencing, court or correctional supervision, rehabilitation  
14 and release. The term does not apply to statistical records and  
15 reports in which individuals are not identified and from which  
16 their identities are not ascertainable, or to information that  
17 is for criminal investigative or intelligence purposes.

18 (H) "Criminal justice agency" means (1) a government agency  
19 or any subunit thereof which is authorized to administer the  
20 criminal laws and which allocates a substantial part of its  
21 annual budget for that purpose, or (2) an agency supported by  
22 public funds which is authorized as its principal function to  
23 administer the criminal laws and which is officially designated  
24 by the Department as a criminal justice agency for purposes of  
25 this Act.

26 (I) "The Department" means the Illinois Department of State

1 Police.

2 (J) "Director" means the Director of the Illinois  
3 Department of State Police.

4 (K) "Disseminate" means to disclose or transmit conviction  
5 information in any form, oral, written, or otherwise.

6 (L) "Exigency" means pending danger or the threat of  
7 pending danger to an individual or property.

8 (M) "Non-criminal justice agency" means a State agency,  
9 Federal agency, or unit of local government that is not a  
10 criminal justice agency. The term does not refer to private  
11 individuals, corporations, or non-governmental agencies or  
12 organizations.

13 (M-5) "Request" means the submission to the Department, in  
14 the form and manner required, the necessary data elements or  
15 fingerprints, or both, to allow the Department to initiate a  
16 search of its criminal history record information files.

17 (N) "Requester" means any private individual, corporation,  
18 organization, employer, employment agency, labor organization,  
19 or non-criminal justice agency that has made a request pursuant  
20 to this Act to obtain conviction information maintained in the  
21 files of the Department of State Police regarding a particular  
22 individual.

23 (O) "Statistical information" means data from which the  
24 identity of an individual cannot be ascertained,  
25 reconstructed, or verified and to which the identity of an  
26 individual cannot be linked by the recipient of the

1 information.

2 (P) "Sentencing commission" means the Sentencing Policy  
3 Advisory Council.

4 (Source: P.A. 99-880, eff. 8-22-16; 100-201, eff. 8-18-17.)

5 Section 30. The Community Behavioral Health Center  
6 Infrastructure Act is amended by changing Section 5 as follows:

7 (30 ILCS 732/5)

8 Sec. 5. Definitions. In this Act:

9 "Behavioral health center site" means a physical site where  
10 a community behavioral health center shall provide behavioral  
11 healthcare services linked to a particular  
12 Department-contracted community behavioral healthcare  
13 provider, from which this provider delivers a  
14 Department-funded service and has the following  
15 characteristics:

16 (i) The site must be owned, leased, or otherwise  
17 controlled by a Department-funded provider.

18 (ii) A Department-funded provider may have multiple  
19 service sites.

20 (iii) A Department-funded provider may provide both  
21 Medicaid and non-Medicaid services for which they are  
22 certified or approved at a certified site.

23 "Board" means the Capital Development Board.

24 "Community behavioral healthcare provider" includes, but

1 is not limited to, Department-contracted prevention,  
2 intervention, or treatment care providers of services and  
3 supports for persons with mental health services, alcohol and  
4 substance abuse services, rehabilitation services, and early  
5 intervention services provided by a vendor.

6 For the purposes of this definition, "vendor" includes, but  
7 is not limited to, community providers, including  
8 community-based organizations that are licensed to provide  
9 prevention, intervention, or treatment services and support  
10 for persons with mental illness or substance abuse problems in  
11 this State, that comply with applicable federal, State, and  
12 local rules and statutes, including, but not limited to, the  
13 following:

14 (A) Federal requirements:

15 (1) Block Grants for Community Mental Health  
16 Services, Subpart I & III, Part B, Title XIX, P.H.S.  
17 Act/45 C.F.R. Part 96.

18 (2) Medicaid (42 U.S.C.A. 1396 (1996)).

19 (3) 42 C.F.R. 440 (Services: General Provision)  
20 and 456 (Utilization Control) (1996).

21 (4) Health Insurance Portability and  
22 Accountability Act (HIPAA) as specified in 45 C.F.R.  
23 Section 160.310.

24 (5) The Substance Abuse Prevention Block Grant  
25 Regulations (45 C.F.R. Part 96).

26 (6) Program Fraud Civil Remedies Act of 1986 (45



1 C.F.R. Part 79).

2 (7) Federal regulations regarding Opioid  
3 Maintenance Therapy (21 C.F.R. 29) (21 C.F.R.  
4 1301-1307 (D.E.A.)).

5 (8) Federal regulations regarding Diagnostic,  
6 Screening, Prevention, and Rehabilitation Services  
7 (Medicaid) (42 C.F.R. 440.130).

8 (9) Charitable Choice: Providers that qualify as  
9 religious organizations under 42 C.F.R. 54.2(b), who  
10 comply with the Charitable Choice Regulations as set  
11 forth in 42 C.F.R. 54.1 et seq. with regard to funds  
12 provided directly to pay for substance abuse  
13 prevention and treatment services.

14 (B) State requirements:

15 (1) 59 Ill. Admin. Code 50, Office of Inspector  
16 General Investigations of Alleged Abuse or Neglect in  
17 State-Operated Facilities and Community Agencies.

18 (2) 59 Ill. Admin. Code 51, Office of Inspector  
19 General Adults with Disabilities Project.

20 (3) 59 Ill. Admin. Code 103, Grants.

21 (4) 59 Ill. Admin. Code 115, Standards and  
22 Licensure Requirements for Community-Integrated Living  
23 Arrangements.

24 (5) 59 Ill. Admin. Code 117, Family Assistance and  
25 Home-Based Support Programs for Persons with Mental  
26 Disabilities.

1                   (6) 59 Ill. Admin. Code 125, Recipient  
2 Discharge/Linkage/Aftercare.

3                   (7) 59 Ill. Admin. Code 131, Children's Mental  
4 Health Screening, Assessment and Supportive Services  
5 Program.

6                   (8) 59 Ill. Admin. Code 132, Medicaid Community  
7 Mental Health Services Program.

8                   (9) 59 Ill. Admin. Code 135, Individual Care Grants  
9 for Mentally Ill Children.

10                   (10) 89 Ill. Admin. Code 140, Medical Payment.

11                   (11) 89 Ill. Admin. Code 140.642, Screening  
12 Assessment for Nursing Facility and Alternative  
13 Residential Settings and Services.

14                   (12) 89 Ill. Admin. Code 507, Audit Requirements of  
15 Illinois Department of Human Services.

16                   (13) 89 Ill. Admin. Code 509,  
17 Fiscal/Administrative Recordkeeping and Requirements.

18                   (14) 89 Ill. Admin. Code 511, Grants and Grant  
19 Funds Recovery.

20                   (15) 77 Ill. Admin. Code, Parts 2030, 2060, and  
21 2090.

22                   (16) Title 77 Illinois Administrative Code:

23                   (a) Part 630: Maternal and Child Health  
24 Services Code.

25                   (b) Part 635: Family Planning Services Code.

26                   (c) Part 672: WIC Vendor Management Code.

- 1 (d) Part 2030: Award and Monitoring of Funds.
- 2 (e) Part 2200: School Based/Linked Health  
3 Centers.
- 4 (17) Title 89 Illinois Administrative Code:
- 5 (a) Part 130.200: Administration of Social  
6 Service Programs, Domestic Violence Shelter and  
7 Service Programs.
- 8 (b) Part 310: Delivery of Youth Services  
9 Funded by the Department of Human Services.
- 10 (c) Part 313: Community Services.
- 11 (d) Part 334: Administration and Funding of  
12 Community-Based Services to Youth.
- 13 (e) Part 500: Early Intervention Program.
- 14 (f) Part 501: Partner Abuse Intervention.
- 15 (g) Part 507: Audit Requirements of DHS.
- 16 (h) Part 509: Fiscal/Administrative  
17 Recordkeeping and Requirements.
- 18 (i) Part 511: Grants and Grant Funds Recovery.
- 19 (18) State statutes:
- 20 (a) The Mental Health and Developmental  
21 Disabilities Code.
- 22 (b) The Community Services Act.
- 23 (c) The Mental Health and Developmental  
24 Disabilities Confidentiality Act.
- 25 (d) The Substance Use Disorder Act ~~Alcoholism~~  
26 ~~and Other Drug Abuse and Dependency Act.~~

1 (e) The Early Intervention Services System  
2 Act.

3 (f) The Children and Family Services Act.

4 (g) The Illinois Commission on Volunteerism  
5 and Community Services Act.

6 (h) The Department of Human Services Act.

7 (i) The Domestic Violence Shelters Act.

8 (j) The Illinois Youthbuild Act.

9 (k) The Civil Administrative Code of Illinois.

10 (l) The Illinois Grant Funds Recovery Act.

11 (m) The Child Care Act of 1969.

12 (n) The Solicitation for Charity Act.

13 (o) The Illinois Public Aid Code (305 ILCS  
14 5/9-1, 12-4.5 through 12-4.7, and 12-13).

15 (p) The Abused and Neglected Child Reporting  
16 Act.

17 (q) The Charitable Trust Act.

18 (r) The Illinois Alcoholism and Other Drug  
19 Dependency Act.

20 (C) The Provider shall be in compliance with all  
21 applicable requirements for services and service reporting  
22 as specified in the following Department manuals or  
23 handbooks:

24 (1) DHS/DMH Provider Manual.

25 (2) DHS Mental Health CSA Program Manual.

26 (3) DHS/DMH PAS/MH Manual.

- 1 (4) Community Forensic Services Handbook.
- 2 (5) Community Mental Health Service Definitions  
3 and Reimbursement Guide.
- 4 (6) DHS/DMH Collaborative Provider Manual.
- 5 (7) Handbook for Providers of Screening Assessment  
6 and Support Services, Chapter CMH-200 Policy and  
7 Procedures For Screening, Assessment and Support  
8 Services.
- 9 (8) DHS Division of Substance Use Prevention and  
10 Recovery ~~DASA~~:
- 11 (a) Contractual Policy Manual.
- 12 (b) Medicaid Handbook.
- 13 (c) DARTS Manual.
- 14 (9) Division of Substance Use Prevention and  
15 Recovery ~~DASA~~ Best Practice Program Guidelines for  
16 Specific Populations.
- 17 (10) Division of Substance Use Prevention and  
18 Recovery ~~DASA~~ Contract Program Manual.

19 "Community behavioral healthcare services" means any of  
20 the following:

- 21 (i) Behavioral health services, including, but not  
22 limited to, prevention, intervention, or treatment care  
23 services and support for eligible persons provided by a  
24 vendor of the Department.
- 25 (ii) Referrals to providers of medical services and  
26 other health-related services, including substance abuse

1 and mental health services.

2 (iii) Patient case management services, including  
3 counseling, referral, and follow-up services, and other  
4 services designed to assist community behavioral health  
5 center patients in establishing eligibility for and  
6 gaining access to federal, State, and local programs that  
7 provide or financially support the provision of medical,  
8 social, educational, or other related services.

9 (iv) Services that enable individuals to use the  
10 services of the behavioral health center including  
11 outreach and transportation services and, if a substantial  
12 number of the individuals in the population are of limited  
13 English-speaking ability, the services of appropriate  
14 personnel fluent in the language spoken by a predominant  
15 number of those individuals.

16 (v) Education of patients and the general population  
17 served by the community behavioral health center regarding  
18 the availability and proper use of behavioral health  
19 services.

20 (vi) Additional behavioral healthcare services  
21 consisting of services that are appropriate to meet the  
22 health needs of the population served by the behavioral  
23 health center involved and that may include housing  
24 assistance.

25 "Department" means the Department of Human Services.

26 "Uninsured population" means persons who do not own private

1 healthcare insurance, are not part of a group insurance plan,  
2 and are not eligible for any State or federal  
3 government-sponsored healthcare program.  
4 (Source: P.A. 96-1380, eff. 7-29-10.)

5 Section 35. The Illinois Police Training Act is amended by  
6 changing Sections 7 and 10.18 as follows:

7 (50 ILCS 705/7) (from Ch. 85, par. 507)

8 Sec. 7. Rules and standards for schools. The Board shall  
9 adopt rules and minimum standards for such schools which shall  
10 include, but not be limited to, the following:

11 a. The curriculum for probationary police officers  
12 which shall be offered by all certified schools shall  
13 include, but not be limited to, courses of procedural  
14 justice, arrest and use and control tactics, search and  
15 seizure, including temporary questioning, civil rights,  
16 human rights, human relations, cultural competency,  
17 including implicit bias and racial and ethnic sensitivity,  
18 criminal law, law of criminal procedure, constitutional  
19 and proper use of law enforcement authority, vehicle and  
20 traffic law including uniform and non-discriminatory  
21 enforcement of the Illinois Vehicle Code, traffic control  
22 and accident investigation, techniques of obtaining  
23 physical evidence, court testimonies, statements, reports,  
24 firearms training, training in the use of electronic

1 control devices, including the psychological and  
2 physiological effects of the use of those devices on  
3 humans, first-aid (including cardiopulmonary  
4 resuscitation), training in the administration of opioid  
5 antagonists as defined in paragraph (1) of subsection (e)  
6 of Section 5-23 of the Substance Use Disorder Act,  
7 ~~Alcoholism and Other Drug Abuse and Dependency Act,~~  
8 handling of juvenile offenders, recognition of mental  
9 conditions and crises, including, but not limited to, the  
10 disease of addiction, which require immediate assistance  
11 and response and methods to safeguard and provide  
12 assistance to a person in need of mental treatment,  
13 recognition of abuse, neglect, financial exploitation, and  
14 self-neglect of adults with disabilities and older adults,  
15 as defined in Section 2 of the Adult Protective Services  
16 Act, crimes against the elderly, law of evidence, the  
17 hazards of high-speed police vehicle chases with an  
18 emphasis on alternatives to the high-speed chase, and  
19 physical training. The curriculum shall include specific  
20 training in techniques for immediate response to and  
21 investigation of cases of domestic violence and of sexual  
22 assault of adults and children, including cultural  
23 perceptions and common myths of sexual assault and sexual  
24 abuse as well as interview techniques that are trauma  
25 informed, victim centered, and victim sensitive. The  
26 curriculum shall include training in techniques designed



1 to promote effective communication at the initial contact  
2 with crime victims and ways to comprehensively explain to  
3 victims and witnesses their rights under the Rights of  
4 Crime Victims and Witnesses Act and the Crime Victims  
5 Compensation Act. The curriculum shall also include  
6 training in effective recognition of and responses to  
7 stress, trauma, and post-traumatic stress experienced by  
8 police officers. The curriculum shall also include a block  
9 of instruction aimed at identifying and interacting with  
10 persons with autism and other developmental or physical  
11 disabilities, reducing barriers to reporting crimes  
12 against persons with autism, and addressing the unique  
13 challenges presented by cases involving victims or  
14 witnesses with autism and other developmental  
15 disabilities. The curriculum for permanent police officers  
16 shall include, but not be limited to: (1) refresher and  
17 in-service training in any of the courses listed above in  
18 this subparagraph, (2) advanced courses in any of the  
19 subjects listed above in this subparagraph, (3) training  
20 for supervisory personnel, and (4) specialized training in  
21 subjects and fields to be selected by the board. The  
22 training in the use of electronic control devices shall be  
23 conducted for probationary police officers, including  
24 University police officers.

25 b. Minimum courses of study, attendance requirements  
26 and equipment requirements.

1 c. Minimum requirements for instructors.

2 d. Minimum basic training requirements, which a  
3 probationary police officer must satisfactorily complete  
4 before being eligible for permanent employment as a local  
5 law enforcement officer for a participating local  
6 governmental agency. Those requirements shall include  
7 training in first aid (including cardiopulmonary  
8 resuscitation).

9 e. Minimum basic training requirements, which a  
10 probationary county corrections officer must  
11 satisfactorily complete before being eligible for  
12 permanent employment as a county corrections officer for a  
13 participating local governmental agency.

14 f. Minimum basic training requirements which a  
15 probationary court security officer must satisfactorily  
16 complete before being eligible for permanent employment as  
17 a court security officer for a participating local  
18 governmental agency. The Board shall establish those  
19 training requirements which it considers appropriate for  
20 court security officers and shall certify schools to  
21 conduct that training.

22 A person hired to serve as a court security officer  
23 must obtain from the Board a certificate (i) attesting to  
24 his or her successful completion of the training course;  
25 (ii) attesting to his or her satisfactory completion of a  
26 training program of similar content and number of hours

1 that has been found acceptable by the Board under the  
2 provisions of this Act; or (iii) attesting to the Board's  
3 determination that the training course is unnecessary  
4 because of the person's extensive prior law enforcement  
5 experience.

6 Individuals who currently serve as court security  
7 officers shall be deemed qualified to continue to serve in  
8 that capacity so long as they are certified as provided by  
9 this Act within 24 months of June 1, 1997 (the effective  
10 date of Public Act 89-685). Failure to be so certified,  
11 absent a waiver from the Board, shall cause the officer to  
12 forfeit his or her position.

13 All individuals hired as court security officers on or  
14 after June 1, 1997 (the effective date of Public Act  
15 89-685) ~~this amendatory Act of 1996~~ shall be certified  
16 within 12 months of the date of their hire, unless a waiver  
17 has been obtained by the Board, or they shall forfeit their  
18 positions.

19 The Sheriff's Merit Commission, if one exists, or the  
20 Sheriff's Office if there is no Sheriff's Merit Commission,  
21 shall maintain a list of all individuals who have filed  
22 applications to become court security officers and who meet  
23 the eligibility requirements established under this Act.  
24 Either the Sheriff's Merit Commission, or the Sheriff's  
25 Office if no Sheriff's Merit Commission exists, shall  
26 establish a schedule of reasonable intervals for

1 verification of the applicants' qualifications under this  
2 Act and as established by the Board.

3 g. Minimum in-service training requirements, which a  
4 police officer must satisfactorily complete every 3 years.  
5 Those requirements shall include constitutional and proper  
6 use of law enforcement authority, procedural justice,  
7 civil rights, human rights, mental health awareness and  
8 response, and cultural competency.

9 h. Minimum in-service training requirements, which a  
10 police officer must satisfactorily complete at least  
11 annually. Those requirements shall include law updates and  
12 use of force training which shall include scenario based  
13 training, or similar training approved by the Board.

14 (Source: P.A. 99-352, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642,  
15 eff. 7-28-16; 99-801, eff. 1-1-17; 100-121, eff. 1-1-18;  
16 100-247, eff. 1-1-18; revised 10-3-17.)

17 (50 ILCS 705/10.18)

18 Sec. 10.18. Training; administration of opioid  
19 antagonists. The Board shall conduct or approve an in-service  
20 training program for police officers in the administration of  
21 opioid antagonists as defined in paragraph (1) of subsection  
22 (e) of Section 5-23 of the Substance Use Disorder Act  
23 ~~Alcoholism and Other Drug Abuse and Dependency Act~~ that is in  
24 accordance with that Section. As used in this Section, the term  
25 "police officers" includes full-time or part-time probationary

1 police officers, permanent or part-time police officers, law  
2 enforcement officers, recruits, permanent or probationary  
3 county corrections officers, permanent or probationary county  
4 security officers, and court security officers. The term does  
5 not include auxiliary police officers as defined in Section  
6 3.1-30-20 of the Illinois Municipal Code.

7 (Source: P.A. 99-480, eff. 9-9-15; 99-642, eff. 7-28-16.)

8 Section 40. The Illinois Fire Protection Training Act is  
9 amended by changing Sections 8 and 12.5 as follows:

10 (50 ILCS 740/8) (from Ch. 85, par. 538)

11 Sec. 8. Rules and minimum standards for schools. The Office  
12 shall adopt rules and minimum standards for such schools which  
13 shall include but not be limited to the following:

14 a. Minimum courses of study, resources, facilities,  
15 apparatus, equipment, reference material, established  
16 records and procedures as determined by the Office.

17 b. Minimum requirements for instructors.

18 c. Minimum basic training requirements, which a  
19 trainee must satisfactorily complete before being eligible  
20 for permanent employment as a fire fighter in the fire  
21 department of a participating local governmental agency.  
22 Those requirements shall include training in first aid  
23 (including cardiopulmonary resuscitation) and training in  
24 the administration of opioid antagonists as defined in

1 paragraph (1) of subsection (e) of Section 5-23 of the  
2 Substance Use Disorder Act ~~Alcoholism and Other Drug Abuse~~  
3 ~~and Dependency Act.~~

4 (Source: P.A. 99-480, eff. 9-9-15.)

5 (50 ILCS 740/12.5)

6 Sec. 12.5. In-service training; opioid antagonists. The  
7 Office shall distribute an in-service training program for fire  
8 fighters in the administration of opioid antagonists as defined  
9 in paragraph (1) of subsection (e) of Section 5-23 of the  
10 Substance Use Disorder Act ~~Alcoholism and Other Drug Abuse and~~  
11 ~~Dependency Act~~ that is developed by the Department of Human  
12 Services in accordance with that Section. As used in this  
13 Section 12.5, the term "fire fighters" includes full-time or  
14 part-time fire fighters, but does not include auxiliary,  
15 reserve, or volunteer firefighters.

16 (Source: P.A. 99-480, eff. 9-9-15.)

17 Section 45. The Counties Code is amended by changing  
18 Section 5-1103 as follows:

19 (55 ILCS 5/5-1103) (from Ch. 34, par. 5-1103)

20 Sec. 5-1103. Court services fee. A county board may enact  
21 by ordinance or resolution a court services fee dedicated to  
22 defraying court security expenses incurred by the sheriff in  
23 providing court services or for any other court services deemed

1 necessary by the sheriff to provide for court security,  
2 including without limitation court services provided pursuant  
3 to Section 3-6023, as now or hereafter amended. Such fee shall  
4 be paid in civil cases by each party at the time of filing the  
5 first pleading, paper or other appearance; provided that no  
6 additional fee shall be required if more than one party is  
7 represented in a single pleading, paper or other appearance. In  
8 criminal, local ordinance, county ordinance, traffic and  
9 conservation cases, such fee shall be assessed against the  
10 defendant upon a plea of guilty, stipulation of facts or  
11 findings of guilty, resulting in a judgment of conviction, or  
12 order of supervision, or sentence of probation without entry of  
13 judgment pursuant to Section 10 of the Cannabis Control Act,  
14 Section 410 of the Illinois Controlled Substances Act, Section  
15 70 of the Methamphetamine Control and Community Protection Act,  
16 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of the  
17 Criminal Code of 1961 or the Criminal Code of 2012, Section  
18 10-102 of the Illinois Alcoholism and Other Drug Dependency  
19 Act, Section 40-10 of the Substance Use Disorder Act,  
20 ~~Alcoholism and Other Drug Abuse and Dependency Act,~~ or Section  
21 10 of the Steroid Control Act. In setting such fee, the county  
22 board may impose, with the concurrence of the Chief Judge of  
23 the judicial circuit in which the county is located by  
24 administrative order entered by the Chief Judge, differential  
25 rates for the various types or categories of criminal and civil  
26 cases, but the maximum rate shall not exceed \$25, unless the

1 fee is set according to an acceptable cost study in accordance  
2 with Section 4-5001 of the Counties Code. All proceeds from  
3 this fee must be used to defray court security expenses  
4 incurred by the sheriff in providing court services. No fee  
5 shall be imposed or collected, however, in traffic,  
6 conservation, and ordinance cases in which fines are paid  
7 without a court appearance. The fees shall be collected in the  
8 manner in which all other court fees or costs are collected and  
9 shall be deposited into the county general fund for payment  
10 solely of costs incurred by the sheriff in providing court  
11 security or for any other court services deemed necessary by  
12 the sheriff to provide for court security.

13 (Source: P.A. 99-265, eff. 1-1-16.)

14 Section 46. The Drug School Act is amended by changing  
15 Sections 10, 15, and 40 as follows:

16 (55 ILCS 130/10)

17 Sec. 10. Definition. As used in this Act, "drug school"  
18 means a drug intervention and education program established and  
19 administered by the State's Attorney's Office of a particular  
20 county as an alternative to traditional prosecution. A drug  
21 school shall include, but not be limited to, the following core  
22 components:

23 (1) No less than 10 and no more than 20 hours of drug  
24 education delivered by an organization licensed, certified



1 or otherwise authorized by the Illinois Department of Human  
2 Services, Division of Substance Use Prevention and  
3 Recovery ~~Alcoholism and Substance Abuse~~ to provide  
4 treatment, intervention, education or other such services.  
5 This education is to be delivered at least once per week at  
6 a class of no less than one hour and no greater than 4  
7 hours, and with a class size no larger than 40 individuals.

8 (2) Curriculum designed to present the harmful effects  
9 of drug use on the individual, family and community,  
10 including the relationship between drug use and criminal  
11 behavior, as well as instruction regarding the application  
12 procedure for the sealing and expungement of records of  
13 arrest and any other record of the proceedings of the case  
14 for which the individual was mandated to attend the drug  
15 school.

16 (3) Education regarding the practical consequences of  
17 conviction and continued justice involvement. Such  
18 consequences of drug use will include the negative  
19 physiological, psychological, societal, familial, and  
20 legal areas. Additionally, the practical limitations  
21 imposed by a drug conviction on one's vocational,  
22 educational, financial, and residential options will be  
23 addressed.

24 (4) A process for monitoring and reporting attendance  
25 such that the State's Attorney in the county where the drug  
26 school is being operated is informed of class attendance no

1 more than 48 hours after each class.

2 (5) A process for capturing data on drug school  
3 participants, including but not limited to total  
4 individuals served, demographics of those individuals,  
5 rates of attendance, and frequency of future justice  
6 involvement for drug school participants and other data as  
7 may be required by the Division of Substance Use Prevention  
8 and Recovery ~~Alcoholism and Substance Abuse~~.

9 (Source: P.A. 95-160, eff. 1-1-08.)

10 (55 ILCS 130/15)

11 Sec. 15. Authorization.

12 (a) Each State's Attorney may establish a drug school  
13 operated under the terms of this Act. The purpose of the drug  
14 school shall be to provide an alternative to prosecution by  
15 identifying drug-involved individuals for the purpose of  
16 intervening with their drug use before their criminal  
17 involvement becomes severe. The State's Attorney shall  
18 identify criteria to be used in determining eligibility for the  
19 drug school. Only those participants who successfully complete  
20 the requirements of the drug school, as certified by the  
21 State's Attorney, are eligible to apply for the sealing and  
22 expungement of records of arrest and any other record of the  
23 proceedings of the case for which the individual was mandated  
24 to attend the drug school.

25 (b) A State's Attorney seeking to establish a drug school

1 may apply to the Division of Substance Use Prevention and  
2 Recovery ~~Alcoholism and Substance Abuse~~ of the Illinois  
3 Department of Human Services ~~("DASA")~~ for funding to establish  
4 and operate a drug school within his or her respective county.  
5 Nothing in this subsection shall prevent State's Attorneys from  
6 establishing drug schools within their counties without  
7 funding from the Division of Substance Use Prevention and  
8 Recovery ~~DASA~~.

9 (c) Nothing in this Act shall prevent 2 or more State's  
10 Attorneys from applying jointly for funding as provided in  
11 subsection (b) for the purpose of establishing a drug school  
12 that serves multiple counties.

13 (d) Drug schools established through funding from the  
14 Division of Substance Use Prevention and Recovery ~~DASA~~ shall  
15 operate according to the guidelines established thereby and the  
16 provisions of this Act.

17 (Source: P.A. 95-160, eff. 1-1-08.)

18 (55 ILCS 130/40)

19 Sec. 40. Appropriations to the Division of Substance Use  
20 Prevention and Recovery ~~DASA~~.

21 (a) Moneys shall be appropriated to the Department of Human  
22 Services' Division of Substance Use Prevention and Recovery  
23 ~~DASA~~ to enable the Division ~~DASA~~ (i) to contract with Cook  
24 County, and (ii) counties other than Cook County to reimburse  
25 for services delivered in those counties under the county Drug

1 School program.

2 (b) The Division of Substance Use Prevention and Recovery  
3 ~~DASA~~ shall establish rules and procedures for reimbursements  
4 paid to the Cook County Treasurer which are not subject to  
5 county appropriation and are not intended to supplant monies  
6 currently expended by Cook County to operate its drug school  
7 program. Cook County is required to maintain its efforts with  
8 regard to its drug school program.

9 (c) Expenditure of moneys under this Section is subject to  
10 audit by the Auditor General.

11 (d) In addition to reporting required by the Division of  
12 Substance Use Prevention and Recovery ~~DASA~~, State's Attorneys  
13 receiving monies under this Section shall each report  
14 separately to the General Assembly by January 1, 2008 and each  
15 and every following January 1 for as long as the services are  
16 in existence, detailing the need for continued services and  
17 contain any suggestions for changes to this Act.

18 (Source: P.A. 95-160, eff. 1-1-08.)

19 Section 50. The Township Code is amended by changing  
20 Sections 30-145 and 190-10 as follows:

21 (60 ILCS 1/30-145)

22 Sec. 30-145. Mental health services. If a township is not  
23 included in a mental health district organized under the  
24 Community Mental Health Act, the electors may authorize the

1 board of trustees to provide mental health services (including  
2 services for the alcoholic and the drug addicted, and for  
3 persons with intellectual disabilities) for residents of the  
4 township by disbursing existing funds if available by  
5 contracting with mental health agencies approved by the  
6 Department of Human Services, alcoholism treatment programs  
7 licensed by the Department of Public Health, and treatment drug  
8 ~~abuse~~ facilities and other services for substance use disorders  
9 ~~alcohol and drug abuse services~~ approved by the Department of  
10 Human Services. To be eligible to receive township funds, an  
11 agency, program, facility, or other service provider must have  
12 been in existence for more than one year and must serve the  
13 township area.

14 (Source: P.A. 99-143, eff. 7-27-15.)

15 (60 ILCS 1/190-10)

16 Sec. 190-10. Mental health services. If a township is not  
17 included in a mental health district organized under the  
18 Community Mental Health Act, the township board may provide  
19 mental health services (including services for the alcoholic  
20 and the drug addicted, and for persons with intellectual  
21 disabilities) for residents of the township by disbursing  
22 funds, pursuant to an appropriation, to mental health agencies  
23 approved by the Department of Human Services, alcoholism  
24 treatment programs licensed by the Department of Public Health,  
25 drug abuse facilities approved by the Department of Human

1 Services, and other services for substance use disorders  
2 ~~alcoholism and drug abuse services~~ approved by the Department  
3 of Human Services. To be eligible for township funds disbursed  
4 under this Section, an agency, program, facility, or other  
5 service provider must have been in existence for more than one  
6 year and serve the township area.

7 (Source: P.A. 99-143, eff. 7-27-15.)

8 Section 55. The School Code is amended by changing Section  
9 22-30 as follows:

10 (105 ILCS 5/22-30)

11 Sec. 22-30. Self-administration and self-carry of asthma  
12 medication and epinephrine auto-injectors; administration of  
13 undesignated epinephrine auto-injectors; administration of an  
14 opioid antagonist; asthma episode emergency response protocol.

15 (a) For the purpose of this Section only, the following  
16 terms shall have the meanings set forth below:

17 "Asthma action plan" means a written plan developed with a  
18 pupil's medical provider to help control the pupil's asthma.  
19 The goal of an asthma action plan is to reduce or prevent  
20 flare-ups and emergency department visits through day-to-day  
21 management and to serve as a student-specific document to be  
22 referenced in the event of an asthma episode.

23 "Asthma episode emergency response protocol" means a  
24 procedure to provide assistance to a pupil experiencing

1 symptoms of wheezing, coughing, shortness of breath, chest  
2 tightness, or breathing difficulty.

3 "Asthma inhaler" means a quick reliever asthma inhaler.

4 "Epinephrine auto-injector" means a single-use device used  
5 for the automatic injection of a pre-measured dose of  
6 epinephrine into the human body.

7 "Asthma medication" means a medicine, prescribed by (i) a  
8 physician licensed to practice medicine in all its branches,  
9 (ii) a licensed physician assistant with prescriptive  
10 authority, or (iii) a licensed advanced practice registered  
11 nurse with prescriptive authority for a pupil that pertains to  
12 the pupil's asthma and that has an individual prescription  
13 label.

14 "Opioid antagonist" means a drug that binds to opioid  
15 receptors and blocks or inhibits the effect of opioids acting  
16 on those receptors, including, but not limited to, naloxone  
17 hydrochloride or any other similarly acting drug approved by  
18 the U.S. Food and Drug Administration.

19 "School nurse" means a registered nurse working in a school  
20 with or without licensure endorsed in school nursing.

21 "Self-administration" means a pupil's discretionary use of  
22 his or her prescribed asthma medication or epinephrine  
23 auto-injector.

24 "Self-carry" means a pupil's ability to carry his or her  
25 prescribed asthma medication or epinephrine auto-injector.

26 "Standing protocol" may be issued by (i) a physician

1 licensed to practice medicine in all its branches, (ii) a  
2 licensed physician assistant with prescriptive authority, or  
3 (iii) a licensed advanced practice registered nurse with  
4 prescriptive authority.

5 "Trained personnel" means any school employee or volunteer  
6 personnel authorized in Sections 10-22.34, 10-22.34a, and  
7 10-22.34b of this Code who has completed training under  
8 subsection (g) of this Section to recognize and respond to  
9 anaphylaxis.

10 "Undesignated epinephrine auto-injector" means an  
11 epinephrine auto-injector prescribed in the name of a school  
12 district, public school, or nonpublic school.

13 (b) A school, whether public or nonpublic, must permit the  
14 self-administration and self-carry of asthma medication by a  
15 pupil with asthma or the self-administration and self-carry of  
16 an epinephrine auto-injector by a pupil, provided that:

17 (1) the parents or guardians of the pupil provide to  
18 the school (i) written authorization from the parents or  
19 guardians for (A) the self-administration and self-carry  
20 of asthma medication or (B) the self-carry of asthma  
21 medication or (ii) for (A) the self-administration and  
22 self-carry of an epinephrine auto-injector or (B) the  
23 self-carry of an epinephrine auto-injector, written  
24 authorization from the pupil's physician, physician  
25 assistant, or advanced practice registered nurse; and

26 (2) the parents or guardians of the pupil provide to



1 the school (i) the prescription label, which must contain  
2 the name of the asthma medication, the prescribed dosage,  
3 and the time at which or circumstances under which the  
4 asthma medication is to be administered, or (ii) for the  
5 self-administration or self-carry of an epinephrine  
6 auto-injector, a written statement from the pupil's  
7 physician, physician assistant, or advanced practice  
8 registered nurse containing the following information:

9 (A) the name and purpose of the epinephrine  
10 auto-injector;

11 (B) the prescribed dosage; and

12 (C) the time or times at which or the special  
13 circumstances under which the epinephrine  
14 auto-injector is to be administered.

15 The information provided shall be kept on file in the office of  
16 the school nurse or, in the absence of a school nurse, the  
17 school's administrator.

18 (b-5) A school district, public school, or nonpublic school  
19 may authorize the provision of a student-specific or  
20 undesignated epinephrine auto-injector to a student or any  
21 personnel authorized under a student's Individual Health Care  
22 Action Plan, Illinois Food Allergy Emergency Action Plan and  
23 Treatment Authorization Form, or plan pursuant to Section 504  
24 of the federal Rehabilitation Act of 1973 to administer an  
25 epinephrine auto-injector to the student, that meets the  
26 student's prescription on file.

1           (b-10) The school district, public school, or nonpublic  
2 school may authorize a school nurse or trained personnel to do  
3 the following: (i) provide an undesignated epinephrine  
4 auto-injector to a student for self-administration only or any  
5 personnel authorized under a student's Individual Health Care  
6 Action Plan, Illinois Food Allergy Emergency Action Plan and  
7 Treatment Authorization Form, or plan pursuant to Section 504  
8 of the federal Rehabilitation Act of 1973 to administer to the  
9 student, that meets the student's prescription on file; (ii)  
10 administer an undesignated epinephrine auto-injector that  
11 meets the prescription on file to any student who has an  
12 Individual Health Care Action Plan, Illinois Food Allergy  
13 Emergency Action Plan and Treatment Authorization Form, or plan  
14 pursuant to Section 504 of the federal Rehabilitation Act of  
15 1973 that authorizes the use of an epinephrine auto-injector;  
16 (iii) administer an undesignated epinephrine auto-injector to  
17 any person that the school nurse or trained personnel in good  
18 faith believes is having an anaphylactic reaction; and (iv)  
19 administer an opioid antagonist to any person that the school  
20 nurse or trained personnel in good faith believes is having an  
21 opioid overdose.

22           (c) The school district, public school, or nonpublic school  
23 must inform the parents or guardians of the pupil, in writing,  
24 that the school district, public school, or nonpublic school  
25 and its employees and agents, including a physician, physician  
26 assistant, or advanced practice registered nurse providing

1 standing protocol or prescription for school epinephrine  
2 auto-injectors, are to incur no liability or professional  
3 discipline, except for willful and wanton conduct, as a result  
4 of any injury arising from the administration of asthma  
5 medication, an epinephrine auto-injector, or an opioid  
6 antagonist regardless of whether authorization was given by the  
7 pupil's parents or guardians or by the pupil's physician,  
8 physician assistant, or advanced practice registered nurse.  
9 The parents or guardians of the pupil must sign a statement  
10 acknowledging that the school district, public school, or  
11 nonpublic school and its employees and agents are to incur no  
12 liability, except for willful and wanton conduct, as a result  
13 of any injury arising from the administration of asthma  
14 medication, an epinephrine auto-injector, or an opioid  
15 antagonist regardless of whether authorization was given by the  
16 pupil's parents or guardians or by the pupil's physician,  
17 physician assistant, or advanced practice registered nurse and  
18 that the parents or guardians must indemnify and hold harmless  
19 the school district, public school, or nonpublic school and its  
20 employees and agents against any claims, except a claim based  
21 on willful and wanton conduct, arising out of the  
22 administration of asthma medication, an epinephrine  
23 auto-injector, or an opioid antagonist regardless of whether  
24 authorization was given by the pupil's parents or guardians or  
25 by the pupil's physician, physician assistant, or advanced  
26 practice registered nurse.

1           (c-5) When a school nurse or trained personnel administers  
2 an undesignated epinephrine auto-injector to a person whom the  
3 school nurse or trained personnel in good faith believes is  
4 having an anaphylactic reaction or administers an opioid  
5 antagonist to a person whom the school nurse or trained  
6 personnel in good faith believes is having an opioid overdose,  
7 notwithstanding the lack of notice to the parents or guardians  
8 of the pupil or the absence of the parents or guardians signed  
9 statement acknowledging no liability, except for willful and  
10 wanton conduct, the school district, public school, or  
11 nonpublic school and its employees and agents, and a physician,  
12 a physician assistant, or an advanced practice registered nurse  
13 providing standing protocol or prescription for undesignated  
14 epinephrine auto-injectors, are to incur no liability or  
15 professional discipline, except for willful and wanton  
16 conduct, as a result of any injury arising from the use of an  
17 undesignated epinephrine auto-injector or the use of an opioid  
18 antagonist regardless of whether authorization was given by the  
19 pupil's parents or guardians or by the pupil's physician,  
20 physician assistant, or advanced practice registered nurse.

21           (d) The permission for self-administration and self-carry  
22 of asthma medication or the self-administration and self-carry  
23 of an epinephrine auto-injector is effective for the school  
24 year for which it is granted and shall be renewed each  
25 subsequent school year upon fulfillment of the requirements of  
26 this Section.

1           (e) Provided that the requirements of this Section are  
2 fulfilled, a pupil with asthma may self-administer and  
3 self-carry his or her asthma medication or a pupil may  
4 self-administer and self-carry an epinephrine auto-injector  
5 (i) while in school, (ii) while at a school-sponsored activity,  
6 (iii) while under the supervision of school personnel, or (iv)  
7 before or after normal school activities, such as while in  
8 before-school or after-school care on school-operated property  
9 or while being transported on a school bus.

10          (e-5) Provided that the requirements of this Section are  
11 fulfilled, a school nurse or trained personnel may administer  
12 an undesignated epinephrine auto-injector to any person whom  
13 the school nurse or trained personnel in good faith believes to  
14 be having an anaphylactic reaction (i) while in school, (ii)  
15 while at a school-sponsored activity, (iii) while under the  
16 supervision of school personnel, or (iv) before or after normal  
17 school activities, such as while in before-school or  
18 after-school care on school-operated property or while being  
19 transported on a school bus. A school nurse or trained  
20 personnel may carry undesignated epinephrine auto-injectors on  
21 his or her person while in school or at a school-sponsored  
22 activity.

23          (e-10) Provided that the requirements of this Section are  
24 fulfilled, a school nurse or trained personnel may administer  
25 an opioid antagonist to any person whom the school nurse or  
26 trained personnel in good faith believes to be having an opioid

1 overdose (i) while in school, (ii) while at a school-sponsored  
2 activity, (iii) while under the supervision of school  
3 personnel, or (iv) before or after normal school activities,  
4 such as while in before-school or after-school care on  
5 school-operated property. A school nurse or trained personnel  
6 may carry an opioid antagonist on their person while in school  
7 or at a school-sponsored activity.

8 (f) The school district, public school, or nonpublic school  
9 may maintain a supply of undesignated epinephrine  
10 auto-injectors in any secure location that is accessible  
11 before, during, and after school where an allergic person is  
12 most at risk, including, but not limited to, classrooms and  
13 lunchrooms. A physician, a physician assistant who has been  
14 delegated prescriptive authority in accordance with Section  
15 7.5 of the Physician Assistant Practice Act of 1987, or an  
16 advanced practice registered nurse who has been delegated  
17 prescriptive authority in accordance with Section 65-40 of the  
18 Nurse Practice Act may prescribe undesignated epinephrine  
19 auto-injectors in the name of the school district, public  
20 school, or nonpublic school to be maintained for use when  
21 necessary. Any supply of epinephrine auto-injectors shall be  
22 maintained in accordance with the manufacturer's instructions.

23 The school district, public school, or nonpublic school may  
24 maintain a supply of an opioid antagonist in any secure  
25 location where an individual may have an opioid overdose. A  
26 health care professional who has been delegated prescriptive

1 authority for opioid antagonists in accordance with Section  
2 5-23 of the Substance Use Disorder Act ~~Alcoholism and Other~~  
3 ~~Drug Abuse and Dependency Act~~ may prescribe opioid antagonists  
4 in the name of the school district, public school, or nonpublic  
5 school, to be maintained for use when necessary. Any supply of  
6 opioid antagonists shall be maintained in accordance with the  
7 manufacturer's instructions.

8 (f-3) Whichever entity initiates the process of obtaining  
9 undesignated epinephrine auto-injectors and providing training  
10 to personnel for carrying and administering undesignated  
11 epinephrine auto-injectors shall pay for the costs of the  
12 undesignated epinephrine auto-injectors.

13 (f-5) Upon any administration of an epinephrine  
14 auto-injector, a school district, public school, or nonpublic  
15 school must immediately activate the EMS system and notify the  
16 student's parent, guardian, or emergency contact, if known.

17 Upon any administration of an opioid antagonist, a school  
18 district, public school, or nonpublic school must immediately  
19 activate the EMS system and notify the student's parent,  
20 guardian, or emergency contact, if known.

21 (f-10) Within 24 hours of the administration of an  
22 undesignated epinephrine auto-injector, a school district,  
23 public school, or nonpublic school must notify the physician,  
24 physician assistant, or advanced practice registered nurse who  
25 provided the standing protocol or prescription for the  
26 undesignated epinephrine auto-injector of its use.

1           Within 24 hours after the administration of an opioid  
2 antagonist, a school district, public school, or nonpublic  
3 school must notify the health care professional who provided  
4 the prescription for the opioid antagonist of its use.

5           (g) Prior to the administration of an undesignated  
6 epinephrine auto-injector, trained personnel must submit to  
7 their school's administration proof of completion of a training  
8 curriculum to recognize and respond to anaphylaxis that meets  
9 the requirements of subsection (h) of this Section. Training  
10 must be completed annually. The school district, public school,  
11 or nonpublic school must maintain records related to the  
12 training curriculum and trained personnel.

13           Prior to the administration of an opioid antagonist,  
14 trained personnel must submit to their school's administration  
15 proof of completion of a training curriculum to recognize and  
16 respond to an opioid overdose, which curriculum must meet the  
17 requirements of subsection (h-5) of this Section. Training must  
18 be completed annually. Trained personnel must also submit to  
19 the school's administration proof of cardiopulmonary  
20 resuscitation and automated external defibrillator  
21 certification. The school district, public school, or  
22 nonpublic school must maintain records relating to the training  
23 curriculum and the trained personnel.

24           (h) A training curriculum to recognize and respond to  
25 anaphylaxis, including the administration of an undesignated  
26 epinephrine auto-injector, may be conducted online or in



1 person.

2 Training shall include, but is not limited to:

3 (1) how to recognize signs and symptoms of an allergic  
4 reaction, including anaphylaxis;

5 (2) how to administer an epinephrine auto-injector;  
6 and

7 (3) a test demonstrating competency of the knowledge  
8 required to recognize anaphylaxis and administer an  
9 epinephrine auto-injector.

10 Training may also include, but is not limited to:

11 (A) a review of high-risk areas within a school and its  
12 related facilities;

13 (B) steps to take to prevent exposure to allergens;

14 (C) emergency follow-up procedures;

15 (D) how to respond to a student with a known allergy,  
16 as well as a student with a previously unknown allergy; and

17 (E) other criteria as determined in rules adopted  
18 pursuant to this Section.

19 In consultation with statewide professional organizations  
20 representing physicians licensed to practice medicine in all of  
21 its branches, registered nurses, and school nurses, the State  
22 Board of Education shall make available resource materials  
23 consistent with criteria in this subsection (h) for educating  
24 trained personnel to recognize and respond to anaphylaxis. The  
25 State Board may take into consideration the curriculum on this  
26 subject developed by other states, as well as any other

1 curricular materials suggested by medical experts and other  
2 groups that work on life-threatening allergy issues. The State  
3 Board is not required to create new resource materials. The  
4 State Board shall make these resource materials available on  
5 its Internet website.

6 (h-5) A training curriculum to recognize and respond to an  
7 opioid overdose, including the administration of an opioid  
8 antagonist, may be conducted online or in person. The training  
9 must comply with any training requirements under Section 5-23  
10 of the Substance Use Disorder Act ~~Alcoholism and Other Drug~~  
11 ~~Abuse and Dependency Act~~ and the corresponding rules. It must  
12 include, but is not limited to:

- 13 (1) how to recognize symptoms of an opioid overdose;
- 14 (2) information on drug overdose prevention and  
15 recognition;
- 16 (3) how to perform rescue breathing and resuscitation;
- 17 (4) how to respond to an emergency involving an opioid  
18 overdose;
- 19 (5) opioid antagonist dosage and administration;
- 20 (6) the importance of calling 911;
- 21 (7) care for the overdose victim after administration  
22 of the overdose antagonist;
- 23 (8) a test demonstrating competency of the knowledge  
24 required to recognize an opioid overdose and administer a  
25 dose of an opioid antagonist; and
- 26 (9) other criteria as determined in rules adopted

1           pursuant to this Section.

2           (i) Within 3 days after the administration of an  
3 undesignated epinephrine auto-injector by a school nurse,  
4 trained personnel, or a student at a school or school-sponsored  
5 activity, the school must report to the State Board of  
6 Education in a form and manner prescribed by the State Board  
7 the following information:

8           (1) age and type of person receiving epinephrine  
9           (student, staff, visitor);

10           (2) any previously known diagnosis of a severe allergy;

11           (3) trigger that precipitated allergic episode;

12           (4) location where symptoms developed;

13           (5) number of doses administered;

14           (6) type of person administering epinephrine (school  
15 nurse, trained personnel, student); and

16           (7) any other information required by the State Board.

17           If a school district, public school, or nonpublic school  
18 maintains or has an independent contractor providing  
19 transportation to students who maintains a supply of  
20 undesignated epinephrine auto-injectors, then the school  
21 district, public school, or nonpublic school must report that  
22 information to the State Board of Education upon adoption or  
23 change of the policy of the school district, public school,  
24 nonpublic school, or independent contractor, in a manner as  
25 prescribed by the State Board. The report must include the  
26 number of undesignated epinephrine auto-injectors in supply.

1 (i-5) Within 3 days after the administration of an opioid  
2 antagonist by a school nurse or trained personnel, the school  
3 must report to the State Board of Education, in a form and  
4 manner prescribed by the State Board, the following  
5 information:

6 (1) the age and type of person receiving the opioid  
7 antagonist (student, staff, or visitor);

8 (2) the location where symptoms developed;

9 (3) the type of person administering the opioid  
10 antagonist (school nurse or trained personnel); and

11 (4) any other information required by the State Board.

12 (j) By October 1, 2015 and every year thereafter, the State  
13 Board of Education shall submit a report to the General  
14 Assembly identifying the frequency and circumstances of  
15 epinephrine administration during the preceding academic year.  
16 Beginning with the 2017 report, the report shall also contain  
17 information on which school districts, public schools, and  
18 nonpublic schools maintain or have independent contractors  
19 providing transportation to students who maintain a supply of  
20 undesignated epinephrine auto-injectors. This report shall be  
21 published on the State Board's Internet website on the date the  
22 report is delivered to the General Assembly.

23 (j-5) Annually, each school district, public school,  
24 charter school, or nonpublic school shall request an asthma  
25 action plan from the parents or guardians of a pupil with  
26 asthma. If provided, the asthma action plan must be kept on

1 file in the office of the school nurse or, in the absence of a  
2 school nurse, the school administrator. Copies of the asthma  
3 action plan may be distributed to appropriate school staff who  
4 interact with the pupil on a regular basis, and, if applicable,  
5 may be attached to the pupil's federal Section 504 plan or  
6 individualized education program plan.

7 (j-10) To assist schools with emergency response  
8 procedures for asthma, the State Board of Education, in  
9 consultation with statewide professional organizations with  
10 expertise in asthma management and a statewide organization  
11 representing school administrators, shall develop a model  
12 asthma episode emergency response protocol before September 1,  
13 2016. Each school district, charter school, and nonpublic  
14 school shall adopt an asthma episode emergency response  
15 protocol before January 1, 2017 that includes all of the  
16 components of the State Board's model protocol.

17 (j-15) Every 2 years, school personnel who work with pupils  
18 shall complete an in-person or online training program on the  
19 management of asthma, the prevention of asthma symptoms, and  
20 emergency response in the school setting. In consultation with  
21 statewide professional organizations with expertise in asthma  
22 management, the State Board of Education shall make available  
23 resource materials for educating school personnel about asthma  
24 and emergency response in the school setting.

25 (j-20) On or before October 1, 2016 and every year  
26 thereafter, the State Board of Education shall submit a report

1 to the General Assembly and the Department of Public Health  
2 identifying the frequency and circumstances of opioid  
3 antagonist administration during the preceding academic year.  
4 This report shall be published on the State Board's Internet  
5 website on the date the report is delivered to the General  
6 Assembly.

7 (k) The State Board of Education may adopt rules necessary  
8 to implement this Section.

9 (l) Nothing in this Section shall limit the amount of  
10 epinephrine auto-injectors that any type of school or student  
11 may carry or maintain a supply of.

12 (Source: P.A. 99-173, eff. 7-29-15; 99-480, eff. 9-9-15;  
13 99-642, eff. 7-28-16; 99-711, eff. 1-1-17; 99-843, eff.  
14 8-19-16; 100-201, eff. 8-18-17; 100-513, eff. 1-1-18.)

15 Section 60. The Hospital Licensing Act is amended by  
16 changing Section 3 as follows:

17 (210 ILCS 85/3)

18 Sec. 3. As used in this Act:

19 (A) "Hospital" means any institution, place, building,  
20 buildings on a campus, or agency, public or private, whether  
21 organized for profit or not, devoted primarily to the  
22 maintenance and operation of facilities for the diagnosis and  
23 treatment or care of 2 or more unrelated persons admitted for  
24 overnight stay or longer in order to obtain medical, including

1 obstetric, psychiatric and nursing, care of illness, disease,  
2 injury, infirmity, or deformity.

3 The term "hospital", without regard to length of stay,  
4 shall also include:

5 (a) any facility which is devoted primarily to  
6 providing psychiatric and related services and programs  
7 for the diagnosis and treatment or care of 2 or more  
8 unrelated persons suffering from emotional or nervous  
9 diseases;

10 (b) all places where pregnant females are received,  
11 cared for, or treated during delivery irrespective of the  
12 number of patients received.

13 The term "hospital" includes general and specialized  
14 hospitals, tuberculosis sanitarium, mental or psychiatric  
15 hospitals and sanitarium, and includes maternity homes,  
16 lying-in homes, and homes for unwed mothers in which care is  
17 given during delivery.

18 The term "hospital" does not include:

19 (1) any person or institution required to be licensed  
20 pursuant to the Nursing Home Care Act, the Specialized  
21 Mental Health Rehabilitation Act of 2013, the ID/DD  
22 Community Care Act, or the MC/DD Act;

23 (2) hospitalization or care facilities maintained by  
24 the State or any department or agency thereof, where such  
25 department or agency has authority under law to establish  
26 and enforce standards for the hospitalization or care

1 facilities under its management and control;

2 (3) hospitalization or care facilities maintained by  
3 the federal government or agencies thereof;

4 (4) hospitalization or care facilities maintained by  
5 any university or college established under the laws of  
6 this State and supported principally by public funds raised  
7 by taxation;

8 (5) any person or facility required to be licensed  
9 pursuant to the Substance Use Disorder Act; ~~Alcoholism and~~  
10 ~~Other Drug Abuse and Dependency Act~~;

11 (6) any facility operated solely by and for persons who  
12 rely exclusively upon treatment by spiritual means through  
13 prayer, in accordance with the creed or tenets of any  
14 well-recognized church or religious denomination;

15 (7) an Alzheimer's disease management center  
16 alternative health care model licensed under the  
17 Alternative Health Care Delivery Act; or

18 (8) any veterinary hospital or clinic operated by a  
19 veterinarian or veterinarians licensed under the  
20 Veterinary Medicine and Surgery Practice Act of 2004 or  
21 maintained by a State-supported or publicly funded  
22 university or college.

23 (B) "Person" means the State, and any political subdivision  
24 or municipal corporation, individual, firm, partnership,  
25 corporation, company, association, or joint stock association,  
26 or the legal successor thereof.



1 (C) "Department" means the Department of Public Health of  
2 the State of Illinois.

3 (D) "Director" means the Director of Public Health of the  
4 State of Illinois.

5 (E) "Perinatal" means the period of time between the  
6 conception of an infant and the end of the first month after  
7 birth.

8 (F) "Federally designated organ procurement agency" means  
9 the organ procurement agency designated by the Secretary of the  
10 U.S. Department of Health and Human Services for the service  
11 area in which a hospital is located; except that in the case of  
12 a hospital located in a county adjacent to Wisconsin which  
13 currently contracts with an organ procurement agency located in  
14 Wisconsin that is not the organ procurement agency designated  
15 by the U.S. Secretary of Health and Human Services for the  
16 service area in which the hospital is located, if the hospital  
17 applies for a waiver pursuant to 42 USC 1320b-8(a), it may  
18 designate an organ procurement agency located in Wisconsin to  
19 be thereafter deemed its federally designated organ  
20 procurement agency for the purposes of this Act.

21 (G) "Tissue bank" means any facility or program operating  
22 in Illinois that is certified by the American Association of  
23 Tissue Banks or the Eye Bank Association of America and is  
24 involved in procuring, furnishing, donating, or distributing  
25 corneas, bones, or other human tissue for the purpose of  
26 injecting, transfusing, or transplanting any of them into the

1 human body. "Tissue bank" does not include a licensed blood  
2 bank. For the purposes of this Act, "tissue" does not include  
3 organs.

4 (H) "Campus", as this terms applies to operations, has the  
5 same meaning as the term "campus" as set forth in federal  
6 Medicare regulations, 42 CFR 413.65.

7 (Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15.)

8 Section 61. The Illinois Insurance Code is amended by  
9 changing Section 367d.1 as follows:

10 (215 ILCS 5/367d.1) (from Ch. 73, par. 979d.1)

11 Sec. 367d.1. After the effective date of this amendatory  
12 Act of 1992, no group policy of accident and health insurance  
13 that provides coverage for the treatment of alcoholism or other  
14 drug abuse or dependency on both an inpatient and outpatient  
15 basis may be issued, delivered or amended in this State if it  
16 excludes from coverage services provided by persons or entities  
17 licensed by the Department of Human Services to provide  
18 substance use disorder treatment ~~alcoholism or drug abuse or~~  
19 ~~dependency services~~, provided however that (a) the charges are  
20 otherwise eligible for reimbursement under the policy and (b)  
21 the services provided are medically necessary and within the  
22 scope of the licensure of the provider. This Section shall not  
23 apply to arrangements, agreements or policies authorized under  
24 the Health Care Reimbursement Reform Act of 1985; the Limited

1 Health Service Organization Act; or the Health Maintenance  
2 Organization Act.

3 (Source: P.A. 89-507, eff. 7-1-97.)

4 Section 65. The Child Care Act of 1969 is amended by  
5 changing Sections 3 and 8 as follows:

6 (225 ILCS 10/3) (from Ch. 23, par. 2213)

7 Sec. 3. (a) No person, group of persons or corporation may  
8 operate or conduct any facility for child care, as defined in  
9 this Act, without a license or permit issued by the Department  
10 or without being approved by the Department as meeting the  
11 standards established for such licensing, with the exception of  
12 facilities for whom standards are established by the Department  
13 of Corrections under Section 3-15-2 of the Unified Code of  
14 Corrections and with the exception of facilities defined in  
15 Section 2.10 of this Act, and with the exception of programs or  
16 facilities licensed by the Department of Human Services under  
17 the Substance Use Disorder Act. ~~Alcoholism and Other Drug Abuse~~  
18 ~~and Dependency Act.~~

19 (b) No part day child care facility as described in Section  
20 2.10 may operate without written notification to the Department  
21 or without complying with Section 7.1. Notification shall  
22 include a notarized statement by the facility that the facility  
23 complies with state or local health standards and state fire  
24 safety standards, and shall be filed with the department every

1 2 years.

2 (c) The Director of the Department shall establish policies  
3 and coordinate activities relating to child care licensing,  
4 licensing of day care homes and day care centers.

5 (d) Any facility or agency which is exempt from licensing  
6 may apply for licensing if licensing is required for some  
7 government benefit.

8 (e) A provider of day care described in items (a) through  
9 (j) of Section 2.09 of this Act is exempt from licensure. The  
10 Department shall provide written verification of exemption and  
11 description of compliance with standards for the health,  
12 safety, and development of the children who receive the  
13 services upon submission by the provider of, in addition to any  
14 other documentation required by the Department, a notarized  
15 statement that the facility complies with: (1) the standards of  
16 the Department of Public Health or local health department, (2)  
17 the fire safety standards of the State Fire Marshal, and (3) if  
18 operated in a public school building, the health and safety  
19 standards of the State Board of Education.

20 (Source: P.A. 99-699, eff. 7-29-16.)

21 (225 ILCS 10/8) (from Ch. 23, par. 2218)

22 Sec. 8. The Department may revoke or refuse to renew the  
23 license of any child care facility or child welfare agency or  
24 refuse to issue full license to the holder of a permit should  
25 the licensee or holder of a permit:

1           (1) fail to maintain standards prescribed and  
2 published by the Department;

3           (2) violate any of the provisions of the license  
4 issued;

5           (3) furnish or make any misleading or any false  
6 statement or report to the Department;

7           (4) refuse to submit to the Department any reports or  
8 refuse to make available to the Department any records  
9 required by the Department in making investigation of the  
10 facility for licensing purposes;

11           (5) fail or refuse to submit to an investigation by the  
12 Department;

13           (6) fail or refuse to admit authorized representatives  
14 of the Department at any reasonable time for the purpose of  
15 investigation;

16           (7) fail to provide, maintain, equip and keep in safe  
17 and sanitary condition premises established or used for  
18 child care as required under standards prescribed by the  
19 Department, or as otherwise required by any law, regulation  
20 or ordinance applicable to the location of such facility;

21           (8) refuse to display its license or permit;

22           (9) be the subject of an indicated report under Section  
23 3 of the Abused and Neglected Child Reporting Act or fail  
24 to discharge or sever affiliation with the child care  
25 facility of an employee or volunteer at the facility with  
26 direct contact with children who is the subject of an

1 indicated report under Section 3 of that Act;

2 (10) fail to comply with the provisions of Section 7.1;

3 (11) fail to exercise reasonable care in the hiring,  
4 training and supervision of facility personnel;

5 (12) fail to report suspected abuse or neglect of  
6 children within the facility, as required by the Abused and  
7 Neglected Child Reporting Act;

8 (12.5) fail to comply with subsection (c-5) of Section  
9 7.4;

10 (13) fail to comply with Section 5.1 or 5.2 of this  
11 Act; or

12 (14) be identified in an investigation by the  
13 Department as a person with a substance use disorder, ~~an~~  
14 ~~addict or alcoholic,~~ as defined in the Substance Use  
15 Disorder Act, ~~Alcoholism and Other Drug Abuse and~~  
16 ~~Dependency Act,~~ or be a person whom the Department knows  
17 has abused alcohol or drugs, and has not successfully  
18 participated in treatment, self-help groups or other  
19 suitable activities, and the Department determines that  
20 because of such abuse the licensee, holder of the permit,  
21 or any other person directly responsible for the care and  
22 welfare of the children served, does not comply with  
23 standards relating to character, suitability or other  
24 qualifications established under Section 7 of this Act.

25 (Source: P.A. 94-586, eff. 8-15-05; 94-1010, eff. 10-1-06.)

1           Section 70. The Pharmacy Practice Act is amended by  
2 changing Section 19.1 as follows:

3           (225 ILCS 85/19.1)

4           (Section scheduled to be repealed on January 1, 2020)

5           Sec. 19.1. Dispensing opioid antagonists.

6           (a) Due to the recent rise in opioid-related deaths in  
7 Illinois and the existence of an opioid antagonist that can  
8 reverse the deadly effects of overdose, the General Assembly  
9 finds that in order to avoid further loss where possible, it is  
10 responsible to allow greater access of such an antagonist to  
11 those populations at risk of overdose.

12           (b) Notwithstanding any general or special law to the  
13 contrary, a licensed pharmacist may dispense an opioid  
14 antagonist in accordance with written, standardized procedures  
15 or protocols developed by the Department with the Department of  
16 Public Health and the Department of Human Services if the  
17 procedures or protocols are filed at the pharmacy before  
18 implementation and are available to the Department upon  
19 request.

20           (c) Before dispensing an opioid antagonist pursuant to this  
21 Section, a pharmacist shall complete a training program  
22 approved by the Department of Human Services pursuant to  
23 Section 5-23 of the Substance Use Disorder Act ~~Alcoholism and~~  
24 ~~Other Drug Abuse and Dependency Act~~. The training program shall  
25 include, but not be limited to, proper documentation and

1 quality assurance.

2 (d) For the purpose of this Section, "opioid antagonist"  
3 means a drug that binds to opioid receptors and blocks or  
4 inhibits the effect of opioids acting on those receptors,  
5 including, but not limited to, naloxone hydrochloride or any  
6 other similarly acting and equally safe drug approved by the  
7 U.S. Food and Drug Administration for the treatment of drug  
8 overdose.

9 (Source: P.A. 99-480, eff. 9-9-15; 99-642, eff. 7-28-16.)

10 Section 75. The Illinois Public Aid Code is amended by  
11 changing Sections 4-8, 4-9, 5-5, 6-1.3, 6-11, 9-9, and 9A-8 as  
12 follows:

13 (305 ILCS 5/4-8) (from Ch. 23, par. 4-8)

14 Sec. 4-8. Mismanagement of assistance grant.

15 (a) If the County Department has reason to believe that the  
16 money payment for basic maintenance is not being used, or may  
17 not be used, in the best interests of the child and the family  
18 and that there is present or potential damage to the standards  
19 of health and well-being that the grant is intended to assure,  
20 the County Department shall provide the parent or other  
21 relative with the counseling and guidance services with respect  
22 to the use of the grant and the management of other funds  
23 available to the family as may be required to assure use of the  
24 grant in the best interests of the child and family. The



1 Illinois Department shall by rule prescribe criteria which  
2 shall constitute evidence of grant mismanagement. The criteria  
3 shall include but not be limited to the following:

4 (1) A determination that a child in the assistance unit  
5 is not receiving proper and necessary support or other care  
6 for which assistance is being provided under this Code.

7 (2) A record establishing that the parent or relative  
8 has been found guilty of public assistance fraud under  
9 Article VIIIA.

10 (3) A determination by an appropriate person, entity,  
11 or agency that the parent or other relative requires  
12 treatment for substance use disorders ~~alcohol or substance~~  
13 ~~abuse~~, mental health services, or other special care or  
14 treatment.

15 The Department shall at least consider non-payment of rent  
16 for two consecutive months as evidence of grant mismanagement  
17 by a parent or relative of a recipient who is responsible for  
18 making rental payments for the housing or shelter of the child  
19 or family, unless the Department determines that the  
20 non-payment is necessary for the protection of the health and  
21 well-being of the recipient. The County Department shall advise  
22 the parent or other relative grantee that continued  
23 mismanagement will result in the application of one of the  
24 sanctions specified in this Section.

25 The Illinois Department shall consider irregular school  
26 attendance by children of school age grades 1 through 8, as

1 evidence of lack of proper and necessary support or care. The  
2 Department may extend this consideration to children in grades  
3 higher than 8.

4 The Illinois Department shall develop preventive programs  
5 in collaboration with school and social service networks to  
6 encourage school attendance of children receiving assistance  
7 under Article IV. To the extent that Illinois Department and  
8 community resources are available, the programs shall serve  
9 families whose children in grades 1 through 8 are not attending  
10 school regularly, as defined by the school. The Department may  
11 extend these programs to families whose children are in grades  
12 higher than 8. The programs shall include referrals from the  
13 school to a social service network, assessment and development  
14 of a service plan by one or more network representatives, and  
15 the Illinois Department's encouragement of the family to follow  
16 through with the service plan. Families that fail to follow the  
17 service plan as determined by the service provider, shall be  
18 subject to the protective payment provisions of this Section  
19 and Section 4-9 of this Code.

20 Families for whom a protective payment plan has been in  
21 effect for at least 3 months and whose school children continue  
22 to regularly miss school shall be subject to sanction under  
23 Section 4-21. The sanction shall continue until the children  
24 demonstrate satisfactory attendance, as defined by the school.  
25 To the extent necessary to implement this Section, the Illinois  
26 Department shall seek appropriate waivers of federal

1 requirements from the U.S. Department of Health and Human  
2 Services.

3 (b) In areas of the State where clinically appropriate  
4 substance use disorder ~~substance abuse~~ treatment capacity is  
5 available, if the local office has reason to believe that a  
6 caretaker relative is experiencing a substance use disorder  
7 ~~substance abuse~~, the local office shall refer the caretaker  
8 relative to a licensed treatment provider for assessment. If  
9 the assessment indicates that the caretaker relative is  
10 experiencing a substance use disorder ~~substance abuse~~, the  
11 local office shall require the caretaker relative to comply  
12 with all treatment recommended by the assessment. If the  
13 caretaker relative refuses without good cause, as determined by  
14 rules of the Illinois Department, to submit to the assessment  
15 or treatment, the caretaker relative shall be ineligible for  
16 assistance, and the local office shall take one or more of the  
17 following actions:

18 (i) If there is another family member or friend who is  
19 ensuring that the family's needs are being met, that  
20 person, if willing, shall be assigned as protective payee.

21 (ii) If there is no family member or close friend to  
22 serve as protective payee, the local office shall provide  
23 for a protective payment to a substitute payee as provided  
24 in Section 4-9. The Department also shall determine whether  
25 a referral to the Department of Children and Family  
26 Services is warranted and, if appropriate, shall make the

1 referral.

2 (iii) The Department shall contact the individual who  
3 is thought to be experiencing a substance use disorder  
4 ~~substance abuse~~ and explain why the protective payee has  
5 been assigned and refer the individual to treatment.

6 (c) This subsection (c) applies to cases other than those  
7 described in subsection (b). If the efforts to correct the  
8 mismanagement of the grant have failed, the County Department,  
9 in accordance with the rules and regulations of the Illinois  
10 Department, shall initiate one or more of the following  
11 actions:

12 1. Provide for a protective payment to a substitute  
13 payee, as provided in Section 4-9. This action may be  
14 initiated for any assistance unit containing a child  
15 determined to be neglected by the Department of Children  
16 and Family Services under the Abused and Neglected Child  
17 Reporting Act, and in any case involving a record of public  
18 assistance fraud.

19 2. Provide for issuance of all or part of the grant in  
20 the form of disbursing orders. This action may be initiated  
21 in any case involving a record of public assistance fraud,  
22 or upon the request of a substitute payee designated under  
23 Section 4-9.

24 3. File a petition under the Juvenile Court Act of 1987  
25 for an Order of Protection under Section 2-25, 2-26, 3-26,  
26 3-27, 4-23, 4-24, 5-730, or 5-735 of that Act.

1           4. Institute a proceeding under the Juvenile Court Act  
2 of 1987 for the appointment of a guardian or legal  
3 representative for the purpose of receiving and managing  
4 the public aid grant.

5           5. If the mismanagement of the grant, together with  
6 other factors, has rendered the home unsuitable for the  
7 best welfare of the child, file a neglect petition under  
8 the Juvenile Court Act of 1987, requesting the removal of  
9 the child or children.

10 (Source: P.A. 91-357, eff. 7-29-99; 92-111, eff. 1-1-02.)

11 (305 ILCS 5/4-9) (from Ch. 23, par. 4-9)

12 Sec. 4-9. Protective payment to substitute payee. If the  
13 parent or other grantee relative persistently mismanages the  
14 grant to the detriment of the child and the family but there is  
15 reason to believe that, with specialized counseling and  
16 guidance services, the parent or relative may develop ability  
17 to manage the funds properly, the County Department, in  
18 accordance with the rules and regulations of the Illinois  
19 Department, may designate a person who is interested in or  
20 concerned with the welfare of the child and its family to  
21 receive the aid payment on behalf of the family. The County  
22 Department may designate private welfare or social service  
23 agencies to serve as substitute payees in appropriate cases.

24 The substitute payee shall serve without compensation and  
25 assume the obligation of seeing that the aid payment is

1 expended for the benefit of the child and the family. He may  
2 spend the grant for the family, or supervise the parent or  
3 other relative in the use of the grant, depending upon the  
4 circumstances in each case, and shall make monthly reports to  
5 the County Department as the County Department and the Illinois  
6 Department may require.

7 The County Department shall terminate the protective  
8 payment when it is no longer necessary to assure that the grant  
9 is being used for the welfare of the child and family, or when  
10 the parent or other relative is no longer receiving and no  
11 longer requires treatment for substance use disorders ~~alcohol~~  
12 ~~or substance abuse~~, mental health services, or other special  
13 care or treatment.

14 A substitute payee may be removed, in accordance with the  
15 rules and regulations of the Illinois Department, for  
16 unsatisfactory service. The removal may be effected without  
17 hearing. The decision shall not be appealable to the Illinois  
18 Department nor shall it be reviewable in the courts.

19 The County Department shall conduct periodic reviews as may  
20 be required by the Illinois Department to determine whether  
21 there is a continuing need for a protective payment. If it  
22 appears that the need for the payment is likely to continue  
23 beyond a reasonable period, the County Department shall take  
24 one of the other actions set out in Section 4-8.

25 The parent or other relative shall be advised, in advance  
26 of a determination to make a protective payment, that he may

1 appeal the decision to the Illinois Department under the  
2 provisions of Section 11-8 of Article XI.

3 (Source: P.A. 87-528; 87-895.)

4 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

5 Sec. 5-5. Medical services. The Illinois Department, by  
6 rule, shall determine the quantity and quality of and the rate  
7 of reimbursement for the medical assistance for which payment  
8 will be authorized, and the medical services to be provided,  
9 which may include all or part of the following: (1) inpatient  
10 hospital services; (2) outpatient hospital services; (3) other  
11 laboratory and X-ray services; (4) skilled nursing home  
12 services; (5) physicians' services whether furnished in the  
13 office, the patient's home, a hospital, a skilled nursing home,  
14 or elsewhere; (6) medical care, or any other type of remedial  
15 care furnished by licensed practitioners; (7) home health care  
16 services; (8) private duty nursing service; (9) clinic  
17 services; (10) dental services, including prevention and  
18 treatment of periodontal disease and dental caries disease for  
19 pregnant women, provided by an individual licensed to practice  
20 dentistry or dental surgery; for purposes of this item (10),  
21 "dental services" means diagnostic, preventive, or corrective  
22 procedures provided by or under the supervision of a dentist in  
23 the practice of his or her profession; (11) physical therapy  
24 and related services; (12) prescribed drugs, dentures, and  
25 prosthetic devices; and eyeglasses prescribed by a physician

1 skilled in the diseases of the eye, or by an optometrist,  
2 whichever the person may select; (13) other diagnostic,  
3 screening, preventive, and rehabilitative services, including  
4 to ensure that the individual's need for intervention or  
5 treatment of mental disorders or substance use disorders or  
6 co-occurring mental health and substance use disorders is  
7 determined using a uniform screening, assessment, and  
8 evaluation process inclusive of criteria, for children and  
9 adults; for purposes of this item (13), a uniform screening,  
10 assessment, and evaluation process refers to a process that  
11 includes an appropriate evaluation and, as warranted, a  
12 referral; "uniform" does not mean the use of a singular  
13 instrument, tool, or process that all must utilize; (14)  
14 transportation and such other expenses as may be necessary;  
15 (15) medical treatment of sexual assault survivors, as defined  
16 in Section 1a of the Sexual Assault Survivors Emergency  
17 Treatment Act, for injuries sustained as a result of the sexual  
18 assault, including examinations and laboratory tests to  
19 discover evidence which may be used in criminal proceedings  
20 arising from the sexual assault; (16) the diagnosis and  
21 treatment of sickle cell anemia; and (17) any other medical  
22 care, and any other type of remedial care recognized under the  
23 laws of this State. The term "any other type of remedial care"  
24 shall include nursing care and nursing home service for persons  
25 who rely on treatment by spiritual means alone through prayer  
26 for healing.



1           Notwithstanding any other provision of this Section, a  
2           comprehensive tobacco use cessation program that includes  
3           purchasing prescription drugs or prescription medical devices  
4           approved by the Food and Drug Administration shall be covered  
5           under the medical assistance program under this Article for  
6           persons who are otherwise eligible for assistance under this  
7           Article.

8           Notwithstanding any other provision of this Code,  
9           reproductive health care that is otherwise legal in Illinois  
10          shall be covered under the medical assistance program for  
11          persons who are otherwise eligible for medical assistance under  
12          this Article.

13          Notwithstanding any other provision of this Code, the  
14          Illinois Department may not require, as a condition of payment  
15          for any laboratory test authorized under this Article, that a  
16          physician's handwritten signature appear on the laboratory  
17          test order form. The Illinois Department may, however, impose  
18          other appropriate requirements regarding laboratory test order  
19          documentation.

20          Upon receipt of federal approval of an amendment to the  
21          Illinois Title XIX State Plan for this purpose, the Department  
22          shall authorize the Chicago Public Schools (CPS) to procure a  
23          vendor or vendors to manufacture eyeglasses for individuals  
24          enrolled in a school within the CPS system. CPS shall ensure  
25          that its vendor or vendors are enrolled as providers in the  
26          medical assistance program and in any capitated Medicaid

1 managed care entity (MCE) serving individuals enrolled in a  
2 school within the CPS system. Under any contract procured under  
3 this provision, the vendor or vendors must serve only  
4 individuals enrolled in a school within the CPS system. Claims  
5 for services provided by CPS's vendor or vendors to recipients  
6 of benefits in the medical assistance program under this Code,  
7 the Children's Health Insurance Program, or the Covering ALL  
8 KIDS Health Insurance Program shall be submitted to the  
9 Department or the MCE in which the individual is enrolled for  
10 payment and shall be reimbursed at the Department's or the  
11 MCE's established rates or rate methodologies for eyeglasses.

12 On and after July 1, 2012, the Department of Healthcare and  
13 Family Services may provide the following services to persons  
14 eligible for assistance under this Article who are  
15 participating in education, training or employment programs  
16 operated by the Department of Human Services as successor to  
17 the Department of Public Aid:

18 (1) dental services provided by or under the  
19 supervision of a dentist; and

20 (2) eyeglasses prescribed by a physician skilled in the  
21 diseases of the eye, or by an optometrist, whichever the  
22 person may select.

23 Notwithstanding any other provision of this Code and  
24 subject to federal approval, the Department may adopt rules to  
25 allow a dentist who is volunteering his or her service at no  
26 cost to render dental services through an enrolled

1 not-for-profit health clinic without the dentist personally  
2 enrolling as a participating provider in the medical assistance  
3 program. A not-for-profit health clinic shall include a public  
4 health clinic or Federally Qualified Health Center or other  
5 enrolled provider, as determined by the Department, through  
6 which dental services covered under this Section are performed.  
7 The Department shall establish a process for payment of claims  
8 for reimbursement for covered dental services rendered under  
9 this provision.

10 The Illinois Department, by rule, may distinguish and  
11 classify the medical services to be provided only in accordance  
12 with the classes of persons designated in Section 5-2.

13 The Department of Healthcare and Family Services must  
14 provide coverage and reimbursement for amino acid-based  
15 elemental formulas, regardless of delivery method, for the  
16 diagnosis and treatment of (i) eosinophilic disorders and (ii)  
17 short bowel syndrome when the prescribing physician has issued  
18 a written order stating that the amino acid-based elemental  
19 formula is medically necessary.

20 The Illinois Department shall authorize the provision of,  
21 and shall authorize payment for, screening by low-dose  
22 mammography for the presence of occult breast cancer for women  
23 35 years of age or older who are eligible for medical  
24 assistance under this Article, as follows:

- 25 (A) A baseline mammogram for women 35 to 39 years of  
26 age.

1           (B) An annual mammogram for women 40 years of age or  
2           older.

3           (C) A mammogram at the age and intervals considered  
4           medically necessary by the woman's health care provider for  
5           women under 40 years of age and having a family history of  
6           breast cancer, prior personal history of breast cancer,  
7           positive genetic testing, or other risk factors.

8           (D) A comprehensive ultrasound screening and MRI of an  
9           entire breast or breasts if a mammogram demonstrates  
10          heterogeneous or dense breast tissue, when medically  
11          necessary as determined by a physician licensed to practice  
12          medicine in all of its branches.

13          (E) A screening MRI when medically necessary, as  
14          determined by a physician licensed to practice medicine in  
15          all of its branches.

16          All screenings shall include a physical breast exam,  
17          instruction on self-examination and information regarding the  
18          frequency of self-examination and its value as a preventative  
19          tool. For purposes of this Section, "low-dose mammography"  
20          means the x-ray examination of the breast using equipment  
21          dedicated specifically for mammography, including the x-ray  
22          tube, filter, compression device, and image receptor, with an  
23          average radiation exposure delivery of less than one rad per  
24          breast for 2 views of an average size breast. The term also  
25          includes digital mammography and includes breast  
26          tomosynthesis. As used in this Section, the term "breast

1 tomosynthesis" means a radiologic procedure that involves the  
2 acquisition of projection images over the stationary breast to  
3 produce cross-sectional digital three-dimensional images of  
4 the breast. If, at any time, the Secretary of the United States  
5 Department of Health and Human Services, or its successor  
6 agency, promulgates rules or regulations to be published in the  
7 Federal Register or publishes a comment in the Federal Register  
8 or issues an opinion, guidance, or other action that would  
9 require the State, pursuant to any provision of the Patient  
10 Protection and Affordable Care Act (Public Law 111-148),  
11 including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any  
12 successor provision, to defray the cost of any coverage for  
13 breast tomosynthesis outlined in this paragraph, then the  
14 requirement that an insurer cover breast tomosynthesis is  
15 inoperative other than any such coverage authorized under  
16 Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and  
17 the State shall not assume any obligation for the cost of  
18 coverage for breast tomosynthesis set forth in this paragraph.

19 On and after January 1, 2016, the Department shall ensure  
20 that all networks of care for adult clients of the Department  
21 include access to at least one breast imaging Center of Imaging  
22 Excellence as certified by the American College of Radiology.

23 On and after January 1, 2012, providers participating in a  
24 quality improvement program approved by the Department shall be  
25 reimbursed for screening and diagnostic mammography at the same  
26 rate as the Medicare program's rates, including the increased

1 reimbursement for digital mammography.

2 The Department shall convene an expert panel including  
3 representatives of hospitals, free-standing mammography  
4 facilities, and doctors, including radiologists, to establish  
5 quality standards for mammography.

6 On and after January 1, 2017, providers participating in a  
7 breast cancer treatment quality improvement program approved  
8 by the Department shall be reimbursed for breast cancer  
9 treatment at a rate that is no lower than 95% of the Medicare  
10 program's rates for the data elements included in the breast  
11 cancer treatment quality program.

12 The Department shall convene an expert panel, including  
13 representatives of hospitals, free standing breast cancer  
14 treatment centers, breast cancer quality organizations, and  
15 doctors, including breast surgeons, reconstructive breast  
16 surgeons, oncologists, and primary care providers to establish  
17 quality standards for breast cancer treatment.

18 Subject to federal approval, the Department shall  
19 establish a rate methodology for mammography at federally  
20 qualified health centers and other encounter-rate clinics.  
21 These clinics or centers may also collaborate with other  
22 hospital-based mammography facilities. By January 1, 2016, the  
23 Department shall report to the General Assembly on the status  
24 of the provision set forth in this paragraph.

25 The Department shall establish a methodology to remind  
26 women who are age-appropriate for screening mammography, but

1 who have not received a mammogram within the previous 18  
2 months, of the importance and benefit of screening mammography.  
3 The Department shall work with experts in breast cancer  
4 outreach and patient navigation to optimize these reminders and  
5 shall establish a methodology for evaluating their  
6 effectiveness and modifying the methodology based on the  
7 evaluation.

8 The Department shall establish a performance goal for  
9 primary care providers with respect to their female patients  
10 over age 40 receiving an annual mammogram. This performance  
11 goal shall be used to provide additional reimbursement in the  
12 form of a quality performance bonus to primary care providers  
13 who meet that goal.

14 The Department shall devise a means of case-managing or  
15 patient navigation for beneficiaries diagnosed with breast  
16 cancer. This program shall initially operate as a pilot program  
17 in areas of the State with the highest incidence of mortality  
18 related to breast cancer. At least one pilot program site shall  
19 be in the metropolitan Chicago area and at least one site shall  
20 be outside the metropolitan Chicago area. On or after July 1,  
21 2016, the pilot program shall be expanded to include one site  
22 in western Illinois, one site in southern Illinois, one site in  
23 central Illinois, and 4 sites within metropolitan Chicago. An  
24 evaluation of the pilot program shall be carried out measuring  
25 health outcomes and cost of care for those served by the pilot  
26 program compared to similarly situated patients who are not

1 served by the pilot program.

2 The Department shall require all networks of care to  
3 develop a means either internally or by contract with experts  
4 in navigation and community outreach to navigate cancer  
5 patients to comprehensive care in a timely fashion. The  
6 Department shall require all networks of care to include access  
7 for patients diagnosed with cancer to at least one academic  
8 commission on cancer-accredited cancer program as an  
9 in-network covered benefit.

10 Any medical or health care provider shall immediately  
11 recommend, to any pregnant woman who is being provided prenatal  
12 services and is suspected of having a substance use disorder as  
13 defined in the Substance Use Disorder Act ~~drug abuse or is~~  
14 ~~addicted as defined in the Alcoholism and Other Drug Abuse and~~  
15 ~~Dependency Act~~, referral to a local substance use disorder  
16 treatment program ~~substance abuse treatment provider~~ licensed  
17 by the Department of Human Services or to a licensed hospital  
18 which provides substance abuse treatment services. The  
19 Department of Healthcare and Family Services shall assure  
20 coverage for the cost of treatment of the drug abuse or  
21 addiction for pregnant recipients in accordance with the  
22 Illinois Medicaid Program in conjunction with the Department of  
23 Human Services.

24 All medical providers providing medical assistance to  
25 pregnant women under this Code shall receive information from  
26 the Department on the availability of services under ~~the Drug~~



1 ~~Free Families with a Future or any comparable~~ program providing  
2 case management services for addicted women, including  
3 information on appropriate referrals for other social services  
4 that may be needed by addicted women in addition to treatment  
5 for addiction.

6 The Illinois Department, in cooperation with the  
7 Departments of Human Services (as successor to the Department  
8 of Alcoholism and Substance Abuse) and Public Health, through a  
9 public awareness campaign, may provide information concerning  
10 treatment for alcoholism and drug abuse and addiction, prenatal  
11 health care, and other pertinent programs directed at reducing  
12 the number of drug-affected infants born to recipients of  
13 medical assistance.

14 Neither the Department of Healthcare and Family Services  
15 nor the Department of Human Services shall sanction the  
16 recipient solely on the basis of her substance abuse.

17 The Illinois Department shall establish such regulations  
18 governing the dispensing of health services under this Article  
19 as it shall deem appropriate. The Department should seek the  
20 advice of formal professional advisory committees appointed by  
21 the Director of the Illinois Department for the purpose of  
22 providing regular advice on policy and administrative matters,  
23 information dissemination and educational activities for  
24 medical and health care providers, and consistency in  
25 procedures to the Illinois Department.

26 The Illinois Department may develop and contract with

1 Partnerships of medical providers to arrange medical services  
2 for persons eligible under Section 5-2 of this Code.  
3 Implementation of this Section may be by demonstration projects  
4 in certain geographic areas. The Partnership shall be  
5 represented by a sponsor organization. The Department, by rule,  
6 shall develop qualifications for sponsors of Partnerships.  
7 Nothing in this Section shall be construed to require that the  
8 sponsor organization be a medical organization.

9 The sponsor must negotiate formal written contracts with  
10 medical providers for physician services, inpatient and  
11 outpatient hospital care, home health services, treatment for  
12 alcoholism and substance abuse, and other services determined  
13 necessary by the Illinois Department by rule for delivery by  
14 Partnerships. Physician services must include prenatal and  
15 obstetrical care. The Illinois Department shall reimburse  
16 medical services delivered by Partnership providers to clients  
17 in target areas according to provisions of this Article and the  
18 Illinois Health Finance Reform Act, except that:

19 (1) Physicians participating in a Partnership and  
20 providing certain services, which shall be determined by  
21 the Illinois Department, to persons in areas covered by the  
22 Partnership may receive an additional surcharge for such  
23 services.

24 (2) The Department may elect to consider and negotiate  
25 financial incentives to encourage the development of  
26 Partnerships and the efficient delivery of medical care.

1           (3) Persons receiving medical services through  
2 Partnerships may receive medical and case management  
3 services above the level usually offered through the  
4 medical assistance program.

5           Medical providers shall be required to meet certain  
6 qualifications to participate in Partnerships to ensure the  
7 delivery of high quality medical services. These  
8 qualifications shall be determined by rule of the Illinois  
9 Department and may be higher than qualifications for  
10 participation in the medical assistance program. Partnership  
11 sponsors may prescribe reasonable additional qualifications  
12 for participation by medical providers, only with the prior  
13 written approval of the Illinois Department.

14           Nothing in this Section shall limit the free choice of  
15 practitioners, hospitals, and other providers of medical  
16 services by clients. In order to ensure patient freedom of  
17 choice, the Illinois Department shall immediately promulgate  
18 all rules and take all other necessary actions so that provided  
19 services may be accessed from therapeutically certified  
20 optometrists to the full extent of the Illinois Optometric  
21 Practice Act of 1987 without discriminating between service  
22 providers.

23           The Department shall apply for a waiver from the United  
24 States Health Care Financing Administration to allow for the  
25 implementation of Partnerships under this Section.

26           The Illinois Department shall require health care

1 providers to maintain records that document the medical care  
2 and services provided to recipients of Medical Assistance under  
3 this Article. Such records must be retained for a period of not  
4 less than 6 years from the date of service or as provided by  
5 applicable State law, whichever period is longer, except that  
6 if an audit is initiated within the required retention period  
7 then the records must be retained until the audit is completed  
8 and every exception is resolved. The Illinois Department shall  
9 require health care providers to make available, when  
10 authorized by the patient, in writing, the medical records in a  
11 timely fashion to other health care providers who are treating  
12 or serving persons eligible for Medical Assistance under this  
13 Article. All dispensers of medical services shall be required  
14 to maintain and retain business and professional records  
15 sufficient to fully and accurately document the nature, scope,  
16 details and receipt of the health care provided to persons  
17 eligible for medical assistance under this Code, in accordance  
18 with regulations promulgated by the Illinois Department. The  
19 rules and regulations shall require that proof of the receipt  
20 of prescription drugs, dentures, prosthetic devices and  
21 eyeglasses by eligible persons under this Section accompany  
22 each claim for reimbursement submitted by the dispenser of such  
23 medical services. No such claims for reimbursement shall be  
24 approved for payment by the Illinois Department without such  
25 proof of receipt, unless the Illinois Department shall have put  
26 into effect and shall be operating a system of post-payment

1 audit and review which shall, on a sampling basis, be deemed  
2 adequate by the Illinois Department to assure that such drugs,  
3 dentures, prosthetic devices and eyeglasses for which payment  
4 is being made are actually being received by eligible  
5 recipients. Within 90 days after September 16, 1984 (the  
6 effective date of Public Act 83-1439), the Illinois Department  
7 shall establish a current list of acquisition costs for all  
8 prosthetic devices and any other items recognized as medical  
9 equipment and supplies reimbursable under this Article and  
10 shall update such list on a quarterly basis, except that the  
11 acquisition costs of all prescription drugs shall be updated no  
12 less frequently than every 30 days as required by Section  
13 5-5.12.

14 Notwithstanding any other law to the contrary, the Illinois  
15 Department shall, within 365 days after July 22, 2013 (the  
16 effective date of Public Act 98-104), establish procedures to  
17 permit skilled care facilities licensed under the Nursing Home  
18 Care Act to submit monthly billing claims for reimbursement  
19 purposes. Following development of these procedures, the  
20 Department shall, by July 1, 2016, test the viability of the  
21 new system and implement any necessary operational or  
22 structural changes to its information technology platforms in  
23 order to allow for the direct acceptance and payment of nursing  
24 home claims.

25 Notwithstanding any other law to the contrary, the Illinois  
26 Department shall, within 365 days after August 15, 2014 (the

1 effective date of Public Act 98-963), establish procedures to  
2 permit ID/DD facilities licensed under the ID/DD Community Care  
3 Act and MC/DD facilities licensed under the MC/DD Act to submit  
4 monthly billing claims for reimbursement purposes. Following  
5 development of these procedures, the Department shall have an  
6 additional 365 days to test the viability of the new system and  
7 to ensure that any necessary operational or structural changes  
8 to its information technology platforms are implemented.

9 The Illinois Department shall require all dispensers of  
10 medical services, other than an individual practitioner or  
11 group of practitioners, desiring to participate in the Medical  
12 Assistance program established under this Article to disclose  
13 all financial, beneficial, ownership, equity, surety or other  
14 interests in any and all firms, corporations, partnerships,  
15 associations, business enterprises, joint ventures, agencies,  
16 institutions or other legal entities providing any form of  
17 health care services in this State under this Article.

18 The Illinois Department may require that all dispensers of  
19 medical services desiring to participate in the medical  
20 assistance program established under this Article disclose,  
21 under such terms and conditions as the Illinois Department may  
22 by rule establish, all inquiries from clients and attorneys  
23 regarding medical bills paid by the Illinois Department, which  
24 inquiries could indicate potential existence of claims or liens  
25 for the Illinois Department.

26 Enrollment of a vendor shall be subject to a provisional

1 period and shall be conditional for one year. During the period  
2 of conditional enrollment, the Department may terminate the  
3 vendor's eligibility to participate in, or may disenroll the  
4 vendor from, the medical assistance program without cause.  
5 Unless otherwise specified, such termination of eligibility or  
6 disenrollment is not subject to the Department's hearing  
7 process. However, a disenrolled vendor may reapply without  
8 penalty.

9 The Department has the discretion to limit the conditional  
10 enrollment period for vendors based upon category of risk of  
11 the vendor.

12 Prior to enrollment and during the conditional enrollment  
13 period in the medical assistance program, all vendors shall be  
14 subject to enhanced oversight, screening, and review based on  
15 the risk of fraud, waste, and abuse that is posed by the  
16 category of risk of the vendor. The Illinois Department shall  
17 establish the procedures for oversight, screening, and review,  
18 which may include, but need not be limited to: criminal and  
19 financial background checks; fingerprinting; license,  
20 certification, and authorization verifications; unscheduled or  
21 unannounced site visits; database checks; prepayment audit  
22 reviews; audits; payment caps; payment suspensions; and other  
23 screening as required by federal or State law.

24 The Department shall define or specify the following: (i)  
25 by provider notice, the "category of risk of the vendor" for  
26 each type of vendor, which shall take into account the level of

1 screening applicable to a particular category of vendor under  
2 federal law and regulations; (ii) by rule or provider notice,  
3 the maximum length of the conditional enrollment period for  
4 each category of risk of the vendor; and (iii) by rule, the  
5 hearing rights, if any, afforded to a vendor in each category  
6 of risk of the vendor that is terminated or disenrolled during  
7 the conditional enrollment period.

8 To be eligible for payment consideration, a vendor's  
9 payment claim or bill, either as an initial claim or as a  
10 resubmitted claim following prior rejection, must be received  
11 by the Illinois Department, or its fiscal intermediary, no  
12 later than 180 days after the latest date on the claim on which  
13 medical goods or services were provided, with the following  
14 exceptions:

15 (1) In the case of a provider whose enrollment is in  
16 process by the Illinois Department, the 180-day period  
17 shall not begin until the date on the written notice from  
18 the Illinois Department that the provider enrollment is  
19 complete.

20 (2) In the case of errors attributable to the Illinois  
21 Department or any of its claims processing intermediaries  
22 which result in an inability to receive, process, or  
23 adjudicate a claim, the 180-day period shall not begin  
24 until the provider has been notified of the error.

25 (3) In the case of a provider for whom the Illinois  
26 Department initiates the monthly billing process.



1           (4) In the case of a provider operated by a unit of  
2           local government with a population exceeding 3,000,000  
3           when local government funds finance federal participation  
4           for claims payments.

5           For claims for services rendered during a period for which  
6           a recipient received retroactive eligibility, claims must be  
7           filed within 180 days after the Department determines the  
8           applicant is eligible. For claims for which the Illinois  
9           Department is not the primary payer, claims must be submitted  
10          to the Illinois Department within 180 days after the final  
11          adjudication by the primary payer.

12          In the case of long term care facilities, within 45  
13          calendar days of receipt by the facility of required  
14          prescreening information, new admissions with associated  
15          admission documents shall be submitted through the Medical  
16          Electronic Data Interchange (MEDI) or the Recipient  
17          Eligibility Verification (REV) System or shall be submitted  
18          directly to the Department of Human Services using required  
19          admission forms. Effective September 1, 2014, admission  
20          documents, including all prescreening information, must be  
21          submitted through MEDI or REV. Confirmation numbers assigned to  
22          an accepted transaction shall be retained by a facility to  
23          verify timely submittal. Once an admission transaction has been  
24          completed, all resubmitted claims following prior rejection  
25          are subject to receipt no later than 180 days after the  
26          admission transaction has been completed.

1           Claims that are not submitted and received in compliance  
2 with the foregoing requirements shall not be eligible for  
3 payment under the medical assistance program, and the State  
4 shall have no liability for payment of those claims.

5           To the extent consistent with applicable information and  
6 privacy, security, and disclosure laws, State and federal  
7 agencies and departments shall provide the Illinois Department  
8 access to confidential and other information and data necessary  
9 to perform eligibility and payment verifications and other  
10 Illinois Department functions. This includes, but is not  
11 limited to: information pertaining to licensure;  
12 certification; earnings; immigration status; citizenship; wage  
13 reporting; unearned and earned income; pension income;  
14 employment; supplemental security income; social security  
15 numbers; National Provider Identifier (NPI) numbers; the  
16 National Practitioner Data Bank (NPDB); program and agency  
17 exclusions; taxpayer identification numbers; tax delinquency;  
18 corporate information; and death records.

19           The Illinois Department shall enter into agreements with  
20 State agencies and departments, and is authorized to enter into  
21 agreements with federal agencies and departments, under which  
22 such agencies and departments shall share data necessary for  
23 medical assistance program integrity functions and oversight.  
24 The Illinois Department shall develop, in cooperation with  
25 other State departments and agencies, and in compliance with  
26 applicable federal laws and regulations, appropriate and

1 effective methods to share such data. At a minimum, and to the  
2 extent necessary to provide data sharing, the Illinois  
3 Department shall enter into agreements with State agencies and  
4 departments, and is authorized to enter into agreements with  
5 federal agencies and departments, including but not limited to:  
6 the Secretary of State; the Department of Revenue; the  
7 Department of Public Health; the Department of Human Services;  
8 and the Department of Financial and Professional Regulation.

9 Beginning in fiscal year 2013, the Illinois Department  
10 shall set forth a request for information to identify the  
11 benefits of a pre-payment, post-adjudication, and post-edit  
12 claims system with the goals of streamlining claims processing  
13 and provider reimbursement, reducing the number of pending or  
14 rejected claims, and helping to ensure a more transparent  
15 adjudication process through the utilization of: (i) provider  
16 data verification and provider screening technology; and (ii)  
17 clinical code editing; and (iii) pre-pay, pre- or  
18 post-adjudicated predictive modeling with an integrated case  
19 management system with link analysis. Such a request for  
20 information shall not be considered as a request for proposal  
21 or as an obligation on the part of the Illinois Department to  
22 take any action or acquire any products or services.

23 The Illinois Department shall establish policies,  
24 procedures, standards and criteria by rule for the acquisition,  
25 repair and replacement of orthotic and prosthetic devices and  
26 durable medical equipment. Such rules shall provide, but not be

1 limited to, the following services: (1) immediate repair or  
2 replacement of such devices by recipients; and (2) rental,  
3 lease, purchase or lease-purchase of durable medical equipment  
4 in a cost-effective manner, taking into consideration the  
5 recipient's medical prognosis, the extent of the recipient's  
6 needs, and the requirements and costs for maintaining such  
7 equipment. Subject to prior approval, such rules shall enable a  
8 recipient to temporarily acquire and use alternative or  
9 substitute devices or equipment pending repairs or  
10 replacements of any device or equipment previously authorized  
11 for such recipient by the Department. Notwithstanding any  
12 provision of Section 5-5f to the contrary, the Department may,  
13 by rule, exempt certain replacement wheelchair parts from prior  
14 approval and, for wheelchairs, wheelchair parts, wheelchair  
15 accessories, and related seating and positioning items,  
16 determine the wholesale price by methods other than actual  
17 acquisition costs.

18 The Department shall require, by rule, all providers of  
19 durable medical equipment to be accredited by an accreditation  
20 organization approved by the federal Centers for Medicare and  
21 Medicaid Services and recognized by the Department in order to  
22 bill the Department for providing durable medical equipment to  
23 recipients. No later than 15 months after the effective date of  
24 the rule adopted pursuant to this paragraph, all providers must  
25 meet the accreditation requirement.

26 The Department shall execute, relative to the nursing home

1 prescreening project, written inter-agency agreements with the  
2 Department of Human Services and the Department on Aging, to  
3 effect the following: (i) intake procedures and common  
4 eligibility criteria for those persons who are receiving  
5 non-institutional services; and (ii) the establishment and  
6 development of non-institutional services in areas of the State  
7 where they are not currently available or are undeveloped; and  
8 (iii) notwithstanding any other provision of law, subject to  
9 federal approval, on and after July 1, 2012, an increase in the  
10 determination of need (DON) scores from 29 to 37 for applicants  
11 for institutional and home and community-based long term care;  
12 if and only if federal approval is not granted, the Department  
13 may, in conjunction with other affected agencies, implement  
14 utilization controls or changes in benefit packages to  
15 effectuate a similar savings amount for this population; and  
16 (iv) no later than July 1, 2013, minimum level of care  
17 eligibility criteria for institutional and home and  
18 community-based long term care; and (v) no later than October  
19 1, 2013, establish procedures to permit long term care  
20 providers access to eligibility scores for individuals with an  
21 admission date who are seeking or receiving services from the  
22 long term care provider. In order to select the minimum level  
23 of care eligibility criteria, the Governor shall establish a  
24 workgroup that includes affected agency representatives and  
25 stakeholders representing the institutional and home and  
26 community-based long term care interests. This Section shall

1 not restrict the Department from implementing lower level of  
2 care eligibility criteria for community-based services in  
3 circumstances where federal approval has been granted.

4 The Illinois Department shall develop and operate, in  
5 cooperation with other State Departments and agencies and in  
6 compliance with applicable federal laws and regulations,  
7 appropriate and effective systems of health care evaluation and  
8 programs for monitoring of utilization of health care services  
9 and facilities, as it affects persons eligible for medical  
10 assistance under this Code.

11 The Illinois Department shall report annually to the  
12 General Assembly, no later than the second Friday in April of  
13 1979 and each year thereafter, in regard to:

14 (a) actual statistics and trends in utilization of  
15 medical services by public aid recipients;

16 (b) actual statistics and trends in the provision of  
17 the various medical services by medical vendors;

18 (c) current rate structures and proposed changes in  
19 those rate structures for the various medical vendors; and

20 (d) efforts at utilization review and control by the  
21 Illinois Department.

22 The period covered by each report shall be the 3 years  
23 ending on the June 30 prior to the report. The report shall  
24 include suggested legislation for consideration by the General  
25 Assembly. The filing of one copy of the report with the  
26 Speaker, one copy with the Minority Leader and one copy with

1 the Clerk of the House of Representatives, one copy with the  
2 President, one copy with the Minority Leader and one copy with  
3 the Secretary of the Senate, one copy with the Legislative  
4 Research Unit, and such additional copies with the State  
5 Government Report Distribution Center for the General Assembly  
6 as is required under paragraph (t) of Section 7 of the State  
7 Library Act shall be deemed sufficient to comply with this  
8 Section.

9 Rulemaking authority to implement Public Act 95-1045, if  
10 any, is conditioned on the rules being adopted in accordance  
11 with all provisions of the Illinois Administrative Procedure  
12 Act and all rules and procedures of the Joint Committee on  
13 Administrative Rules; any purported rule not so adopted, for  
14 whatever reason, is unauthorized.

15 On and after July 1, 2012, the Department shall reduce any  
16 rate of reimbursement for services or other payments or alter  
17 any methodologies authorized by this Code to reduce any rate of  
18 reimbursement for services or other payments in accordance with  
19 Section 5-5e.

20 Because kidney transplantation can be an appropriate, cost  
21 effective alternative to renal dialysis when medically  
22 necessary and notwithstanding the provisions of Section 1-11 of  
23 this Code, beginning October 1, 2014, the Department shall  
24 cover kidney transplantation for noncitizens with end-stage  
25 renal disease who are not eligible for comprehensive medical  
26 benefits, who meet the residency requirements of Section 5-3 of

1 this Code, and who would otherwise meet the financial  
2 requirements of the appropriate class of eligible persons under  
3 Section 5-2 of this Code. To qualify for coverage of kidney  
4 transplantation, such person must be receiving emergency renal  
5 dialysis services covered by the Department. Providers under  
6 this Section shall be prior approved and certified by the  
7 Department to perform kidney transplantation and the services  
8 under this Section shall be limited to services associated with  
9 kidney transplantation.

10 Notwithstanding any other provision of this Code to the  
11 contrary, on or after July 1, 2015, all FDA approved forms of  
12 medication assisted treatment prescribed for the treatment of  
13 alcohol dependence or treatment of opioid dependence shall be  
14 covered under both fee for service and managed care medical  
15 assistance programs for persons who are otherwise eligible for  
16 medical assistance under this Article and shall not be subject  
17 to any (1) utilization control, other than those established  
18 under the American Society of Addiction Medicine patient  
19 placement criteria, (2) prior authorization mandate, or (3)  
20 lifetime restriction limit mandate.

21 On or after July 1, 2015, opioid antagonists prescribed for  
22 the treatment of an opioid overdose, including the medication  
23 product, administration devices, and any pharmacy fees related  
24 to the dispensing and administration of the opioid antagonist,  
25 shall be covered under the medical assistance program for  
26 persons who are otherwise eligible for medical assistance under



1 this Article. As used in this Section, "opioid antagonist"  
2 means a drug that binds to opioid receptors and blocks or  
3 inhibits the effect of opioids acting on those receptors,  
4 including, but not limited to, naloxone hydrochloride or any  
5 other similarly acting drug approved by the U.S. Food and Drug  
6 Administration.

7 Upon federal approval, the Department shall provide  
8 coverage and reimbursement for all drugs that are approved for  
9 marketing by the federal Food and Drug Administration and that  
10 are recommended by the federal Public Health Service or the  
11 United States Centers for Disease Control and Prevention for  
12 pre-exposure prophylaxis and related pre-exposure prophylaxis  
13 services, including, but not limited to, HIV and sexually  
14 transmitted infection screening, treatment for sexually  
15 transmitted infections, medical monitoring, assorted labs, and  
16 counseling to reduce the likelihood of HIV infection among  
17 individuals who are not infected with HIV but who are at high  
18 risk of HIV infection.

19 (Source: P.A. 99-78, eff. 7-20-15; 99-180, eff. 7-29-15;  
20 99-236, eff. 8-3-15; 99-407 (see Section 20 of P.A. 99-588 for  
21 the effective date of P.A. 99-407); 99-433, eff. 8-21-15;  
22 99-480, eff. 9-9-15; 99-588, eff. 7-20-16; 99-642, eff.  
23 7-28-16; 99-772, eff. 1-1-17; 99-895, eff. 1-1-17; 100-201,  
24 eff. 8-18-17; 100-395, eff. 1-1-18; 100-449, eff. 1-1-18;  
25 100-538, eff. 1-1-18; revised 10-26-17.)

1 (305 ILCS 5/6-1.3) (from Ch. 23, par. 6-1.3)

2 Sec. 6-1.3. Utilization of aid available under other  
3 provisions of Code. The person must have been determined  
4 ineligible for aid under the federally funded programs to aid  
5 refugees and Articles III, IV or V. Nothing in this Section  
6 shall prevent the use of General Assistance funds to pay any  
7 portion of the costs of care and maintenance in a residential  
8 substance use disorder ~~drug abuse~~ treatment program licensed by  
9 the Department of Human Services, or in a County Nursing Home,  
10 or in a private nursing home, retirement home or other facility  
11 for the care of the elderly, of a person otherwise eligible to  
12 receive General Assistance except for the provisions of this  
13 paragraph.

14 A person otherwise eligible for aid under the federally  
15 funded programs to aid refugees or Articles III, IV or V who  
16 fails or refuses to comply with provisions of this Code or  
17 other laws, or rules and regulations of the Illinois  
18 Department, which would qualify him for aid under those  
19 programs or Articles, shall not receive General Assistance  
20 under this Article nor shall any of his dependents whose  
21 eligibility is contingent upon such compliance receive General  
22 Assistance.

23 Persons and families who are ineligible for aid under  
24 Article IV due to having received benefits under Article IV for  
25 any maximum time limits set under the Illinois Temporary  
26 Assistance for ~~to~~ Needy Families (TANF) Plan shall not be

1 eligible for General Assistance under this Article unless the  
2 Illinois Department or the local governmental unit, by rule,  
3 specifies that those persons or families may be eligible.  
4 (Source: P.A. 89-507, eff. 7-1-97; 90-17, eff. 7-1-97; revised  
5 10-4-17.)

6 (305 ILCS 5/6-11) (from Ch. 23, par. 6-11)

7 Sec. 6-11. General Assistance.

8 (a) Effective July 1, 1992, all State funded General  
9 Assistance and related medical benefits shall be governed by  
10 this Section, provided that, notwithstanding any other  
11 provisions of this Code to the contrary, on and after July 1,  
12 2012, the State shall not fund the programs outlined in this  
13 Section. Other parts of this Code or other laws related to  
14 General Assistance shall remain in effect to the extent they do  
15 not conflict with the provisions of this Section. If any other  
16 part of this Code or other laws of this State conflict with the  
17 provisions of this Section, the provisions of this Section  
18 shall control.

19 (b) General Assistance may consist of 2 separate programs.  
20 One program shall be for adults with no children and shall be  
21 known as Transitional Assistance. The other program may be for  
22 families with children and for pregnant women and shall be  
23 known as Family and Children Assistance.

24 (c) (1) To be eligible for Transitional Assistance on or  
25 after July 1, 1992, an individual must be ineligible for

1 assistance under any other Article of this Code, must be  
2 determined chronically needy, and must be one of the following:

3 (A) age 18 or over or

4 (B) married and living with a spouse, regardless of  
5 age.

6 (2) The local governmental unit shall determine whether  
7 individuals are chronically needy as follows:

8 (A) Individuals who have applied for Supplemental  
9 Security Income (SSI) and are awaiting a decision on  
10 eligibility for SSI who are determined to be a person with  
11 a disability by the Illinois Department using the SSI  
12 standard shall be considered chronically needy, except  
13 that individuals whose disability is based solely on  
14 substance use disorders ~~addictions (drug abuse and~~  
15 ~~alcoholism)~~ and whose disability would cease were their  
16 addictions to end shall be eligible only for medical  
17 assistance and shall not be eligible for cash assistance  
18 under the Transitional Assistance program.

19 (B) (Blank).

20 (C) The unit of local government may specify other  
21 categories of individuals as chronically needy; nothing in  
22 this Section, however, shall be deemed to require the  
23 inclusion of any specific category other than as specified  
24 in paragraph (A).

25 (3) For individuals in Transitional Assistance, medical  
26 assistance may be provided by the unit of local government in

1 an amount and nature determined by the unit of local  
2 government. Nothing in this paragraph (3) shall be construed to  
3 require the coverage of any particular medical service. In  
4 addition, the amount and nature of medical assistance provided  
5 may be different for different categories of individuals  
6 determined chronically needy.

7 (4) (Blank).

8 (5) (Blank).

9 (d) (1) To be eligible for Family and Children Assistance,  
10 a family unit must be ineligible for assistance under any other  
11 Article of this Code and must contain a child who is:

12 (A) under age 18 or

13 (B) age 18 and a full-time student in a secondary  
14 school or the equivalent level of vocational or technical  
15 training, and who may reasonably be expected to complete  
16 the program before reaching age 19.

17 Those children shall be eligible for Family and Children  
18 Assistance.

19 (2) The natural or adoptive parents of the child living in  
20 the same household may be eligible for Family and Children  
21 Assistance.

22 (3) A pregnant woman whose pregnancy has been verified  
23 shall be eligible for income maintenance assistance under the  
24 Family and Children Assistance program.

25 (4) The amount and nature of medical assistance provided  
26 under the Family and Children Assistance program shall be

1 determined by the unit of local government. The amount and  
2 nature of medical assistance provided need not be the same as  
3 that provided under paragraph (3) of subsection (c) of this  
4 Section, and nothing in this paragraph (4) shall be construed  
5 to require the coverage of any particular medical service.

6 (5) (Blank).

7 (e) A local governmental unit that chooses to participate  
8 in a General Assistance program under this Section shall  
9 provide funding in accordance with Section 12-21.13 of this  
10 Act. Local governmental funds used to qualify for State funding  
11 may only be expended for clients eligible for assistance under  
12 this Section 6-11 and related administrative expenses.

13 (f) (Blank).

14 (g) (Blank).

15 (Source: P.A. 99-143, eff. 7-27-15.)

16 (305 ILCS 5/9-9) (from Ch. 23, par. 9-9)

17 Sec. 9-9. The Illinois Department shall make information  
18 available in its local offices informing clients about programs  
19 concerning substance use disorder ~~alcoholism and substance~~  
20 ~~abuse treatment~~ and prevention programs.

21 (Source: P.A. 89-507, eff. 7-1-97.)

22 (305 ILCS 5/9A-8) (from Ch. 23, par. 9A-8)

23 Sec. 9A-8. Operation of Program.

24 (a) At the time of application or redetermination of

1 eligibility under Article IV, as determined by rule, the  
2 Illinois Department shall provide information in writing and  
3 orally regarding the education, training and employment  
4 program to all applicants and recipients. The information  
5 required shall be established by rule and shall include, but  
6 need not be limited to:

7 (1) education (including literacy training),  
8 employment and training opportunities available, the  
9 criteria for approval of those opportunities, and the right  
10 to request changes in the personal responsibility and  
11 services plan to include those opportunities;

12 (1.1) a complete list of all activities that are  
13 approvable activities, and the circumstances under which  
14 they are approvable, including work activities, substance  
15 use disorder ~~substance abuse~~ or mental health treatment,  
16 activities to escape and prevent domestic violence, caring  
17 for a medically impaired family member, and any other  
18 approvable activities, together with the right to and  
19 procedures for amending the responsibility and services  
20 plan to include these activities;

21 (1.2) the rules concerning the lifetime limit on  
22 eligibility, including the current status of the applicant  
23 or recipient in terms of the months of remaining  
24 eligibility, the criteria under which a month will not  
25 count towards the lifetime limit, and the criteria under  
26 which a recipient may receive benefits beyond the end of

1 the lifetime limit;

2 (2) supportive services including child care and the  
3 rules regarding eligibility for and access to the child  
4 care assistance program, transportation, initial expenses  
5 of employment, job retention, books and fees, and any other  
6 supportive services;

7 (3) the obligation of the Department to provide  
8 supportive services;

9 (4) the rights and responsibilities of participants,  
10 including exemption, sanction, reconciliation, and good  
11 cause criteria and procedures, termination for  
12 non-cooperation and reinstatement rules and procedures,  
13 and appeal and grievance procedures; and

14 (5) the types and locations of child care services.

15 (b) The Illinois Department shall notify the recipient in  
16 writing of the opportunity to volunteer to participate in the  
17 program.

18 (c) (Blank).

19 (d) As part of the personal plan for achieving employment  
20 and self-sufficiency, the Department shall conduct an  
21 individualized assessment of the participant's employability.  
22 No participant may be assigned to any component of the  
23 education, training and employment activity prior to such  
24 assessment. The plan shall include collection of information on  
25 the individual's background, proficiencies, skills  
26 deficiencies, education level, work history, employment goals,



1 interests, aptitudes, and employment preferences, as well as  
2 factors affecting employability or ability to meet  
3 participation requirements (e.g., health, physical or mental  
4 limitations, child care, family circumstances, domestic  
5 violence, sexual violence, substance use disorders ~~substance~~  
6 ~~abuse~~, and special needs of any child of the individual). As  
7 part of the plan, individuals and Department staff shall work  
8 together to identify any supportive service needs required to  
9 enable the client to participate and meet the objectives of his  
10 or her employability plan. The assessment may be conducted  
11 through various methods such as interviews, testing,  
12 counseling, and self-assessment instruments. In the assessment  
13 process, the Department shall offer to include standard  
14 literacy testing and a determination of English language  
15 proficiency and shall provide it for those who accept the  
16 offer. Based on the assessment, the individual will be assigned  
17 to the appropriate activity. The decision will be based on a  
18 determination of the individual's level of preparation for  
19 employment as defined by rule.

20 (e) Recipients determined to be exempt may volunteer to  
21 participate pursuant to Section 9A-4 and must be assessed.

22 (f) As part of the personal plan for achieving employment  
23 and self-sufficiency under Section 4-1, an employability plan  
24 for recipients shall be developed in consultation with the  
25 participant. The Department shall have final responsibility  
26 for approving the employability plan. The employability plan

1 shall:

2 (1) contain an employment goal of the participant;

3 (2) describe the services to be provided by the  
4 Department, including child care and other support  
5 services;

6 (3) describe the activities, such as component  
7 assignment, that will be undertaken by the participant to  
8 achieve the employment goal. The Department shall treat  
9 participation in high school and high school equivalency  
10 programs as a core activity and count participation in high  
11 school and high school equivalency programs toward the  
12 first 20 hours per week of participation. The Department  
13 shall approve participation in high school or high school  
14 equivalency programs upon written or oral request of the  
15 participant if he or she has not already earned a high  
16 school diploma or a high school equivalency certificate.  
17 However, participation in high school or high school  
18 equivalency programs may be delayed as part of an  
19 applicant's or recipient's personal plan for achieving  
20 employment and self-sufficiency if it is determined that  
21 the benefit from participating in another activity, such  
22 as, but not limited to, treatment for a substance use  
23 disorder ~~substance abuse~~ or an English proficiency  
24 program, would be greater to the applicant or recipient  
25 than participation in high school or a high school  
26 equivalency program. The availability of high school and

1 high school equivalency programs may also delay enrollment  
2 in those programs. The Department shall treat such  
3 activities as a core activity as long as satisfactory  
4 progress is made, as determined by the high school or high  
5 school equivalency program. Proof of satisfactory progress  
6 shall be provided by the participant or the school at the  
7 end of each academic term; and

8 (4) describe any other needs of the family that might  
9 be met by the Department.

10 (g) The employability plan shall take into account:

11 (1) available program resources;

12 (2) the participant's support service needs;

13 (3) the participant's skills level and aptitudes;

14 (4) local employment opportunities; and

15 (5) the preferences of the participant.

16 (h) A reassessment shall be conducted to assess a  
17 participant's progress and to review the employability plan on  
18 the following occasions:

19 (1) upon completion of an activity and before  
20 assignment to an activity;

21 (2) upon the request of the participant;

22 (3) if the individual is not cooperating with the  
23 requirements of the program; and

24 (4) if the individual has failed to make satisfactory  
25 progress in an education or training program.

26 Based on the reassessment, the Department may revise the

1 employability plan of the participant.

2 (Source: P.A. 99-746, eff. 1-1-17.)

3 Section 80. The Abused and Neglected Child Reporting Act is  
4 amended by changing Sections 7.3b and 8.2 as follows:

5 (325 ILCS 5/7.3b) (from Ch. 23, par. 2057.3b)

6 Sec. 7.3b. All persons required to report under Section 4  
7 may refer to the Department of Human Services any pregnant  
8 person in this State who has a substance use disorder as  
9 defined in the Substance Use Disorder Act. ~~is addicted as~~  
10 ~~defined in the Alcoholism and Other Drug Abuse and Dependency~~  
11 ~~Act.~~ The Department of Human Services shall notify the local  
12 Infant Mortality Reduction Network service provider or  
13 Department funded prenatal care provider in the area in which  
14 the person resides. The service provider shall prepare a case  
15 management plan and assist the pregnant woman in obtaining  
16 counseling and treatment from a local substance use disorder  
17 treatment program ~~substance abuse service provider~~ licensed by  
18 the Department of Human Services or a licensed hospital which  
19 provides substance abuse treatment services. The local Infant  
20 Mortality Reduction Network service provider and Department  
21 funded prenatal care provider shall monitor the pregnant woman  
22 through the service program. The Department of Human Services  
23 shall have the authority to promulgate rules and regulations to  
24 implement this Section.

1 (Source: P.A. 88-670, eff. 12-2-94; 89-507 (Sections 9C-25 and  
2 9M-5), eff. 7-1-97.)

3 (325 ILCS 5/8.2) (from Ch. 23, par. 2058.2)

4 Sec. 8.2. If the Child Protective Service Unit determines,  
5 following an investigation made pursuant to Section 7.4 of this  
6 Act, that there is credible evidence that the child is abused  
7 or neglected, the Department shall assess the family's need for  
8 services, and, as necessary, develop, with the family, an  
9 appropriate service plan for the family's voluntary acceptance  
10 or refusal. In any case where there is evidence that the  
11 perpetrator of the abuse or neglect has a substance use  
12 disorder as defined in the Substance Use Disorder Act, ~~is an~~  
13 ~~addict or alcoholic as defined in the Alcoholism and Other Drug~~  
14 ~~Abuse and Dependency Act,~~ the Department, when making referrals  
15 for drug or alcohol abuse services, shall make such referrals  
16 to facilities licensed by the Department of Human Services or  
17 the Department of Public Health. The Department shall comply  
18 with Section 8.1 by explaining its lack of legal authority to  
19 compel the acceptance of services and may explain its  
20 concomitant authority to petition the Circuit court under the  
21 Juvenile Court Act of 1987 or refer the case to the local law  
22 enforcement authority or State's attorney for criminal  
23 prosecution.

24 For purposes of this Act, the term "family preservation  
25 services" refers to all services to help families, including

1 adoptive and extended families. Family preservation services  
2 shall be offered, where safe and appropriate, to prevent the  
3 placement of children in substitute care when the children can  
4 be cared for at home or in the custody of the person  
5 responsible for the children's welfare without endangering the  
6 children's health or safety, to reunite them with their  
7 families if so placed when reunification is an appropriate  
8 goal, or to maintain an adoptive placement. The term  
9 "homemaker" includes emergency caretakers, homemakers,  
10 caretakers, housekeepers and chore services. The term  
11 "counseling" includes individual therapy, infant stimulation  
12 therapy, family therapy, group therapy, self-help groups, drug  
13 and alcohol abuse counseling, vocational counseling and  
14 post-adoptive services. The term "day care" includes  
15 protective day care and day care to meet educational,  
16 prevocational or vocational needs. The term "emergency  
17 assistance and advocacy" includes coordinated services to  
18 secure emergency cash, food, housing and medical assistance or  
19 advocacy for other subsistence and family protective needs.

20 Before July 1, 2000, appropriate family preservation  
21 services shall, subject to appropriation, be included in the  
22 service plan if the Department has determined that those  
23 services will ensure the child's health and safety, are in the  
24 child's best interests, and will not place the child in  
25 imminent risk of harm. Beginning July 1, 2000, appropriate  
26 family preservation services shall be uniformly available

1 throughout the State. The Department shall promptly notify  
2 children and families of the Department's responsibility to  
3 offer and provide family preservation services as identified in  
4 the service plan. Such plans may include but are not limited  
5 to: case management services; homemakers; counseling; parent  
6 education; day care; emergency assistance and advocacy  
7 assessments; respite care; in-home health care; transportation  
8 to obtain any of the above services; and medical assistance.  
9 Nothing in this paragraph shall be construed to create a  
10 private right of action or claim on the part of any individual  
11 or child welfare agency, except that when a child is the  
12 subject of an action under Article II of the Juvenile Court Act  
13 of 1987 and the child's service plan calls for services to  
14 facilitate achievement of the permanency goal, the court  
15 hearing the action under Article II of the Juvenile Court Act  
16 of 1987 may order the Department to provide the services set  
17 out in the plan, if those services are not provided with  
18 reasonable promptness and if those services are available.

19 Each Department field office shall maintain on a local  
20 basis directories of services available to children and  
21 families in the local area where the Department office is  
22 located.

23 The Department shall refer children and families served  
24 pursuant to this Section to private agencies and governmental  
25 agencies, where available.

26 Where there are 2 equal proposals from both a

1 not-for-profit and a for-profit agency to provide services, the  
2 Department shall give preference to the proposal from the  
3 not-for-profit agency.

4 No service plan shall compel any child or parent to engage  
5 in any activity or refrain from any activity which is not  
6 reasonably related to remedying a condition or conditions that  
7 gave rise or which could give rise to any finding of child  
8 abuse or neglect.

9 (Source: P.A. 96-600, eff. 8-21-09; 97-859, eff. 7-27-12.)

10 Section 81. The Mental Health and Developmental  
11 Disabilities Code is amended by changing Section 1-129 as  
12 follows:

13 (405 ILCS 5/1-129)

14 Sec. 1-129. Mental illness. "Mental illness" means a  
15 mental, or emotional disorder that substantially impairs a  
16 person's thought, perception of reality, emotional process,  
17 judgment, behavior, or ability to cope with the ordinary  
18 demands of life, but does not include a developmental  
19 disability, dementia or Alzheimer's disease absent psychosis,  
20 a substance use ~~abuse~~ disorder, or an abnormality manifested  
21 only by repeated criminal or otherwise antisocial conduct.

22 (Source: P.A. 93-573, eff. 8-21-03.)

23 Section 83. The Community Services Act is amended by



1 changing Sections 2, 3, and 4 as follows:

2 (405 ILCS 30/2) (from Ch. 91 1/2, par. 902)

3 Sec. 2. Community Services System. Services should be  
4 planned, developed, delivered and evaluated as part of a  
5 comprehensive and coordinated system. The Department of Human  
6 Services shall encourage the establishment of services in each  
7 area of the State which cover the services categories described  
8 below. What specific services are provided under each service  
9 category shall be based on local needs; special attention shall  
10 be given to unserved and underserved populations, including  
11 children and youth, racial and ethnic minorities, and the  
12 elderly. The service categories shall include:

13 (a) Prevention: services designed primarily to reduce  
14 the incidence and ameliorate the severity of developmental  
15 disabilities, mental illness, and substance use disorders  
16 as defined in the Substance Use Disorder Act; ~~and alcohol~~  
17 ~~and drug dependence;~~

18 (b) Client Assessment and Diagnosis: services designed  
19 to identify persons with developmental disabilities,  
20 mental illness, and substance use disorders; ~~and alcohol~~  
21 ~~and drug dependency;~~ to determine the extent of the  
22 disability and the level of functioning; to ensure that the  
23 individual's need for treatment of mental disorders or  
24 substance use disorders or co-occurring substance use and  
25 mental health disorders is determined using a uniform

1 screening, assessment, and evaluation process inclusive of  
2 criteria; for purposes of this subsection (b), a uniform  
3 screening, assessment, and evaluation process refers to a  
4 process that includes an appropriate evaluation and, as  
5 warranted, a referral; "uniform" does not mean the use of a  
6 singular instrument, tool, or process that all must  
7 utilize; information obtained through client evaluation  
8 can be used in individual treatment and habilitation plans;  
9 to assure appropriate placement and to assist in program  
10 evaluation;

11 (c) Case Coordination: services to provide information  
12 and assistance to persons with disabilities to ensure that  
13 they obtain needed services provided by the private and  
14 public sectors; case coordination services should be  
15 available to individuals whose functioning level or  
16 history of institutional recidivism or long-term care  
17 indicate that such assistance is required for successful  
18 community living;

19 (d) Crisis and Emergency: services to assist  
20 individuals and their families through crisis periods, to  
21 stabilize individuals under stress and to prevent  
22 unnecessary institutionalization;

23 (e) Treatment, Habilitation and Support: services  
24 designed to help individuals develop skills which promote  
25 independence and improved levels of social and vocational  
26 functioning and personal growth; and to provide

1 non-treatment support services which are necessary for  
2 successful community living;

3 (f) Community Residential Alternatives to  
4 Institutional Settings: services to provide living  
5 arrangements for persons unable to live independently; the  
6 level of supervision, services provided and length of stay  
7 at community residential alternatives will vary by the type  
8 of program and the needs and functioning level of the  
9 residents; other services may be provided in a community  
10 residential alternative which promote the acquisition of  
11 independent living skills and integration with the  
12 community.

13 (Source: P.A. 99-143, eff. 7-27-15.)

14 (405 ILCS 30/3) (from Ch. 91 1/2, par. 903)

15 Sec. 3. Responsibilities for Community Services. Pursuant  
16 to this Act, the Department of Human Services shall facilitate  
17 the establishment of a comprehensive and coordinated array of  
18 community services based upon a federal, State and local  
19 partnership. In order to assist in implementation of this Act,  
20 the Department shall prescribe and publish rules and  
21 regulations. The Department may request the assistance of other  
22 State agencies, local government entities, direct services  
23 providers, trade associations, and others in the development of  
24 these regulations or other policies related to community  
25 services.

1           The Department shall assume the following roles and  
2 responsibilities for community services:

3           (a) Service Priorities. Within the service categories  
4 described in Section 2 of this Act, establish and publish  
5 priorities for community services to be rendered, and priority  
6 populations to receive these services.

7           (b) Planning. By January 1, 1994 and by January 1 of each  
8 third year thereafter, prepare and publish a Plan which  
9 describes goals and objectives for community services  
10 state-wide and for regions and subregions needs assessment,  
11 steps and time-tables for implementation of the goals also  
12 shall be included; programmatic goals and objectives for  
13 community services shall cover the service categories defined  
14 in Section 2 of this Act; the Department shall insure local  
15 participation in the planning process.

16           (c) Public Information and Education. Develop programs  
17 aimed at improving the relationship between communities and  
18 their residents with disabilities; prepare and disseminate  
19 public information and educational materials on the prevention  
20 of developmental disabilities, mental illness, and substance  
21 use disorders ~~alcohol or drug dependence~~, and on available  
22 treatment and habilitation services for persons with these  
23 disabilities.

24           (d) Quality Assurance. Promulgate minimum program  
25 standards, rules and regulations to insure that Department  
26 funded services maintain acceptable quality and assure

1 enforcement of these standards through regular monitoring of  
2 services and through program evaluation; this applies except  
3 where this responsibility is explicitly given by law to another  
4 State agency.

5 (d-5) Accreditation requirements for providers of mental  
6 health and substance abuse treatment services. Except when the  
7 federal or State statutes authorizing a program, or the federal  
8 regulations implementing a program, are to the contrary,  
9 accreditation shall be accepted by the Department in lieu of  
10 the Department's facility or program certification or  
11 licensure onsite review requirements and shall be accepted as a  
12 substitute for the Department's administrative and program  
13 monitoring requirements, except as required by subsection  
14 (d-10), in the case of:

15 (1) Any organization from which the Department  
16 purchases mental health or substance abuse services and  
17 that is accredited under any of the following: the  
18 Comprehensive Accreditation Manual for Behavioral Health  
19 Care (Joint Commission on Accreditation of Healthcare  
20 Organizations (JCAHO)); the Comprehensive Accreditation  
21 Manual for Hospitals (JCAHO); the Standards Manual for the  
22 Council on Accreditation for Children and Family Services  
23 (Council on Accreditation for Children and Family Services  
24 (COA)); or the Standards Manual for Organizations Serving  
25 People with Disabilities (the Rehabilitation Accreditation  
26 Commission (CARF)).

1           (2) Any mental health facility or program licensed or  
2 certified by the Department, or any substance abuse service  
3 licensed by the Department, that is accredited under any of  
4 the following: the Comprehensive Accreditation Manual for  
5 Behavioral Health Care (JCAHO); the Comprehensive  
6 Accreditation Manual for Hospitals (JCAHO); the Standards  
7 Manual for the Council on Accreditation for Children and  
8 Family Services (COA); or the Standards Manual for  
9 Organizations Serving People with Disabilities (CARF).

10           (3) Any network of providers from which the Department  
11 purchases mental health or substance abuse services and  
12 that is accredited under any of the following: the  
13 Comprehensive Accreditation Manual for Behavioral Health  
14 Care (JCAHO); the Comprehensive Accreditation Manual for  
15 Hospitals (JCAHO); the Standards Manual for the Council on  
16 Accreditation for Children and Family Services (COA); the  
17 Standards Manual for Organizations Serving People with  
18 Disabilities (CARF); or the National Committee for Quality  
19 Assurance. A provider organization that is part of an  
20 accredited network shall be afforded the same rights under  
21 this subsection.

22           (d-10) For mental health and substance abuse services, the  
23 Department may develop standards or promulgate rules that  
24 establish additional standards for monitoring and licensing  
25 accredited programs, services, and facilities that the  
26 Department has determined are not covered by the accreditation

1 standards and processes. These additional standards for  
2 monitoring and licensing accredited programs, services, and  
3 facilities and the associated monitoring must not duplicate the  
4 standards and processes already covered by the accrediting  
5 bodies.

6 (d-15) The Department shall be given proof of compliance  
7 with fire and health safety standards, which must be submitted  
8 as required by rule.

9 (d-20) The Department, by accepting the survey or  
10 inspection of an accrediting organization, does not forfeit its  
11 rights to perform inspections at any time, including contract  
12 monitoring to ensure that services are provided in accordance  
13 with the contract. The Department reserves the right to monitor  
14 a provider of mental health and substance abuse treatment  
15 services when the survey or inspection of an accrediting  
16 organization has established any deficiency in the  
17 accreditation standards and processes.

18 (d-25) On and after the effective date of this amendatory  
19 Act of the 92nd General Assembly, the accreditation  
20 requirements of this Section apply to contracted organizations  
21 that are already accredited.

22 (e) Program Evaluation. Develop a system for conducting  
23 evaluation of the effectiveness of community services,  
24 according to preestablished performance standards; evaluate  
25 the extent to which performance according to established  
26 standards aids in achieving the goals of this Act; evaluation

1 data also shall be used for quality assurance purposes as well  
2 as for planning activities.

3 (f) Research. Conduct research in order to increase  
4 understanding of mental illness, developmental disabilities,  
5 and substance use disorders ~~and alcohol and drug dependence~~.

6 (g) Technical Assistance. Provide technical assistance to  
7 provider agencies receiving funds or serving clients in order  
8 to assist these agencies in providing appropriate, quality  
9 services; also provide assistance and guidance to other State  
10 agencies and local governmental bodies serving persons with  
11 disabilities in order to strengthen their efforts to provide  
12 appropriate community services; and assist provider agencies  
13 in accessing other available funding, including federal,  
14 State, local, third-party and private resources.

15 (h) Placement Process. Promote the appropriate placement  
16 of clients in community services through the development and  
17 implementation of client assessment and diagnostic instruments  
18 to assist in identifying the individual's service needs; client  
19 assessment instruments also can be utilized for purposes of  
20 program evaluation; whenever possible, assure that placements  
21 in State-operated facilities are referrals from community  
22 agencies.

23 (i) Interagency Coordination. Assume leadership in  
24 promoting cooperation among State health and human service  
25 agencies to insure that a comprehensive, coordinated community  
26 services system is in place; to insure persons with a



1 disability access to needed services; and to insure continuity  
2 of care and allow clients to move among service settings as  
3 their needs change; also work with other agencies to establish  
4 effective prevention programs.

5 (j) Financial Assistance. Provide financial assistance to  
6 local provider agencies through purchase-of-care contracts and  
7 grants, pursuant to Section 4 of this Act.

8 (Source: P.A. 99-143, eff. 7-27-15.)

9 (405 ILCS 30/4) (from Ch. 91 1/2, par. 904)

10 Sec. 4. Financing for Community Services.

11 (a) The Department of Human Services is authorized to  
12 provide financial reimbursement to eligible private service  
13 providers, corporations, local government entities or  
14 voluntary associations for the provision of services to persons  
15 with mental illness, persons with a developmental disability,  
16 and persons with substance use disorders who are ~~and alcohol~~  
17 ~~and drug dependent persons~~ living in the community for the  
18 purpose of achieving the goals of this Act.

19 The Department shall utilize the following funding  
20 mechanisms for community services:

21 (1) Purchase of Care Contracts: services purchased on a  
22 predetermined fee per unit of service basis from private  
23 providers or governmental entities. Fee per service rates  
24 are set by an established formula which covers some portion  
25 of personnel, supplies, and other allowable costs, and

1           which makes some allowance for geographic variations in  
2           costs as well as for additional program components.

3           (2) Grants: sums of money which the Department grants  
4           to private providers or governmental entities pursuant to  
5           the grant recipient's agreement to provide certain  
6           services, as defined by departmental grant guidelines, to  
7           an approximate number of service recipients. Grant levels  
8           are set through consideration of personnel, supply and  
9           other allowable costs, as well as other funds available to  
10          the program.

11          (3) Other Funding Arrangements: funding mechanisms may  
12          be established on a pilot basis in order to examine the  
13          feasibility of alternative financing arrangements for the  
14          provision of community services.

15          The Department shall establish and maintain an equitable  
16          system of payment which allows providers to improve persons  
17          with disabilities' capabilities for independence and reduces  
18          their reliance on State-operated services.

19          For services classified as entitlement services under  
20          federal law or guidelines, caps may not be placed on the total  
21          amount of payment a provider may receive in a fiscal year and  
22          the Department shall not require that a portion of the payments  
23          due be made in a subsequent fiscal year based on a yearly  
24          payment cap.

25          (b) The Governor shall create a commission by September 1,  
26          2009, or as soon thereafter as possible, to review funding

1 methodologies, identify gaps in funding, identify revenue, and  
2 prioritize use of that revenue for community developmental  
3 disability services, mental health services, alcohol and  
4 substance abuse services, rehabilitation services, and early  
5 intervention services. The Office of the Governor shall provide  
6 staff support for the commission.

7 (c) The first meeting of the commission shall be held  
8 within the first month after the creation and appointment of  
9 the commission, and a final report summarizing the commission's  
10 recommendations must be issued within 12 months after the first  
11 meeting, and no later than September 1, 2010, to the Governor  
12 and the General Assembly.

13 (d) The commission shall have the following 13 voting  
14 members:

15 (A) one member of the House of Representatives,  
16 appointed by the Speaker of the House of Representatives;

17 (B) one member of the House of Representatives,  
18 appointed by the House Minority Leader;

19 (C) one member of the Senate, appointed by the  
20 President of the Senate;

21 (D) one member of the Senate, appointed by the Senate  
22 Minority Leader;

23 (E) one person with a developmental disability, or a  
24 family member or guardian of such a person, appointed by  
25 the Governor;

26 (F) one person with a mental illness, or a family

1 member or guardian of such a person, appointed by the  
2 Governor;

3 (G) two persons from unions that represent employees of  
4 community providers that serve people with developmental  
5 disabilities, mental illness, and alcohol and substance  
6 abuse disorders, appointed by the Governor; and

7 (H) five persons from statewide associations that  
8 represent community providers that provide residential,  
9 day training, and other developmental disability services,  
10 mental health services, alcohol and substance abuse  
11 services, rehabilitation services, or early intervention  
12 services, or any combination of those, appointed by the  
13 Governor.

14 The commission shall also have the following ex-officio,  
15 nonvoting members:

16 (I) the Director of the Governor's Office of Management  
17 and Budget or his or her designee;

18 (J) the Chief Financial Officer of the Department of  
19 Human Services or his or her designee;

20 (K) the Administrator of the Department of Healthcare  
21 and Family Services Division of Finance or his or her  
22 designee;

23 (L) the Director of the Department of Human Services  
24 Division of Developmental Disabilities or his or her  
25 designee;

26 (M) the Director of the Department of Human Services

1 Division of Mental Health or his or her designee; and  
2 (N) the Director of the Department of Human Services  
3 Division of Alcoholism and Substance Abuse or his or her  
4 designee.

5 (e) The funding methodologies must reflect economic  
6 factors inherent in providing services and supports, recognize  
7 individual disability needs, and consider geographic  
8 differences, transportation costs, required staffing ratios,  
9 and mandates not currently funded.

10 (f) In accepting Department funds, providers shall  
11 recognize their responsibility to be accountable to the  
12 Department and the State for the delivery of services which are  
13 consistent with the philosophies and goals of this Act and the  
14 rules and regulations promulgated under it.

15 (Source: P.A. 96-652, eff. 8-24-09; 96-1472, eff. 8-23-10;  
16 97-813, eff. 7-13-12.)

17 Section 84. The Illinois Mental Health First Aid Training  
18 Act is amended by changing Sections 5, 15, 25, and 35 as  
19 follows:

20 (405 ILCS 105/5)

21 Sec. 5. Purpose. Through the use of innovative strategies,  
22 Mental Health First Aid training shall be implemented  
23 throughout the State. Mental Health First Aid training is  
24 designed to train individuals to assist someone who is

1 developing a mental health disorder or a substance use ~~an~~  
2 ~~alcohol or substance abuse~~ disorder, or who is experiencing a  
3 mental health or substance use disorder ~~abuse~~ crisis and it can  
4 be reasonably assumed that a mental health disorder or a  
5 substance use ~~an alcohol or substance abuse~~ disorder is a  
6 contributing or precipitating factor.

7 (Source: P.A. 98-195, eff. 8-7-13.)

8 (405 ILCS 105/15)

9 Sec. 15. Illinois Mental Health First Aid training program.  
10 The Department of Human Services shall administer the Illinois  
11 Mental Health First Aid training program so that certified  
12 trainers can provide Illinois residents, professionals, and  
13 members of the public with training on how to identify and  
14 assist someone who is believed to be developing or has  
15 developed a mental health disorder or a substance use ~~an~~  
16 ~~alcohol or substance abuse~~ disorder or who is believed to be  
17 experiencing a mental health or substance use disorder ~~abuse~~  
18 crisis.

19 (Source: P.A. 98-195, eff. 8-7-13.)

20 (405 ILCS 105/25)

21 Sec. 25. Objectives of the training program. The Illinois  
22 Mental Health First Aid training program shall be designed to  
23 train individuals to accomplish the following objectives as  
24 deemed appropriate for the individuals to be trained, taking

1 into consideration the individual's age:

2 (1) Build mental health, ~~alcohol abuse,~~ and substance  
3 use disorder ~~abuse~~ literacy designed to help the public  
4 identify, understand, and respond to the signs of mental  
5 illness, ~~alcohol abuse,~~ and substance use disorders ~~abuse~~.

6 (2) Assist someone who is believed to be developing or  
7 has developed a mental health disorder or a substance use  
8 ~~an alcohol or substance abuse~~ disorder or who is believed  
9 to be experiencing a mental health disorder or a substance  
10 use disorder ~~an alcohol or substance abuse~~ crisis. Such  
11 assistance shall include the following:

12 (A) Knowing how to recognize the symptoms of a  
13 mental health disorder or a substance use ~~an alcohol or~~  
14 ~~substance abuse~~ disorder.

15 (B) Knowing how to provide initial help.

16 (C) Knowing how to guide individuals requiring  
17 assistance toward appropriate professional help,  
18 including help for individuals who may be in crisis.

19 (D) Knowing how to provide comfort to the person  
20 experiencing a mental health disorder or a substance  
21 use ~~an alcohol or substance abuse~~ disorder.

22 (E) Knowing how to prevent a mental health disorder  
23 or a substance use ~~an alcohol or substance abuse~~  
24 disorder from deteriorating into a more serious  
25 condition which may lead to more costly interventions  
26 and treatments.

1 (F) Knowing how to promote healing, recovery, and  
2 good mental health.

3 (Source: P.A. 98-195, eff. 8-7-13.)

4 (405 ILCS 105/35)

5 Sec. 35. Evaluation. The Department of Human Services, as  
6 the Illinois Mental Health First Aid training authority, shall  
7 ensure that evaluative criteria are established which measure  
8 the distribution of the training grants and the fidelity of the  
9 training processes to the objective of building mental health,  
10 ~~alcohol abuse,~~ and substance use disorder ~~abuse~~ literacy  
11 designed to help the public identify, understand, and respond  
12 to the signs of mental illness, ~~alcohol abuse,~~ and substance  
13 use disorders ~~abuse~~.

14 (Source: P.A. 98-195, eff. 8-7-13.)

15 Section 85. The Consent by Minors to Medical Procedures Act  
16 is amended by changing Section 4 as follows:

17 (410 ILCS 210/4) (from Ch. 111, par. 4504)

18 Sec. 4. Sexually transmitted disease; drug or alcohol  
19 abuse. Notwithstanding any other provision of law, a minor 12  
20 years of age or older who may have come into contact with any  
21 sexually transmitted disease, or may be determined to be an  
22 intoxicated person or a person with a substance use disorder,  
23 as defined in the Substance Use Disorder Act, ~~an addict, an~~



1 ~~alcoholic or an intoxicated person, as defined in the~~  
2 ~~Alcoholism and Other Drug Abuse and Dependency Act,~~ or who may  
3 have a family member who abuses drugs or alcohol, may give  
4 consent to the furnishing of health care services or counseling  
5 related to the diagnosis or treatment of the disease. Each  
6 incident of sexually transmitted disease shall be reported to  
7 the State Department of Public Health or the local board of  
8 health in accordance with regulations adopted under statute or  
9 ordinance. The consent of the parent, parents, or legal  
10 guardian of a minor shall not be necessary to authorize health  
11 care services or counseling related to the diagnosis or  
12 treatment of sexually transmitted disease or drug use or  
13 alcohol consumption by the minor or the effects on the minor of  
14 drug or alcohol abuse by a member of the minor's family. The  
15 consent of the minor shall be valid and binding as if the minor  
16 had achieved his or her majority. The consent shall not be  
17 voidable nor subject to later disaffirmance because of  
18 minority.

19       Anyone involved in the furnishing of health services care  
20 to the minor or counseling related to the diagnosis or  
21 treatment of the minor's disease or drug or alcohol use by the  
22 minor or a member of the minor's family shall, upon the minor's  
23 consent, make reasonable efforts, to involve the family of the  
24 minor in his or her treatment, if the person furnishing  
25 treatment believes that the involvement of the family will not  
26 be detrimental to the progress and care of the minor.

1 Reasonable effort shall be extended to assist the minor in  
2 accepting the involvement of his or her family in the care and  
3 treatment being given.

4 (Source: P.A. 100-378, eff. 1-1-18.)

5 Section 90. The Juvenile Court Act of 1987 is amended by  
6 changing Sections 4-3, 5-615, and 5-710 as follows:

7 (705 ILCS 405/4-3) (from Ch. 37, par. 804-3)

8 Sec. 4-3. Addicted minor. Those who are addicted include  
9 any minor who has a substance use disorder as defined in the  
10 Substance Use Disorder Act. ~~is an addict or an alcoholic as~~  
11 ~~defined in the Alcoholism and Other Drug Abuse and Dependency~~  
12 ~~Act.~~

13 (Source: P.A. 88-670, eff. 12-2-94.)

14 (705 ILCS 405/5-615)

15 Sec. 5-615. Continuance under supervision.

16 (1) The court may enter an order of continuance under  
17 supervision for an offense other than first degree murder, a  
18 Class X felony or a forcible felony:

19 (a) upon an admission or stipulation by the appropriate  
20 respondent or minor respondent of the facts supporting the  
21 petition and before the court makes a finding of  
22 delinquency, and in the absence of objection made in open  
23 court by the minor, his or her parent, guardian, or legal

1           custodian, the minor's attorney or the State's Attorney; or

2           (b) upon a finding of delinquency and after considering  
3           the circumstances of the offense and the history,  
4           character, and condition of the minor, if the court is of  
5           the opinion that:

6                   (i) the minor is not likely to commit further  
7                   crimes;

8                   (ii) the minor and the public would be best served  
9                   if the minor were not to receive a criminal record; and

10                   (iii) in the best interests of justice an order of  
11                   continuance under supervision is more appropriate than  
12                   a sentence otherwise permitted under this Act.

13           (2) (Blank).

14           (3) Nothing in this Section limits the power of the court  
15           to order a continuance of the hearing for the production of  
16           additional evidence or for any other proper reason.

17           (4) When a hearing where a minor is alleged to be a  
18           delinquent is continued pursuant to this Section, the period of  
19           continuance under supervision may not exceed 24 months. The  
20           court may terminate a continuance under supervision at any time  
21           if warranted by the conduct of the minor and the ends of  
22           justice or vacate the finding of delinquency or both.

23           (5) When a hearing where a minor is alleged to be  
24           delinquent is continued pursuant to this Section, the court  
25           may, as conditions of the continuance under supervision,  
26           require the minor to do any of the following:

1 (a) not violate any criminal statute of any  
2 jurisdiction;

3 (b) make a report to and appear in person before any  
4 person or agency as directed by the court;

5 (c) work or pursue a course of study or vocational  
6 training;

7 (d) undergo medical or psychotherapeutic treatment  
8 rendered by a therapist licensed under the provisions of  
9 the Medical Practice Act of 1987, the Clinical Psychologist  
10 Licensing Act, or the Clinical Social Work and Social Work  
11 Practice Act, or an entity licensed by the Department of  
12 Human Services as a successor to the Department of  
13 Alcoholism and Substance Abuse, for the provision of  
14 substance use disorder services as defined in Section 1-10  
15 of the Substance Use Disorder Act ~~drug addiction and~~  
16 ~~alcoholism treatment~~;

17 (e) attend or reside in a facility established for the  
18 instruction or residence of persons on probation;

19 (f) support his or her dependents, if any;

20 (g) pay costs;

21 (h) refrain from possessing a firearm or other  
22 dangerous weapon, or an automobile;

23 (i) permit the probation officer to visit him or her at  
24 his or her home or elsewhere;

25 (j) reside with his or her parents or in a foster home;

26 (k) attend school;

1           (k-5) with the consent of the superintendent of the  
2           facility, attend an educational program at a facility other  
3           than the school in which the offense was committed if he or  
4           she committed a crime of violence as defined in Section 2  
5           of the Crime Victims Compensation Act in a school, on the  
6           real property comprising a school, or within 1,000 feet of  
7           the real property comprising a school;

8           (l) attend a non-residential program for youth;

9           (m) contribute to his or her own support at home or in  
10          a foster home;

11          (n) perform some reasonable public or community  
12          service;

13          (o) make restitution to the victim, in the same manner  
14          and under the same conditions as provided in subsection (4)  
15          of Section 5-710, except that the "sentencing hearing"  
16          referred to in that Section shall be the adjudicatory  
17          hearing for purposes of this Section;

18          (p) comply with curfew requirements as designated by  
19          the court;

20          (q) refrain from entering into a designated geographic  
21          area except upon terms as the court finds appropriate. The  
22          terms may include consideration of the purpose of the  
23          entry, the time of day, other persons accompanying the  
24          minor, and advance approval by a probation officer;

25          (r) refrain from having any contact, directly or  
26          indirectly, with certain specified persons or particular

1 types of persons, including but not limited to members of  
2 street gangs and drug users or dealers;

3 (r-5) undergo a medical or other procedure to have a  
4 tattoo symbolizing allegiance to a street gang removed from  
5 his or her body;

6 (s) refrain from having in his or her body the presence  
7 of any illicit drug prohibited by the Cannabis Control Act,  
8 the Illinois Controlled Substances Act, or the  
9 Methamphetamine Control and Community Protection Act,  
10 unless prescribed by a physician, and submit samples of his  
11 or her blood or urine or both for tests to determine the  
12 presence of any illicit drug; or

13 (t) comply with any other conditions as may be ordered  
14 by the court.

15 (6) A minor whose case is continued under supervision under  
16 subsection (5) shall be given a certificate setting forth the  
17 conditions imposed by the court. Those conditions may be  
18 reduced, enlarged, or modified by the court on motion of the  
19 probation officer or on its own motion, or that of the State's  
20 Attorney, or, at the request of the minor after notice and  
21 hearing.

22 (7) If a petition is filed charging a violation of a  
23 condition of the continuance under supervision, the court shall  
24 conduct a hearing. If the court finds that a condition of  
25 supervision has not been fulfilled, the court may proceed to  
26 findings, adjudication, and disposition or adjudication and

1 disposition. The filing of a petition for violation of a  
2 condition of the continuance under supervision shall toll the  
3 period of continuance under supervision until the final  
4 determination of the charge, and the term of the continuance  
5 under supervision shall not run until the hearing and  
6 disposition of the petition for violation; provided where the  
7 petition alleges conduct that does not constitute a criminal  
8 offense, the hearing must be held within 30 days of the filing  
9 of the petition unless a delay shall continue the tolling of  
10 the period of continuance under supervision for the period of  
11 the delay.

12 (8) When a hearing in which a minor is alleged to be a  
13 delinquent for reasons that include a violation of Section  
14 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
15 2012 is continued under this Section, the court shall, as a  
16 condition of the continuance under supervision, require the  
17 minor to perform community service for not less than 30 and not  
18 more than 120 hours, if community service is available in the  
19 jurisdiction. The community service shall include, but need not  
20 be limited to, the cleanup and repair of the damage that was  
21 caused by the alleged violation or similar damage to property  
22 located in the municipality or county in which the alleged  
23 violation occurred. The condition may be in addition to any  
24 other condition.

25 (8.5) When a hearing in which a minor is alleged to be a  
26 delinquent for reasons that include a violation of Section 3.02

1 or Section 3.03 of the Humane Care for Animals Act or paragraph  
2 (d) of subsection (1) of Section 21-1 of the Criminal Code of  
3 1961 or paragraph (4) of subsection (a) of Section 21-1 or the  
4 Criminal Code of 2012 is continued under this Section, the  
5 court shall, as a condition of the continuance under  
6 supervision, require the minor to undergo medical or  
7 psychiatric treatment rendered by a psychiatrist or  
8 psychological treatment rendered by a clinical psychologist.  
9 The condition may be in addition to any other condition.

10 (9) When a hearing in which a minor is alleged to be a  
11 delinquent is continued under this Section, the court, before  
12 continuing the case, shall make a finding whether the offense  
13 alleged to have been committed either: (i) was related to or in  
14 furtherance of the activities of an organized gang or was  
15 motivated by the minor's membership in or allegiance to an  
16 organized gang, or (ii) is a violation of paragraph (13) of  
17 subsection (a) of Section 12-2 or paragraph (2) of subsection  
18 (c) of Section 12-2 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012, a violation of any Section of Article 24  
20 of the Criminal Code of 1961 or the Criminal Code of 2012, or a  
21 violation of any statute that involved the unlawful use of a  
22 firearm. If the court determines the question in the  
23 affirmative the court shall, as a condition of the continuance  
24 under supervision and as part of or in addition to any other  
25 condition of the supervision, require the minor to perform  
26 community service for not less than 30 hours, provided that



1 community service is available in the jurisdiction and is  
2 funded and approved by the county board of the county where the  
3 offense was committed. The community service shall include, but  
4 need not be limited to, the cleanup and repair of any damage  
5 caused by an alleged violation of Section 21-1.3 of the  
6 Criminal Code of 1961 or the Criminal Code of 2012 and similar  
7 damage to property located in the municipality or county in  
8 which the alleged violation occurred. When possible and  
9 reasonable, the community service shall be performed in the  
10 minor's neighborhood. For the purposes of this Section,  
11 "organized gang" has the meaning ascribed to it in Section 10  
12 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

13 (10) The court shall impose upon a minor placed on  
14 supervision, as a condition of the supervision, a fee of \$50  
15 for each month of supervision ordered by the court, unless  
16 after determining the inability of the minor placed on  
17 supervision to pay the fee, the court assesses a lesser amount.  
18 The court may not impose the fee on a minor who is placed in the  
19 guardianship or custody of the Department of Children and  
20 Family Services under this Act while the minor is in placement.  
21 The fee shall be imposed only upon a minor who is actively  
22 supervised by the probation and court services department. A  
23 court may order the parent, guardian, or legal custodian of the  
24 minor to pay some or all of the fee on the minor's behalf.

25 (11) If a minor is placed on supervision for a violation of  
26 subsection (a-7) of Section 1 of the Prevention of Tobacco Use

1 by Minors Act, the court may, in its discretion, and upon  
2 recommendation by the State's Attorney, order that minor and  
3 his or her parents or legal guardian to attend a smoker's  
4 education or youth diversion program as defined in that Act if  
5 that program is available in the jurisdiction where the  
6 offender resides. Attendance at a smoker's education or youth  
7 diversion program shall be time-credited against any community  
8 service time imposed for any first violation of subsection  
9 (a-7) of Section 1 of that Act. In addition to any other  
10 penalty that the court may impose for a violation of subsection  
11 (a-7) of Section 1 of that Act, the court, upon request by the  
12 State's Attorney, may in its discretion require the offender to  
13 remit a fee for his or her attendance at a smoker's education  
14 or youth diversion program.

15 For purposes of this Section, "smoker's education program"  
16 or "youth diversion program" includes, but is not limited to, a  
17 seminar designed to educate a person on the physical and  
18 psychological effects of smoking tobacco products and the  
19 health consequences of smoking tobacco products that can be  
20 conducted with a locality's youth diversion program.

21 In addition to any other penalty that the court may impose  
22 under this subsection (11):

23 (a) If a minor violates subsection (a-7) of Section 1  
24 of the Prevention of Tobacco Use by Minors Act, the court  
25 may impose a sentence of 15 hours of community service or a  
26 fine of \$25 for a first violation.

1           (b) A second violation by a minor of subsection (a-7)  
2           of Section 1 of that Act that occurs within 12 months after  
3           the first violation is punishable by a fine of \$50 and 25  
4           hours of community service.

5           (c) A third or subsequent violation by a minor of  
6           subsection (a-7) of Section 1 of that Act that occurs  
7           within 12 months after the first violation is punishable by  
8           a \$100 fine and 30 hours of community service.

9           (d) Any second or subsequent violation not within the  
10          12-month time period after the first violation is  
11          punishable as provided for a first violation.

12         (Source: P.A. 100-159, eff. 8-18-17.)

13                 (705 ILCS 405/5-710)

14                 Sec. 5-710. Kinds of sentencing orders.

15                 (1) The following kinds of sentencing orders may be made in  
16         respect of wards of the court:

17                 (a) Except as provided in Sections 5-805, 5-810, and  
18                 5-815, a minor who is found guilty under Section 5-620 may  
19                 be:

20                         (i) put on probation or conditional discharge and  
21                         released to his or her parents, guardian or legal  
22                         custodian, provided, however, that any such minor who  
23                         is not committed to the Department of Juvenile Justice  
24                         under this subsection and who is found to be a  
25                         delinquent for an offense which is first degree murder,

1 a Class X felony, or a forcible felony shall be placed  
2 on probation;

3 (ii) placed in accordance with Section 5-740, with  
4 or without also being put on probation or conditional  
5 discharge;

6 (iii) required to undergo a substance abuse  
7 assessment conducted by a licensed provider and  
8 participate in the indicated clinical level of care;

9 (iv) on and after the effective date of this  
10 amendatory Act of the 98th General Assembly and before  
11 January 1, 2017, placed in the guardianship of the  
12 Department of Children and Family Services, but only if  
13 the delinquent minor is under 16 years of age or,  
14 pursuant to Article II of this Act, a minor for whom an  
15 independent basis of abuse, neglect, or dependency  
16 exists. On and after January 1, 2017, placed in the  
17 guardianship of the Department of Children and Family  
18 Services, but only if the delinquent minor is under 15  
19 years of age or, pursuant to Article II of this Act, a  
20 minor for whom an independent basis of abuse, neglect,  
21 or dependency exists. An independent basis exists when  
22 the allegations or adjudication of abuse, neglect, or  
23 dependency do not arise from the same facts, incident,  
24 or circumstances which give rise to a charge or  
25 adjudication of delinquency;

26 (v) placed in detention for a period not to exceed

1           30 days, either as the exclusive order of disposition  
2           or, where appropriate, in conjunction with any other  
3           order of disposition issued under this paragraph,  
4           provided that any such detention shall be in a juvenile  
5           detention home and the minor so detained shall be 10  
6           years of age or older. However, the 30-day limitation  
7           may be extended by further order of the court for a  
8           minor under age 15 committed to the Department of  
9           Children and Family Services if the court finds that  
10          the minor is a danger to himself or others. The minor  
11          shall be given credit on the sentencing order of  
12          detention for time spent in detention under Sections  
13          5-501, 5-601, 5-710, or 5-720 of this Article as a  
14          result of the offense for which the sentencing order  
15          was imposed. The court may grant credit on a sentencing  
16          order of detention entered under a violation of  
17          probation or violation of conditional discharge under  
18          Section 5-720 of this Article for time spent in  
19          detention before the filing of the petition alleging  
20          the violation. A minor shall not be deprived of credit  
21          for time spent in detention before the filing of a  
22          violation of probation or conditional discharge  
23          alleging the same or related act or acts. The  
24          limitation that the minor shall only be placed in a  
25          juvenile detention home does not apply as follows:

26               Persons 18 years of age and older who have a

1 petition of delinquency filed against them may be  
2 confined in an adult detention facility. In making a  
3 determination whether to confine a person 18 years of  
4 age or older who has a petition of delinquency filed  
5 against the person, these factors, among other  
6 matters, shall be considered:

7 (A) the age of the person;

8 (B) any previous delinquent or criminal  
9 history of the person;

10 (C) any previous abuse or neglect history of  
11 the person;

12 (D) any mental health history of the person;

13 and

14 (E) any educational history of the person;

15 (vi) ordered partially or completely emancipated  
16 in accordance with the provisions of the Emancipation  
17 of Minors Act;

18 (vii) subject to having his or her driver's license  
19 or driving privileges suspended for such time as  
20 determined by the court but only until he or she  
21 attains 18 years of age;

22 (viii) put on probation or conditional discharge  
23 and placed in detention under Section 3-6039 of the  
24 Counties Code for a period not to exceed the period of  
25 incarceration permitted by law for adults found guilty  
26 of the same offense or offenses for which the minor was

1 adjudicated delinquent, and in any event no longer than  
2 upon attainment of age 21; this subdivision (viii)  
3 notwithstanding any contrary provision of the law;

4 (ix) ordered to undergo a medical or other  
5 procedure to have a tattoo symbolizing allegiance to a  
6 street gang removed from his or her body; or

7 (x) placed in electronic monitoring or home  
8 detention under Part 7A of this Article.

9 (b) A minor found to be guilty may be committed to the  
10 Department of Juvenile Justice under Section 5-750 if the  
11 minor is at least 13 years and under 20 years of age,  
12 provided that the commitment to the Department of Juvenile  
13 Justice shall be made only if the minor was found guilty of  
14 a felony offense or first degree murder. The court shall  
15 include in the sentencing order any pre-custody credits the  
16 minor is entitled to under Section 5-4.5-100 of the Unified  
17 Code of Corrections. The time during which a minor is in  
18 custody before being released upon the request of a parent,  
19 guardian or legal custodian shall also be considered as  
20 time spent in custody.

21 (c) When a minor is found to be guilty for an offense  
22 which is a violation of the Illinois Controlled Substances  
23 Act, the Cannabis Control Act, or the Methamphetamine  
24 Control and Community Protection Act and made a ward of the  
25 court, the court may enter a disposition order requiring  
26 the minor to undergo assessment, counseling or treatment in

1 a substance use disorder treatment program ~~substance abuse~~  
2 ~~program~~ approved by the Department of Human Services.

3 (2) Any sentencing order other than commitment to the  
4 Department of Juvenile Justice may provide for protective  
5 supervision under Section 5-725 and may include an order of  
6 protection under Section 5-730.

7 (3) Unless the sentencing order expressly so provides, it  
8 does not operate to close proceedings on the pending petition,  
9 but is subject to modification until final closing and  
10 discharge of the proceedings under Section 5-750.

11 (4) In addition to any other sentence, the court may order  
12 any minor found to be delinquent to make restitution, in  
13 monetary or non-monetary form, under the terms and conditions  
14 of Section 5-5-6 of the Unified Code of Corrections, except  
15 that the "presentencing hearing" referred to in that Section  
16 shall be the sentencing hearing for purposes of this Section.  
17 The parent, guardian or legal custodian of the minor may be  
18 ordered by the court to pay some or all of the restitution on  
19 the minor's behalf, pursuant to the Parental Responsibility  
20 Law. The State's Attorney is authorized to act on behalf of any  
21 victim in seeking restitution in proceedings under this  
22 Section, up to the maximum amount allowed in Section 5 of the  
23 Parental Responsibility Law.

24 (5) Any sentencing order where the minor is committed or  
25 placed in accordance with Section 5-740 shall provide for the  
26 parents or guardian of the estate of the minor to pay to the



1 legal custodian or guardian of the person of the minor such  
2 sums as are determined by the custodian or guardian of the  
3 person of the minor as necessary for the minor's needs. The  
4 payments may not exceed the maximum amounts provided for by  
5 Section 9.1 of the Children and Family Services Act.

6 (6) Whenever the sentencing order requires the minor to  
7 attend school or participate in a program of training, the  
8 truant officer or designated school official shall regularly  
9 report to the court if the minor is a chronic or habitual  
10 truant under Section 26-2a of the School Code. Notwithstanding  
11 any other provision of this Act, in instances in which  
12 educational services are to be provided to a minor in a  
13 residential facility where the minor has been placed by the  
14 court, costs incurred in the provision of those educational  
15 services must be allocated based on the requirements of the  
16 School Code.

17 (7) In no event shall a guilty minor be committed to the  
18 Department of Juvenile Justice for a period of time in excess  
19 of that period for which an adult could be committed for the  
20 same act. The court shall include in the sentencing order a  
21 limitation on the period of confinement not to exceed the  
22 maximum period of imprisonment the court could impose under  
23 Article V of the Unified Code of Corrections.

24 (7.5) In no event shall a guilty minor be committed to the  
25 Department of Juvenile Justice or placed in detention when the  
26 act for which the minor was adjudicated delinquent would not be

1 illegal if committed by an adult.

2 (7.6) In no event shall a guilty minor be committed to the  
3 Department of Juvenile Justice for an offense which is a Class  
4 4 felony under Section 19-4 (criminal trespass to a residence),  
5 21-1 (criminal damage to property), 21-1.01 (criminal damage to  
6 government supported property), 21-1.3 (criminal defacement of  
7 property), 26-1 (disorderly conduct), or 31-4 (obstructing  
8 justice) of the Criminal Code of 2012.

9 (7.75) In no event shall a guilty minor be committed to the  
10 Department of Juvenile Justice for an offense that is a Class 3  
11 or Class 4 felony violation of the Illinois Controlled  
12 Substances Act unless the commitment occurs upon a third or  
13 subsequent judicial finding of a violation of probation for  
14 substantial noncompliance with court-ordered treatment or  
15 programming.

16 (8) A minor found to be guilty for reasons that include a  
17 violation of Section 21-1.3 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012 shall be ordered to perform community  
19 service for not less than 30 and not more than 120 hours, if  
20 community service is available in the jurisdiction. The  
21 community service shall include, but need not be limited to,  
22 the cleanup and repair of the damage that was caused by the  
23 violation or similar damage to property located in the  
24 municipality or county in which the violation occurred. The  
25 order may be in addition to any other order authorized by this  
26 Section.

1           (8.5) A minor found to be guilty for reasons that include a  
2 violation of Section 3.02 or Section 3.03 of the Humane Care  
3 for Animals Act or paragraph (d) of subsection (1) of Section  
4 21-1 of the Criminal Code of 1961 or paragraph (4) of  
5 subsection (a) of Section 21-1 of the Criminal Code of 2012  
6 shall be ordered to undergo medical or psychiatric treatment  
7 rendered by a psychiatrist or psychological treatment rendered  
8 by a clinical psychologist. The order may be in addition to any  
9 other order authorized by this Section.

10           (9) In addition to any other sentencing order, the court  
11 shall order any minor found to be guilty for an act which would  
12 constitute, predatory criminal sexual assault of a child,  
13 aggravated criminal sexual assault, criminal sexual assault,  
14 aggravated criminal sexual abuse, or criminal sexual abuse if  
15 committed by an adult to undergo medical testing to determine  
16 whether the defendant has any sexually transmissible disease  
17 including a test for infection with human immunodeficiency  
18 virus (HIV) or any other identified causative agency of  
19 acquired immunodeficiency syndrome (AIDS). Any medical test  
20 shall be performed only by appropriately licensed medical  
21 practitioners and may include an analysis of any bodily fluids  
22 as well as an examination of the minor's person. Except as  
23 otherwise provided by law, the results of the test shall be  
24 kept strictly confidential by all medical personnel involved in  
25 the testing and must be personally delivered in a sealed  
26 envelope to the judge of the court in which the sentencing

1 order was entered for the judge's inspection in camera. Acting  
2 in accordance with the best interests of the victim and the  
3 public, the judge shall have the discretion to determine to  
4 whom the results of the testing may be revealed. The court  
5 shall notify the minor of the results of the test for infection  
6 with the human immunodeficiency virus (HIV). The court shall  
7 also notify the victim if requested by the victim, and if the  
8 victim is under the age of 15 and if requested by the victim's  
9 parents or legal guardian, the court shall notify the victim's  
10 parents or the legal guardian, of the results of the test for  
11 infection with the human immunodeficiency virus (HIV). The  
12 court shall provide information on the availability of HIV  
13 testing and counseling at the Department of Public Health  
14 facilities to all parties to whom the results of the testing  
15 are revealed. The court shall order that the cost of any test  
16 shall be paid by the county and may be taxed as costs against  
17 the minor.

18 (10) When a court finds a minor to be guilty the court  
19 shall, before entering a sentencing order under this Section,  
20 make a finding whether the offense committed either: (a) was  
21 related to or in furtherance of the criminal activities of an  
22 organized gang or was motivated by the minor's membership in or  
23 allegiance to an organized gang, or (b) involved a violation of  
24 subsection (a) of Section 12-7.1 of the Criminal Code of 1961  
25 or the Criminal Code of 2012, a violation of any Section of  
26 Article 24 of the Criminal Code of 1961 or the Criminal Code of

1 2012, or a violation of any statute that involved the wrongful  
2 use of a firearm. If the court determines the question in the  
3 affirmative, and the court does not commit the minor to the  
4 Department of Juvenile Justice, the court shall order the minor  
5 to perform community service for not less than 30 hours nor  
6 more than 120 hours, provided that community service is  
7 available in the jurisdiction and is funded and approved by the  
8 county board of the county where the offense was committed. The  
9 community service shall include, but need not be limited to,  
10 the cleanup and repair of any damage caused by a violation of  
11 Section 21-1.3 of the Criminal Code of 1961 or the Criminal  
12 Code of 2012 and similar damage to property located in the  
13 municipality or county in which the violation occurred. When  
14 possible and reasonable, the community service shall be  
15 performed in the minor's neighborhood. This order shall be in  
16 addition to any other order authorized by this Section except  
17 for an order to place the minor in the custody of the  
18 Department of Juvenile Justice. For the purposes of this  
19 Section, "organized gang" has the meaning ascribed to it in  
20 Section 10 of the Illinois Streetgang Terrorism Omnibus  
21 Prevention Act.

22 (11) If the court determines that the offense was committed  
23 in furtherance of the criminal activities of an organized gang,  
24 as provided in subsection (10), and that the offense involved  
25 the operation or use of a motor vehicle or the use of a  
26 driver's license or permit, the court shall notify the

1 Secretary of State of that determination and of the period for  
2 which the minor shall be denied driving privileges. If, at the  
3 time of the determination, the minor does not hold a driver's  
4 license or permit, the court shall provide that the minor shall  
5 not be issued a driver's license or permit until his or her  
6 18th birthday. If the minor holds a driver's license or permit  
7 at the time of the determination, the court shall provide that  
8 the minor's driver's license or permit shall be revoked until  
9 his or her 21st birthday, or until a later date or occurrence  
10 determined by the court. If the minor holds a driver's license  
11 at the time of the determination, the court may direct the  
12 Secretary of State to issue the minor a judicial driving  
13 permit, also known as a JDP. The JDP shall be subject to the  
14 same terms as a JDP issued under Section 6-206.1 of the  
15 Illinois Vehicle Code, except that the court may direct that  
16 the JDP be effective immediately.

17 (12) If a minor is found to be guilty of a violation of  
18 subsection (a-7) of Section 1 of the Prevention of Tobacco Use  
19 by Minors Act, the court may, in its discretion, and upon  
20 recommendation by the State's Attorney, order that minor and  
21 his or her parents or legal guardian to attend a smoker's  
22 education or youth diversion program as defined in that Act if  
23 that program is available in the jurisdiction where the  
24 offender resides. Attendance at a smoker's education or youth  
25 diversion program shall be time-credited against any community  
26 service time imposed for any first violation of subsection

1 (a-7) of Section 1 of that Act. In addition to any other  
2 penalty that the court may impose for a violation of subsection  
3 (a-7) of Section 1 of that Act, the court, upon request by the  
4 State's Attorney, may in its discretion require the offender to  
5 remit a fee for his or her attendance at a smoker's education  
6 or youth diversion program.

7 For purposes of this Section, "smoker's education program"  
8 or "youth diversion program" includes, but is not limited to, a  
9 seminar designed to educate a person on the physical and  
10 psychological effects of smoking tobacco products and the  
11 health consequences of smoking tobacco products that can be  
12 conducted with a locality's youth diversion program.

13 In addition to any other penalty that the court may impose  
14 under this subsection (12):

15 (a) If a minor violates subsection (a-7) of Section 1  
16 of the Prevention of Tobacco Use by Minors Act, the court  
17 may impose a sentence of 15 hours of community service or a  
18 fine of \$25 for a first violation.

19 (b) A second violation by a minor of subsection (a-7)  
20 of Section 1 of that Act that occurs within 12 months after  
21 the first violation is punishable by a fine of \$50 and 25  
22 hours of community service.

23 (c) A third or subsequent violation by a minor of  
24 subsection (a-7) of Section 1 of that Act that occurs  
25 within 12 months after the first violation is punishable by  
26 a \$100 fine and 30 hours of community service.

1           (d) Any second or subsequent violation not within the  
2           12-month time period after the first violation is  
3           punishable as provided for a first violation.

4           (Source: P.A. 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 99-879,  
5           eff. 1-1-17; 100-201, eff. 8-18-17; 100-431, eff. 8-25-17.)

6           Section 95. The Criminal Code of 2012 is amended by  
7           changing Section 29B-1 as follows:

8           (720 ILCS 5/29B-1) (from Ch. 38, par. 29B-1)

9           (Text of Section before amendment by P.A. 100-512)

10          Sec. 29B-1. (a) A person commits the offense of money  
11          laundering:

12               (1) when, knowing that the property involved in a  
13               financial transaction represents the proceeds of some form  
14               of unlawful activity, he or she conducts or attempts to  
15               conduct such a financial transaction which in fact involves  
16               criminally derived property:

17                       (A) with the intent to promote the carrying on of  
18                       the unlawful activity from which the criminally  
19                       derived property was obtained; or

20                       (B) where he or she knows or reasonably should know  
21                       that the financial transaction is designed in whole or  
22                       in part:

23                               (i) to conceal or disguise the nature, the  
24                               location, the source, the ownership or the control



1 of the criminally derived property; or  
2 (ii) to avoid a transaction reporting  
3 requirement under State law; or

4 (1.5) when he or she transports, transmits, or  
5 transfers, or attempts to transport, transmit, or transfer  
6 a monetary instrument:

7 (A) with the intent to promote the carrying on of  
8 the unlawful activity from which the criminally  
9 derived property was obtained; or

10 (B) knowing, or having reason to know, that the  
11 financial transaction is designed in whole or in part:

12 (i) to conceal or disguise the nature, the  
13 location, the source, the ownership or the control  
14 of the criminally derived property; or

15 (ii) to avoid a transaction reporting  
16 requirement under State law; or

17 (2) when, with the intent to:

18 (A) promote the carrying on of a specified criminal  
19 activity as defined in this Article; or

20 (B) conceal or disguise the nature, location,  
21 source, ownership, or control of property believed to  
22 be the proceeds of a specified criminal activity as  
23 defined by subdivision (b) (6); or

24 (C) avoid a transaction reporting requirement  
25 under State law,

26 he or she conducts or attempts to conduct a financial

1 transaction involving property he or she believes to be the  
2 proceeds of specified criminal activity as defined by  
3 subdivision (b) (6) or property used to conduct or  
4 facilitate specified criminal activity as defined by  
5 subdivision (b) (6).

6 (b) As used in this Section:

7 (0.5) "Knowing that the property involved in a  
8 financial transaction represents the proceeds of some form  
9 of unlawful activity" means that the person knew the  
10 property involved in the transaction represented proceeds  
11 from some form, though not necessarily which form, of  
12 activity that constitutes a felony under State, federal, or  
13 foreign law.

14 (1) "Financial transaction" means a purchase, sale,  
15 loan, pledge, gift, transfer, delivery or other  
16 disposition utilizing criminally derived property, and  
17 with respect to financial institutions, includes a  
18 deposit, withdrawal, transfer between accounts, exchange  
19 of currency, loan, extension of credit, purchase or sale of  
20 any stock, bond, certificate of deposit or other monetary  
21 instrument, use of safe deposit box, or any other payment,  
22 transfer or delivery by, through, or to a financial  
23 institution. For purposes of clause (a) (2) of this Section,  
24 the term "financial transaction" also means a transaction  
25 which without regard to whether the funds, monetary  
26 instruments, or real or personal property involved in the

1 transaction are criminally derived, any transaction which  
2 in any way or degree: (1) involves the movement of funds by  
3 wire or any other means; (2) involves one or more monetary  
4 instruments; or (3) the transfer of title to any real or  
5 personal property. The receipt by an attorney of bona fide  
6 fees for the purpose of legal representation is not a  
7 financial transaction for purposes of this Section.

8 (2) "Financial institution" means any bank; saving and  
9 loan association; trust company; agency or branch of a  
10 foreign bank in the United States; currency exchange;  
11 credit union, mortgage banking institution; pawnbroker;  
12 loan or finance company; operator of a credit card system;  
13 issuer, redeemer or cashier of travelers checks, checks or  
14 money orders; dealer in precious metals, stones or jewels;  
15 broker or dealer in securities or commodities; investment  
16 banker; or investment company.

17 (3) "Monetary instrument" means United States coins  
18 and currency; coins and currency of a foreign country;  
19 travelers checks; personal checks, bank checks, and money  
20 orders; investment securities; bearer negotiable  
21 instruments; bearer investment securities; or bearer  
22 securities and certificates of stock in such form that  
23 title thereto passes upon delivery.

24 (4) "Criminally derived property" means: (A) any  
25 property, real or personal, constituting or derived from  
26 proceeds obtained, directly or indirectly, from activity

1 that constitutes a felony under State, federal, or foreign  
2 law; or (B) any property represented to be property  
3 constituting or derived from proceeds obtained, directly  
4 or indirectly, from activity that constitutes a felony  
5 under State, federal, or foreign law.

6 (5) "Conduct" or "conducts" includes, in addition to  
7 its ordinary meaning, initiating, concluding, or  
8 participating in initiating or concluding a transaction.

9 (6) "Specified criminal activity" means any violation  
10 of Section 29D-15.1 (720 ILCS 5/29D-15.1) and any violation  
11 of Article 29D of this Code.

12 (7) "Director" means the Director of State Police or  
13 his or her designated agents.

14 (8) "Department" means the Department of State Police  
15 of the State of Illinois or its successor agency.

16 (9) "Transaction reporting requirement under State  
17 law" means any violation as defined under the Currency  
18 Reporting Act.

19 (c) Sentence.

20 (1) Laundering of criminally derived property of a  
21 value not exceeding \$10,000 is a Class 3 felony;

22 (2) Laundering of criminally derived property of a  
23 value exceeding \$10,000 but not exceeding \$100,000 is a  
24 Class 2 felony;

25 (3) Laundering of criminally derived property of a  
26 value exceeding \$100,000 but not exceeding \$500,000 is a

1 Class 1 felony;

2 (4) Money laundering in violation of subsection (a) (2)  
3 of this Section is a Class X felony;

4 (5) Laundering of criminally derived property of a  
5 value exceeding \$500,000 is a Class 1 non-probationable  
6 felony;

7 (6) In a prosecution under clause (a) (1.5) (B) (ii) of  
8 this Section, the sentences are as follows:

9 (A) Laundering of property of a value not exceeding  
10 \$10,000 is a Class 3 felony;

11 (B) Laundering of property of a value exceeding  
12 \$10,000 but not exceeding \$100,000 is a Class 2 felony;

13 (C) Laundering of property of a value exceeding  
14 \$100,000 but not exceeding \$500,000 is a Class 1  
15 felony;

16 (D) Laundering of property of a value exceeding  
17 \$500,000 is a Class 1 non-probationable felony.

18 (d) Evidence. In a prosecution under this Article, either  
19 party may introduce the following evidence pertaining to the  
20 issue of whether the property or proceeds were known to be some  
21 form of criminally derived property or from some form of  
22 unlawful activity:

23 (1) A financial transaction was conducted or  
24 structured or attempted in violation of the reporting  
25 requirements of any State or federal law; or

26 (2) A financial transaction was conducted or attempted

1 with the use of a false or fictitious name or a forged  
2 instrument; or

3 (3) A falsely altered or completed written instrument  
4 or a written instrument that contains any materially false  
5 personal identifying information was made, used, offered  
6 or presented, whether accepted or not, in connection with a  
7 financial transaction; or

8 (4) A financial transaction was structured or  
9 attempted to be structured so as to falsely report the  
10 actual consideration or value of the transaction; or

11 (5) A money transmitter, a person engaged in a trade or  
12 business or any employee of a money transmitter or a person  
13 engaged in a trade or business, knows or reasonably should  
14 know that false personal identifying information has been  
15 presented and incorporates the false personal identifying  
16 information into any report or record; or

17 (6) The criminally derived property is transported or  
18 possessed in a fashion inconsistent with the ordinary or  
19 usual means of transportation or possession of such  
20 property and where the property is discovered in the  
21 absence of any documentation or other indicia of legitimate  
22 origin or right to such property; or

23 (7) A person pays or receives substantially less than  
24 face value for one or more monetary instruments; or

25 (8) A person engages in a transaction involving one or  
26 more monetary instruments, where the physical condition or

1 form of the monetary instrument or instruments makes it  
2 apparent that they are not the product of bona fide  
3 business or financial transactions.

4 (e) Duty to enforce this Article.

5 (1) It is the duty of the Department of State Police,  
6 and its agents, officers, and investigators, to enforce all  
7 provisions of this Article, except those specifically  
8 delegated, and to cooperate with all agencies charged with  
9 the enforcement of the laws of the United States, or of any  
10 state, relating to money laundering. Only an agent,  
11 officer, or investigator designated by the Director may be  
12 authorized in accordance with this Section to serve seizure  
13 notices, warrants, subpoenas, and summonses under the  
14 authority of this State.

15 (2) Any agent, officer, investigator, or peace officer  
16 designated by the Director may: (A) make seizure of  
17 property pursuant to the provisions of this Article; and  
18 (B) perform such other law enforcement duties as the  
19 Director designates. It is the duty of all State's  
20 Attorneys to prosecute violations of this Article and  
21 institute legal proceedings as authorized under this  
22 Article.

23 (f) Protective orders.

24 (1) Upon application of the State, the court may enter  
25 a restraining order or injunction, require the execution of  
26 a satisfactory performance bond, or take any other action

1 to preserve the availability of property described in  
2 subsection (h) for forfeiture under this Article:

3 (A) upon the filing of an indictment, information,  
4 or complaint charging a violation of this Article for  
5 which forfeiture may be ordered under this Article and  
6 alleging that the property with respect to which the  
7 order is sought would be subject to forfeiture under  
8 this Article; or

9 (B) prior to the filing of such an indictment,  
10 information, or complaint, if, after notice to persons  
11 appearing to have an interest in the property and  
12 opportunity for a hearing, the court determines that:

13 (i) there is probable cause to believe that the  
14 State will prevail on the issue of forfeiture and  
15 that failure to enter the order will result in the  
16 property being destroyed, removed from the  
17 jurisdiction of the court, or otherwise made  
18 unavailable for forfeiture; and

19 (ii) the need to preserve the availability of  
20 the property through the entry of the requested  
21 order outweighs the hardship on any party against  
22 whom the order is to be entered.

23 Provided, however, that an order entered pursuant  
24 to subparagraph (B) shall be effective for not more  
25 than 90 days, unless extended by the court for good  
26 cause shown or unless an indictment, information,



1 complaint, or administrative notice has been filed.

2 (2) A temporary restraining order under this  
3 subsection may be entered upon application of the State  
4 without notice or opportunity for a hearing when an  
5 indictment, information, complaint, or administrative  
6 notice has not yet been filed with respect to the property,  
7 if the State demonstrates that there is probable cause to  
8 believe that the property with respect to which the order  
9 is sought would be subject to forfeiture under this Section  
10 and that provision of notice will jeopardize the  
11 availability of the property for forfeiture. Such a  
12 temporary order shall expire not more than 30 days after  
13 the date on which it is entered, unless extended for good  
14 cause shown or unless the party against whom it is entered  
15 consents to an extension for a longer period. A hearing  
16 requested concerning an order entered under this paragraph  
17 shall be held at the earliest possible time and prior to  
18 the expiration of the temporary order.

19 (3) The court may receive and consider, at a hearing  
20 held pursuant to this subsection (f), evidence and  
21 information that would be inadmissible under the Illinois  
22 rules of evidence.

23 (4) Order to repatriate and deposit.

24 (A) In general. Pursuant to its authority to enter  
25 a pretrial restraining order under this Section, the  
26 court may order a defendant to repatriate any property

1           that may be seized and forfeited and to deposit that  
2           property pending trial with the Illinois State Police  
3           or another law enforcement agency designated by the  
4           Illinois State Police.

5           (B) Failure to comply. Failure to comply with an  
6           order under this subsection (f) is punishable as a  
7           civil or criminal contempt of court.

8           (g) Warrant of seizure. The State may request the issuance  
9           of a warrant authorizing the seizure of property described in  
10          subsection (h) in the same manner as provided for a search  
11          warrant. If the court determines that there is probable cause  
12          to believe that the property to be seized would be subject to  
13          forfeiture, the court shall issue a warrant authorizing the  
14          seizure of such property.

15          (h) Forfeiture.

16           (1) The following are subject to forfeiture:

17           (A) any property, real or personal, constituting,  
18           derived from, or traceable to any proceeds the person  
19           obtained directly or indirectly, as a result of a  
20           violation of this Article;

21           (B) any of the person's property used, or intended  
22           to be used, in any manner or part, to commit, or to  
23           facilitate the commission of, a violation of this  
24           Article;

25           (C) all conveyances, including aircraft, vehicles  
26           or vessels, which are used, or intended for use, to

1 transport, or in any manner to facilitate the  
2 transportation, sale, receipt, possession, or  
3 concealment of property described in subparagraphs (A)  
4 and (B), but:

5 (i) no conveyance used by any person as a  
6 common carrier in the transaction of business as a  
7 common carrier is subject to forfeiture under this  
8 Section unless it appears that the owner or other  
9 person in charge of the conveyance is a consenting  
10 party or privy to a violation of this Article;

11 (ii) no conveyance is subject to forfeiture  
12 under this Section by reason of any act or omission  
13 which the owner proves to have been committed or  
14 omitted without his or her knowledge or consent;

15 (iii) a forfeiture of a conveyance encumbered  
16 by a bona fide security interest is subject to the  
17 interest of the secured party if he or she neither  
18 had knowledge of nor consented to the act or  
19 omission;

20 (D) all real property, including any right, title,  
21 and interest (including, but not limited to, any  
22 leasehold interest or the beneficial interest in a land  
23 trust) in the whole of any lot or tract of land and any  
24 appurtenances or improvements, which is used or  
25 intended to be used, in any manner or part, to commit,  
26 or in any manner to facilitate the commission of, any

1 violation of this Article or that is the proceeds of  
2 any violation or act that constitutes a violation of  
3 this Article.

4 (2) Property subject to forfeiture under this Article  
5 may be seized by the Director or any peace officer upon  
6 process or seizure warrant issued by any court having  
7 jurisdiction over the property. Seizure by the Director or  
8 any peace officer without process may be made:

9 (A) if the seizure is incident to a seizure  
10 warrant;

11 (B) if the property subject to seizure has been the  
12 subject of a prior judgment in favor of the State in a  
13 criminal proceeding, or in an injunction or forfeiture  
14 proceeding based upon this Article;

15 (C) if there is probable cause to believe that the  
16 property is directly or indirectly dangerous to health  
17 or safety;

18 (D) if there is probable cause to believe that the  
19 property is subject to forfeiture under this Article  
20 and the property is seized under circumstances in which  
21 a warrantless seizure or arrest would be reasonable; or

22 (E) in accordance with the Code of Criminal  
23 Procedure of 1963.

24 (3) In the event of seizure pursuant to paragraph (2),  
25 forfeiture proceedings shall be instituted in accordance  
26 with subsections (i) through (r).

1           (4) Property taken or detained under this Section shall  
2 not be subject to replevin, but is deemed to be in the  
3 custody of the Director subject only to the order and  
4 judgments of the circuit court having jurisdiction over the  
5 forfeiture proceedings and the decisions of the State's  
6 Attorney under this Article. When property is seized under  
7 this Article, the seizing agency shall promptly conduct an  
8 inventory of the seized property and estimate the  
9 property's value and shall forward a copy of the inventory  
10 of seized property and the estimate of the property's value  
11 to the Director. Upon receiving notice of seizure, the  
12 Director may:

13                   (A) place the property under seal;

14                   (B) remove the property to a place designated by  
15 the Director;

16                   (C) keep the property in the possession of the  
17 seizing agency;

18                   (D) remove the property to a storage area for  
19 safekeeping or, if the property is a negotiable  
20 instrument or money and is not needed for evidentiary  
21 purposes, deposit it in an interest bearing account;

22                   (E) place the property under constructive seizure  
23 by posting notice of pending forfeiture on it, by  
24 giving notice of pending forfeiture to its owners and  
25 interest holders, or by filing notice of pending  
26 forfeiture in any appropriate public record relating

1 to the property; or

2 (F) provide for another agency or custodian,  
3 including an owner, secured party, or lienholder, to  
4 take custody of the property upon the terms and  
5 conditions set by the Director.

6 (5) When property is forfeited under this Article, the  
7 Director shall sell all such property unless such property  
8 is required by law to be destroyed or is harmful to the  
9 public, and shall distribute the proceeds of the sale,  
10 together with any moneys forfeited or seized, in accordance  
11 with paragraph (6). However, upon the application of the  
12 seizing agency or prosecutor who was responsible for the  
13 investigation, arrest or arrests and prosecution which  
14 lead to the forfeiture, the Director may return any item of  
15 forfeited property to the seizing agency or prosecutor for  
16 official use in the enforcement of laws, if the agency or  
17 prosecutor can demonstrate that the item requested would be  
18 useful to the agency or prosecutor in its enforcement  
19 efforts. When any real property returned to the seizing  
20 agency is sold by the agency or its unit of government, the  
21 proceeds of the sale shall be delivered to the Director and  
22 distributed in accordance with paragraph (6).

23 (6) All monies and the sale proceeds of all other  
24 property forfeited and seized under this Article shall be  
25 distributed as follows:

26 (A) 65% shall be distributed to the metropolitan

1 enforcement group, local, municipal, county, or State  
2 law enforcement agency or agencies which conducted or  
3 participated in the investigation resulting in the  
4 forfeiture. The distribution shall bear a reasonable  
5 relationship to the degree of direct participation of  
6 the law enforcement agency in the effort resulting in  
7 the forfeiture, taking into account the total value of  
8 the property forfeited and the total law enforcement  
9 effort with respect to the violation of the law upon  
10 which the forfeiture is based. Amounts distributed to  
11 the agency or agencies shall be used for the  
12 enforcement of laws.

13 (B) (i) 12.5% shall be distributed to the Office of  
14 the State's Attorney of the county in which the  
15 prosecution resulting in the forfeiture was  
16 instituted, deposited in a special fund in the county  
17 treasury and appropriated to the State's Attorney for  
18 use in the enforcement of laws. In counties over  
19 3,000,000 population, 25% shall be distributed to the  
20 Office of the State's Attorney for use in the  
21 enforcement of laws. If the prosecution is undertaken  
22 solely by the Attorney General, the portion provided  
23 hereunder shall be distributed to the Attorney General  
24 for use in the enforcement of laws.

25 (ii) 12.5% shall be distributed to the Office of  
26 the State's Attorneys Appellate Prosecutor and

1 deposited in the Narcotics Profit Forfeiture Fund of  
2 that office to be used for additional expenses incurred  
3 in the investigation, prosecution and appeal of cases  
4 arising under laws. The Office of the State's Attorneys  
5 Appellate Prosecutor shall not receive distribution  
6 from cases brought in counties with over 3,000,000  
7 population.

8 (C) 10% shall be retained by the Department of  
9 State Police for expenses related to the  
10 administration and sale of seized and forfeited  
11 property.

12 Moneys and the sale proceeds distributed to the  
13 Department of State Police under this Article shall be  
14 deposited in the Money Laundering Asset Recovery Fund  
15 created in the State treasury and shall be used by the  
16 Department of State Police for State law enforcement  
17 purposes.

18 (7) All moneys and sale proceeds of property forfeited  
19 and seized under this Article and distributed according to  
20 paragraph (6) may also be used to purchase opioid  
21 antagonists as defined in Section 5-23 of the Alcoholism  
22 and Other Drug Abuse and Dependency Act.

23 (i) Notice to owner or interest holder.

24 (1) Whenever notice of pending forfeiture or service of  
25 an in rem complaint is required under the provisions of  
26 this Article, such notice or service shall be given as



1 follows:

2 (A) If the owner's or interest holder's name and  
3 current address are known, then by either personal  
4 service or mailing a copy of the notice by certified  
5 mail, return receipt requested, to that address. For  
6 purposes of notice under this Section, if a person has  
7 been arrested for the conduct giving rise to the  
8 forfeiture, then the address provided to the arresting  
9 agency at the time of arrest shall be deemed to be that  
10 person's known address. Provided, however, if an owner  
11 or interest holder's address changes prior to the  
12 effective date of the notice of pending forfeiture, the  
13 owner or interest holder shall promptly notify the  
14 seizing agency of the change in address or, if the  
15 owner or interest holder's address changes subsequent  
16 to the effective date of the notice of pending  
17 forfeiture, the owner or interest holder shall  
18 promptly notify the State's Attorney of the change in  
19 address; or

20 (B) If the property seized is a conveyance, to the  
21 address reflected in the office of the agency or  
22 official in which title or interest to the conveyance  
23 is required by law to be recorded, then by mailing a  
24 copy of the notice by certified mail, return receipt  
25 requested, to that address; or

26 (C) If the owner's or interest holder's address is

1 not known, and is not on record as provided in  
2 paragraph (B), then by publication for 3 successive  
3 weeks in a newspaper of general circulation in the  
4 county in which the seizure occurred.

5 (2) Notice served under this Article is effective upon  
6 personal service, the last date of publication, or the  
7 mailing of written notice, whichever is earlier.

8 (j) Notice to State's Attorney. The law enforcement agency  
9 seizing property for forfeiture under this Article shall,  
10 within 90 days after seizure, notify the State's Attorney for  
11 the county, either where an act or omission giving rise to the  
12 forfeiture occurred or where the property was seized, of the  
13 seizure of the property and the facts and circumstances giving  
14 rise to the seizure and shall provide the State's Attorney with  
15 the inventory of the property and its estimated value. When the  
16 property seized for forfeiture is a vehicle, the law  
17 enforcement agency seizing the property shall immediately  
18 notify the Secretary of State that forfeiture proceedings are  
19 pending regarding such vehicle.

20 (k) Non-judicial forfeiture. If non-real property that  
21 exceeds \$20,000 in value excluding the value of any conveyance,  
22 or if real property is seized under the provisions of this  
23 Article, the State's Attorney shall institute judicial in rem  
24 forfeiture proceedings as described in subsection (l) of this  
25 Section within 45 days from receipt of notice of seizure from  
26 the seizing agency under subsection (j) of this Section.

1 However, if non-real property that does not exceed \$20,000 in  
2 value excluding the value of any conveyance is seized, the  
3 following procedure shall be used:

4 (1) If, after review of the facts surrounding the  
5 seizure, the State's Attorney is of the opinion that the  
6 seized property is subject to forfeiture, then within 45  
7 days after the receipt of notice of seizure from the  
8 seizing agency, the State's Attorney shall cause notice of  
9 pending forfeiture to be given to the owner of the property  
10 and all known interest holders of the property in  
11 accordance with subsection (i) of this Section.

12 (2) The notice of pending forfeiture must include a  
13 description of the property, the estimated value of the  
14 property, the date and place of seizure, the conduct giving  
15 rise to forfeiture or the violation of law alleged, and a  
16 summary of procedures and procedural rights applicable to  
17 the forfeiture action.

18 (3) (A) Any person claiming an interest in property  
19 which is the subject of notice under paragraph (1) of this  
20 subsection (k), must, in order to preserve any rights or  
21 claims to the property, within 45 days after the effective  
22 date of notice as described in subsection (i) of this  
23 Section, file a verified claim with the State's Attorney  
24 expressing his or her interest in the property. The claim  
25 must set forth:

26 (i) the caption of the proceedings as set forth on

1 the notice of pending forfeiture and the name of the  
2 claimant;

3 (ii) the address at which the claimant will accept  
4 mail;

5 (iii) the nature and extent of the claimant's  
6 interest in the property;

7 (iv) the date, identity of the transferor, and  
8 circumstances of the claimant's acquisition of the  
9 interest in the property;

10 (v) the name and address of all other persons known  
11 to have an interest in the property;

12 (vi) the specific provision of law relied on in  
13 asserting the property is not subject to forfeiture;

14 (vii) all essential facts supporting each  
15 assertion; and

16 (viii) the relief sought.

17 (B) If a claimant files the claim and deposits with the  
18 State's Attorney a cost bond, in the form of a cashier's  
19 check payable to the clerk of the court, in the sum of 10%  
20 of the reasonable value of the property as alleged by the  
21 State's Attorney or the sum of \$100, whichever is greater,  
22 upon condition that, in the case of forfeiture, the  
23 claimant must pay all costs and expenses of forfeiture  
24 proceedings, then the State's Attorney shall institute  
25 judicial in rem forfeiture proceedings and deposit the cost  
26 bond with the clerk of the court as described in subsection

1 (1) of this Section within 45 days after receipt of the  
2 claim and cost bond. In lieu of a cost bond, a person  
3 claiming interest in the seized property may file, under  
4 penalty of perjury, an indigency affidavit which has been  
5 approved by a circuit court judge.

6 (C) If none of the seized property is forfeited in the  
7 judicial in rem proceeding, the clerk of the court shall  
8 return to the claimant, unless the court orders otherwise,  
9 90% of the sum which has been deposited and shall retain as  
10 costs 10% of the money deposited. If any of the seized  
11 property is forfeited under the judicial forfeiture  
12 proceeding, the clerk of the court shall transfer 90% of  
13 the sum which has been deposited to the State's Attorney  
14 prosecuting the civil forfeiture to be applied to the costs  
15 of prosecution and the clerk shall retain as costs 10% of  
16 the sum deposited.

17 (4) If no claim is filed or bond given within the 45  
18 day period as described in paragraph (3) of this subsection  
19 (k), the State's Attorney shall declare the property  
20 forfeited and shall promptly notify the owner and all known  
21 interest holders of the property and the Director of State  
22 Police of the declaration of forfeiture and the Director  
23 shall dispose of the property in accordance with law.

24 (1) Judicial in rem procedures. If property seized under  
25 the provisions of this Article is non-real property that  
26 exceeds \$20,000 in value excluding the value of any conveyance,

1 or is real property, or a claimant has filed a claim and a cost  
2 bond under paragraph (3) of subsection (k) of this Section, the  
3 following judicial in rem procedures shall apply:

4 (1) If, after a review of the facts surrounding the  
5 seizure, the State's Attorney is of the opinion that the  
6 seized property is subject to forfeiture, then within 45  
7 days of the receipt of notice of seizure by the seizing  
8 agency or the filing of the claim and cost bond, whichever  
9 is later, the State's Attorney shall institute judicial  
10 forfeiture proceedings by filing a verified complaint for  
11 forfeiture and, if the claimant has filed a claim and cost  
12 bond, by depositing the cost bond with the clerk of the  
13 court. When authorized by law, a forfeiture must be ordered  
14 by a court on an action in rem brought by a State's  
15 Attorney under a verified complaint for forfeiture.

16 (2) During the probable cause portion of the judicial  
17 in rem proceeding wherein the State presents its  
18 case-in-chief, the court must receive and consider, among  
19 other things, all relevant hearsay evidence and  
20 information. The laws of evidence relating to civil actions  
21 apply to all other portions of the judicial in rem  
22 proceeding.

23 (3) Only an owner of or interest holder in the property  
24 may file an answer asserting a claim against the property  
25 in the action in rem. For purposes of this Section, the  
26 owner or interest holder shall be referred to as claimant.

1           Upon motion of the State, the court shall first hold a  
2           hearing, wherein any claimant must establish by a  
3           preponderance of the evidence, that he or she has a lawful,  
4           legitimate ownership interest in the property and that it  
5           was obtained through a lawful source.

6           (4) The answer must be signed by the owner or interest  
7           holder under penalty of perjury and must set forth:

8                   (A) the caption of the proceedings as set forth on  
9                   the notice of pending forfeiture and the name of the  
10                  claimant;

11                  (B) the address at which the claimant will accept  
12                  mail;

13                  (C) the nature and extent of the claimant's  
14                  interest in the property;

15                  (D) the date, identity of transferor, and  
16                  circumstances of the claimant's acquisition of the  
17                  interest in the property;

18                  (E) the name and address of all other persons known  
19                  to have an interest in the property;

20                  (F) all essential facts supporting each assertion;  
21                  and

22                  (G) the precise relief sought.

23           (5) The answer must be filed with the court within 45  
24           days after service of the civil in rem complaint.

25           (6) The hearing must be held within 60 days after  
26           filing of the answer unless continued for good cause.

1           (7) The State shall show the existence of probable  
2           cause for forfeiture of the property. If the State shows  
3           probable cause, the claimant has the burden of showing by a  
4           preponderance of the evidence that the claimant's interest  
5           in the property is not subject to forfeiture.

6           (8) If the State does not show existence of probable  
7           cause, the court shall order the interest in the property  
8           returned or conveyed to the claimant and shall order all  
9           other property forfeited to the State. If the State does  
10          show existence of probable cause, the court shall order all  
11          property forfeited to the State.

12          (9) A defendant convicted in any criminal proceeding is  
13          precluded from later denying the essential allegations of  
14          the criminal offense of which the defendant was convicted  
15          in any proceeding under this Article regardless of the  
16          pendency of an appeal from that conviction. However,  
17          evidence of the pendency of an appeal is admissible.

18          (10) An acquittal or dismissal in a criminal proceeding  
19          does not preclude civil proceedings under this Article;  
20          however, for good cause shown, on a motion by the State's  
21          Attorney, the court may stay civil forfeiture proceedings  
22          during the criminal trial for a related criminal indictment  
23          or information alleging a money laundering violation. Such  
24          a stay shall not be available pending an appeal. Property  
25          subject to forfeiture under this Article shall not be  
26          subject to return or release by a court exercising



1 jurisdiction over a criminal case involving the seizure of  
2 such property unless such return or release is consented to  
3 by the State's Attorney.

4 (11) All property declared forfeited under this  
5 Article vests in this State on the commission of the  
6 conduct giving rise to forfeiture together with the  
7 proceeds of the property after that time. Any such property  
8 or proceeds subsequently transferred to any person remain  
9 subject to forfeiture and thereafter shall be ordered  
10 forfeited.

11 (12) A civil action under this Article must be  
12 commenced within 5 years after the last conduct giving rise  
13 to forfeiture became known or should have become known or 5  
14 years after the forfeitable property is discovered,  
15 whichever is later, excluding any time during which either  
16 the property or claimant is out of the State or in  
17 confinement or during which criminal proceedings relating  
18 to the same conduct are in progress.

19 (m) Stay of time periods. If property is seized for  
20 evidence and for forfeiture, the time periods for instituting  
21 judicial and non-judicial forfeiture proceedings shall not  
22 begin until the property is no longer necessary for evidence.

23 (n) Settlement of claims. Notwithstanding other provisions  
24 of this Article, the State's Attorney and a claimant of seized  
25 property may enter into an agreed-upon settlement concerning  
26 the seized property in such an amount and upon such terms as

1 are set out in writing in a settlement agreement.

2 (o) Property constituting attorney fees. Nothing in this  
3 Article applies to property which constitutes reasonable bona  
4 fide attorney's fees paid to an attorney for services rendered  
5 or to be rendered in the forfeiture proceeding or criminal  
6 proceeding relating directly thereto where such property was  
7 paid before its seizure, before the issuance of any seizure  
8 warrant or court order prohibiting transfer of the property and  
9 where the attorney, at the time he or she received the property  
10 did not know that it was property subject to forfeiture under  
11 this Article.

12 (p) Construction. It is the intent of the General Assembly  
13 that the forfeiture provisions of this Article be liberally  
14 construed so as to effect their remedial purpose. The  
15 forfeiture of property and other remedies hereunder shall be  
16 considered to be in addition to, and not exclusive of, any  
17 sentence or other remedy provided by law.

18 (q) Judicial review. If property has been declared  
19 forfeited under subsection (k) of this Section, any person who  
20 has an interest in the property declared forfeited may, within  
21 30 days after the effective date of the notice of the  
22 declaration of forfeiture, file a claim and cost bond as  
23 described in paragraph (3) of subsection (k) of this Section.  
24 If a claim and cost bond is filed under this Section, then the  
25 procedures described in subsection (l) of this Section apply.

26 (r) Burden of proof of exemption or exception. It is not

1 necessary for the State to negate any exemption or exception in  
2 this Article in any complaint, information, indictment or other  
3 pleading or in any trial, hearing, or other proceeding under  
4 this Article. The burden of proof of any exemption or exception  
5 is upon the person claiming it.

6 (s) Review of administrative decisions. All administrative  
7 findings, rulings, final determinations, findings, and  
8 conclusions of the State's Attorney's Office under this Article  
9 are final and conclusive decisions of the matters involved. Any  
10 person aggrieved by the decision may obtain review of the  
11 decision pursuant to the provisions of the Administrative  
12 Review Law and the rules adopted pursuant to that Law. Pending  
13 final decision on such review, the administrative acts, orders,  
14 and rulings of the State's Attorney's Office remain in full  
15 force and effect unless modified or suspended by order of court  
16 pending final judicial decision. Pending final decision on such  
17 review, the acts, orders, and rulings of the State's Attorney's  
18 Office remain in full force and effect, unless stayed by order  
19 of court. However, no stay of any decision of the  
20 administrative agency shall issue unless the person aggrieved  
21 by the decision establishes by a preponderance of the evidence  
22 that good cause exists for the stay. In determining good cause,  
23 the court shall find that the aggrieved party has established a  
24 substantial likelihood of prevailing on the merits and that  
25 granting the stay will not have an injurious effect on the  
26 general public.

1 (Source: P.A. 99-480, eff. 9-9-15.)

2 (Text of Section after amendment by P.A. 100-512)

3 Sec. 29B-1. (a) A person commits the offense of money  
4 laundering:

5 (1) when, knowing that the property involved in a  
6 financial transaction represents the proceeds of some form  
7 of unlawful activity, he or she conducts or attempts to  
8 conduct such a financial transaction which in fact involves  
9 criminally derived property:

10 (A) with the intent to promote the carrying on of  
11 the unlawful activity from which the criminally  
12 derived property was obtained; or

13 (B) where he or she knows or reasonably should know  
14 that the financial transaction is designed in whole or  
15 in part:

16 (i) to conceal or disguise the nature, the  
17 location, the source, the ownership or the control  
18 of the criminally derived property; or

19 (ii) to avoid a transaction reporting  
20 requirement under State law; or

21 (1.5) when he or she transports, transmits, or  
22 transfers, or attempts to transport, transmit, or transfer  
23 a monetary instrument:

24 (A) with the intent to promote the carrying on of  
25 the unlawful activity from which the criminally

1 derived property was obtained; or

2 (B) knowing, or having reason to know, that the  
3 financial transaction is designed in whole or in part:

4 (i) to conceal or disguise the nature, the  
5 location, the source, the ownership or the control  
6 of the criminally derived property; or

7 (ii) to avoid a transaction reporting  
8 requirement under State law; or

9 (2) when, with the intent to:

10 (A) promote the carrying on of a specified criminal  
11 activity as defined in this Article; or

12 (B) conceal or disguise the nature, location,  
13 source, ownership, or control of property believed to  
14 be the proceeds of a specified criminal activity as  
15 defined by subdivision (b) (6); or

16 (C) avoid a transaction reporting requirement  
17 under State law,

18 he or she conducts or attempts to conduct a financial  
19 transaction involving property he or she believes to be the  
20 proceeds of specified criminal activity as defined by  
21 subdivision (b) (6) or property used to conduct or  
22 facilitate specified criminal activity as defined by  
23 subdivision (b) (6).

24 (b) As used in this Section:

25 (0.5) "Knowing that the property involved in a  
26 financial transaction represents the proceeds of some form

1 of unlawful activity" means that the person knew the  
2 property involved in the transaction represented proceeds  
3 from some form, though not necessarily which form, of  
4 activity that constitutes a felony under State, federal, or  
5 foreign law.

6 (1) "Financial transaction" means a purchase, sale,  
7 loan, pledge, gift, transfer, delivery or other  
8 disposition utilizing criminally derived property, and  
9 with respect to financial institutions, includes a  
10 deposit, withdrawal, transfer between accounts, exchange  
11 of currency, loan, extension of credit, purchase or sale of  
12 any stock, bond, certificate of deposit or other monetary  
13 instrument, use of safe deposit box, or any other payment,  
14 transfer or delivery by, through, or to a financial  
15 institution. For purposes of clause (a) (2) of this Section,  
16 the term "financial transaction" also means a transaction  
17 which without regard to whether the funds, monetary  
18 instruments, or real or personal property involved in the  
19 transaction are criminally derived, any transaction which  
20 in any way or degree: (1) involves the movement of funds by  
21 wire or any other means; (2) involves one or more monetary  
22 instruments; or (3) the transfer of title to any real or  
23 personal property. The receipt by an attorney of bona fide  
24 fees for the purpose of legal representation is not a  
25 financial transaction for purposes of this Section.

26 (2) "Financial institution" means any bank; saving and

1 loan association; trust company; agency or branch of a  
2 foreign bank in the United States; currency exchange;  
3 credit union, mortgage banking institution; pawnbroker;  
4 loan or finance company; operator of a credit card system;  
5 issuer, redeemer or cashier of travelers checks, checks or  
6 money orders; dealer in precious metals, stones or jewels;  
7 broker or dealer in securities or commodities; investment  
8 banker; or investment company.

9 (3) "Monetary instrument" means United States coins  
10 and currency; coins and currency of a foreign country;  
11 travelers checks; personal checks, bank checks, and money  
12 orders; investment securities; bearer negotiable  
13 instruments; bearer investment securities; or bearer  
14 securities and certificates of stock in such form that  
15 title thereto passes upon delivery.

16 (4) "Criminally derived property" means: (A) any  
17 property, real or personal, constituting or derived from  
18 proceeds obtained, directly or indirectly, from activity  
19 that constitutes a felony under State, federal, or foreign  
20 law; or (B) any property represented to be property  
21 constituting or derived from proceeds obtained, directly  
22 or indirectly, from activity that constitutes a felony  
23 under State, federal, or foreign law.

24 (5) "Conduct" or "conducts" includes, in addition to  
25 its ordinary meaning, initiating, concluding, or  
26 participating in initiating or concluding a transaction.

1           (6) "Specified criminal activity" means any violation  
2 of Section 29D-15.1 (720 ILCS 5/29D-15.1) and any violation  
3 of Article 29D of this Code.

4           (7) "Director" means the Director of State Police or  
5 his or her designated agents.

6           (8) "Department" means the Department of State Police  
7 of the State of Illinois or its successor agency.

8           (9) "Transaction reporting requirement under State  
9 law" means any violation as defined under the Currency  
10 Reporting Act.

11          (c) Sentence.

12           (1) Laundering of criminally derived property of a  
13 value not exceeding \$10,000 is a Class 3 felony;

14           (2) Laundering of criminally derived property of a  
15 value exceeding \$10,000 but not exceeding \$100,000 is a  
16 Class 2 felony;

17           (3) Laundering of criminally derived property of a  
18 value exceeding \$100,000 but not exceeding \$500,000 is a  
19 Class 1 felony;

20           (4) Money laundering in violation of subsection (a)(2)  
21 of this Section is a Class X felony;

22           (5) Laundering of criminally derived property of a  
23 value exceeding \$500,000 is a Class 1 non-probationable  
24 felony;

25           (6) In a prosecution under clause (a)(1.5)(B)(ii) of  
26 this Section, the sentences are as follows:



1 (A) Laundering of property of a value not exceeding  
2 \$10,000 is a Class 3 felony;

3 (B) Laundering of property of a value exceeding  
4 \$10,000 but not exceeding \$100,000 is a Class 2 felony;

5 (C) Laundering of property of a value exceeding  
6 \$100,000 but not exceeding \$500,000 is a Class 1  
7 felony;

8 (D) Laundering of property of a value exceeding  
9 \$500,000 is a Class 1 non-probationable felony.

10 (d) Evidence. In a prosecution under this Article, either  
11 party may introduce the following evidence pertaining to the  
12 issue of whether the property or proceeds were known to be some  
13 form of criminally derived property or from some form of  
14 unlawful activity:

15 (1) A financial transaction was conducted or  
16 structured or attempted in violation of the reporting  
17 requirements of any State or federal law; or

18 (2) A financial transaction was conducted or attempted  
19 with the use of a false or fictitious name or a forged  
20 instrument; or

21 (3) A falsely altered or completed written instrument  
22 or a written instrument that contains any materially false  
23 personal identifying information was made, used, offered  
24 or presented, whether accepted or not, in connection with a  
25 financial transaction; or

26 (4) A financial transaction was structured or

1 attempted to be structured so as to falsely report the  
2 actual consideration or value of the transaction; or

3 (5) A money transmitter, a person engaged in a trade or  
4 business or any employee of a money transmitter or a person  
5 engaged in a trade or business, knows or reasonably should  
6 know that false personal identifying information has been  
7 presented and incorporates the false personal identifying  
8 information into any report or record; or

9 (6) The criminally derived property is transported or  
10 possessed in a fashion inconsistent with the ordinary or  
11 usual means of transportation or possession of such  
12 property and where the property is discovered in the  
13 absence of any documentation or other indicia of legitimate  
14 origin or right to such property; or

15 (7) A person pays or receives substantially less than  
16 face value for one or more monetary instruments; or

17 (8) A person engages in a transaction involving one or  
18 more monetary instruments, where the physical condition or  
19 form of the monetary instrument or instruments makes it  
20 apparent that they are not the product of bona fide  
21 business or financial transactions.

22 (e) Duty to enforce this Article.

23 (1) It is the duty of the Department of State Police,  
24 and its agents, officers, and investigators, to enforce all  
25 provisions of this Article, except those specifically  
26 delegated, and to cooperate with all agencies charged with

1 the enforcement of the laws of the United States, or of any  
2 state, relating to money laundering. Only an agent,  
3 officer, or investigator designated by the Director may be  
4 authorized in accordance with this Section to serve seizure  
5 notices, warrants, subpoenas, and summonses under the  
6 authority of this State.

7 (2) Any agent, officer, investigator, or peace officer  
8 designated by the Director may: (A) make seizure of  
9 property pursuant to the provisions of this Article; and  
10 (B) perform such other law enforcement duties as the  
11 Director designates. It is the duty of all State's  
12 Attorneys to prosecute violations of this Article and  
13 institute legal proceedings as authorized under this  
14 Article.

15 (f) Protective orders.

16 (1) Upon application of the State, the court may enter  
17 a restraining order or injunction, require the execution of  
18 a satisfactory performance bond, or take any other action  
19 to preserve the availability of property described in  
20 subsection (h) for forfeiture under this Article:

21 (A) upon the filing of an indictment, information,  
22 or complaint charging a violation of this Article for  
23 which forfeiture may be ordered under this Article and  
24 alleging that the property with respect to which the  
25 order is sought would be subject to forfeiture under  
26 this Article; or

1 (B) prior to the filing of such an indictment,  
2 information, or complaint, if, after notice to persons  
3 appearing to have an interest in the property and  
4 opportunity for a hearing, the court determines that:

5 (i) there is probable cause to believe that the  
6 State will prevail on the issue of forfeiture and  
7 that failure to enter the order will result in the  
8 property being destroyed, removed from the  
9 jurisdiction of the court, or otherwise made  
10 unavailable for forfeiture; and

11 (ii) the need to preserve the availability of  
12 the property through the entry of the requested  
13 order outweighs the hardship on any party against  
14 whom the order is to be entered.

15 Provided, however, that an order entered pursuant  
16 to subparagraph (B) shall be effective for not more  
17 than 90 days, unless extended by the court for good  
18 cause shown or unless an indictment, information,  
19 complaint, or administrative notice has been filed.

20 (2) A temporary restraining order under this  
21 subsection may be entered upon application of the State  
22 without notice or opportunity for a hearing when an  
23 indictment, information, complaint, or administrative  
24 notice has not yet been filed with respect to the property,  
25 if the State demonstrates that there is probable cause to  
26 believe that the property with respect to which the order

1 is sought would be subject to forfeiture under this Section  
2 and that provision of notice will jeopardize the  
3 availability of the property for forfeiture. Such a  
4 temporary order shall expire not more than 30 days after  
5 the date on which it is entered, unless extended for good  
6 cause shown or unless the party against whom it is entered  
7 consents to an extension for a longer period. A hearing  
8 requested concerning an order entered under this paragraph  
9 shall be held at the earliest possible time and prior to  
10 the expiration of the temporary order.

11 (3) The court may receive and consider, at a hearing  
12 held pursuant to this subsection (f), evidence and  
13 information that would be inadmissible under the Illinois  
14 rules of evidence.

15 (4) Order to repatriate and deposit.

16 (A) In general. Pursuant to its authority to enter  
17 a pretrial restraining order under this Section, the  
18 court may order a defendant to repatriate any property  
19 that may be seized and forfeited and to deposit that  
20 property pending trial with the Illinois State Police  
21 or another law enforcement agency designated by the  
22 Illinois State Police.

23 (B) Failure to comply. Failure to comply with an  
24 order under this subsection (f) is punishable as a  
25 civil or criminal contempt of court.

26 (g) Warrant of seizure. The State may request the issuance

1 of a warrant authorizing the seizure of property described in  
2 subsection (h) in the same manner as provided for a search  
3 warrant. If the court determines that there is probable cause  
4 to believe that the property to be seized would be subject to  
5 forfeiture, the court shall issue a warrant authorizing the  
6 seizure of such property.

7 (h) Forfeiture.

8 (1) The following are subject to forfeiture:

9 (A) any property, real or personal, constituting,  
10 derived from, or traceable to any proceeds the person  
11 obtained directly or indirectly, as a result of a  
12 violation of this Article;

13 (B) any of the person's property used, or intended  
14 to be used, in any manner or part, to commit, or to  
15 facilitate the commission of, a violation of this  
16 Article;

17 (C) all conveyances, including aircraft, vehicles  
18 or vessels, which are used, or intended for use, to  
19 transport, or in any manner to facilitate the  
20 transportation, sale, receipt, possession, or  
21 concealment of property described in subparagraphs (A)  
22 and (B), but:

23 (i) no conveyance used by any person as a  
24 common carrier in the transaction of business as a  
25 common carrier is subject to forfeiture under this  
26 Section unless it appears that the owner or other

1 person in charge of the conveyance is a consenting  
2 party or privy to a violation of this Article;

3 (ii) no conveyance is subject to forfeiture  
4 under this Section by reason of any act or omission  
5 which the owner proves to have been committed or  
6 omitted without his or her knowledge or consent;

7 (iii) a forfeiture of a conveyance encumbered  
8 by a bona fide security interest is subject to the  
9 interest of the secured party if he or she neither  
10 had knowledge of nor consented to the act or  
11 omission;

12 (D) all real property, including any right, title,  
13 and interest (including, but not limited to, any  
14 leasehold interest or the beneficial interest in a land  
15 trust) in the whole of any lot or tract of land and any  
16 appurtenances or improvements, which is used or  
17 intended to be used, in any manner or part, to commit,  
18 or in any manner to facilitate the commission of, any  
19 violation of this Article or that is the proceeds of  
20 any violation or act that constitutes a violation of  
21 this Article.

22 (2) Property subject to forfeiture under this Article  
23 may be seized by the Director or any peace officer upon  
24 process or seizure warrant issued by any court having  
25 jurisdiction over the property. Seizure by the Director or  
26 any peace officer without process may be made:

1           (A) if the seizure is incident to a seizure  
2 warrant;

3           (B) if the property subject to seizure has been the  
4 subject of a prior judgment in favor of the State in a  
5 criminal proceeding, or in an injunction or forfeiture  
6 proceeding based upon this Article;

7           (C) if there is probable cause to believe that the  
8 property is directly or indirectly dangerous to health  
9 or safety;

10           (D) if there is probable cause to believe that the  
11 property is subject to forfeiture under this Article  
12 and the property is seized under circumstances in which  
13 a warrantless seizure or arrest would be reasonable; or

14           (E) in accordance with the Code of Criminal  
15 Procedure of 1963.

16           (3) In the event of seizure pursuant to paragraph (2),  
17 forfeiture proceedings shall be instituted in accordance  
18 with subsections (i) through (r).

19           (4) Property taken or detained under this Section shall  
20 not be subject to replevin, but is deemed to be in the  
21 custody of the Director subject only to the order and  
22 judgments of the circuit court having jurisdiction over the  
23 forfeiture proceedings and the decisions of the State's  
24 Attorney under this Article. When property is seized under  
25 this Article, the seizing agency shall promptly conduct an  
26 inventory of the seized property and estimate the



1 property's value and shall forward a copy of the inventory  
2 of seized property and the estimate of the property's value  
3 to the Director. Upon receiving notice of seizure, the  
4 Director may:

5 (A) place the property under seal;

6 (B) remove the property to a place designated by  
7 the Director;

8 (C) keep the property in the possession of the  
9 seizing agency;

10 (D) remove the property to a storage area for  
11 safekeeping or, if the property is a negotiable  
12 instrument or money and is not needed for evidentiary  
13 purposes, deposit it in an interest bearing account;

14 (E) place the property under constructive seizure  
15 by posting notice of pending forfeiture on it, by  
16 giving notice of pending forfeiture to its owners and  
17 interest holders, or by filing notice of pending  
18 forfeiture in any appropriate public record relating  
19 to the property; or

20 (F) provide for another agency or custodian,  
21 including an owner, secured party, or lienholder, to  
22 take custody of the property upon the terms and  
23 conditions set by the Director.

24 (5) When property is forfeited under this Article, the  
25 Director shall sell all such property unless such property  
26 is required by law to be destroyed or is harmful to the

1 public, and shall distribute the proceeds of the sale,  
2 together with any moneys forfeited or seized, in accordance  
3 with paragraph (6).

4 (6) All monies and the sale proceeds of all other  
5 property forfeited and seized under this Article shall be  
6 distributed as follows:

7 (A) 65% shall be distributed to the metropolitan  
8 enforcement group, local, municipal, county, or State  
9 law enforcement agency or agencies which conducted or  
10 participated in the investigation resulting in the  
11 forfeiture. The distribution shall bear a reasonable  
12 relationship to the degree of direct participation of  
13 the law enforcement agency in the effort resulting in  
14 the forfeiture, taking into account the total value of  
15 the property forfeited and the total law enforcement  
16 effort with respect to the violation of the law upon  
17 which the forfeiture is based. Amounts distributed to  
18 the agency or agencies shall be used for the  
19 enforcement of laws.

20 (B) (i) 12.5% shall be distributed to the Office of  
21 the State's Attorney of the county in which the  
22 prosecution resulting in the forfeiture was  
23 instituted, deposited in a special fund in the county  
24 treasury and appropriated to the State's Attorney for  
25 use in the enforcement of laws. In counties over  
26 3,000,000 population, 25% shall be distributed to the

1 Office of the State's Attorney for use in the  
2 enforcement of laws. If the prosecution is undertaken  
3 solely by the Attorney General, the portion provided  
4 hereunder shall be distributed to the Attorney General  
5 for use in the enforcement of laws.

6 (ii) 12.5% shall be distributed to the Office of  
7 the State's Attorneys Appellate Prosecutor and  
8 deposited in the Narcotics Profit Forfeiture Fund of  
9 that office to be used for additional expenses incurred  
10 in the investigation, prosecution and appeal of cases  
11 arising under laws. The Office of the State's Attorneys  
12 Appellate Prosecutor shall not receive distribution  
13 from cases brought in counties with over 3,000,000  
14 population.

15 (C) 10% shall be retained by the Department of  
16 State Police for expenses related to the  
17 administration and sale of seized and forfeited  
18 property.

19 Moneys and the sale proceeds distributed to the  
20 Department of State Police under this Article shall be  
21 deposited in the Money Laundering Asset Recovery Fund  
22 created in the State treasury and shall be used by the  
23 Department of State Police for State law enforcement  
24 purposes.

25 (7) All moneys and sale proceeds of property forfeited  
26 and seized under this Article and distributed according to

1 paragraph (6) may also be used to purchase opioid  
2 antagonists as defined in Section 5-23 of the Substance Use  
3 Disorder Act. ~~Alcoholism and Other Drug Abuse and~~  
4 ~~Dependency Act.~~

5 (7.5) Preliminary Review.

6 (A) Within 14 days of the seizure, the State shall  
7 seek a preliminary determination from the circuit  
8 court as to whether there is probable cause that the  
9 property may be subject to forfeiture.

10 (B) The rules of evidence shall not apply to any  
11 proceeding conducted under this Section.

12 (C) The court may conduct the review under  
13 subparagraph (A) of this paragraph (7.5)  
14 simultaneously with a proceeding under Section 109-1  
15 of the Code of Criminal Procedure of 1963 for a related  
16 criminal offense if a prosecution is commenced by  
17 information or complaint.

18 (D) The court may accept a finding of probable  
19 cause at a preliminary hearing following the filing of  
20 an information or complaint charging a related  
21 criminal offense or following the return of indictment  
22 by a grand jury charging the related offense as  
23 sufficient evidence of probable cause as required  
24 under subparagraph (A) of this paragraph (7.5).

25 (E) Upon a finding of probable cause as required  
26 under this Section, the circuit court shall order the

1           property subject to the applicable forfeiture Act held  
2           until the conclusion of any forfeiture proceeding.

3           (i) Notice to owner or interest holder.

4           (1) The first attempted service shall be commenced  
5           within 28 days of the latter of filing of the verified  
6           claim or the receipt of the notice from seizing agency by  
7           form 4-64. A complaint for forfeiture or a notice of  
8           pending forfeiture shall be served on a claimant if the  
9           owner's or interest holder's name and current address are  
10          known, then by either: (i) personal service or; (ii)  
11          mailing a copy of the notice by certified mail, return  
12          receipt requested and first class mail, to that address. If  
13          no signed return receipt is received by the State's  
14          Attorney within 28 days of mailing or no communication from  
15          the owner or interest holder is received by the State's  
16          Attorney documenting actual notice by the parties, the  
17          State's Attorney shall, within a reasonable period of time,  
18          mail a second copy of the notice by certified mail, return  
19          receipt requested and first class mail, to that address. If  
20          no signed return receipt is received by the State's  
21          Attorney within 28 days of the second mailing, or no  
22          communication from the owner or interest holder is received  
23          by the State's Attorney documenting actual notice by the  
24          parties, the State's Attorney shall have 60 days to attempt  
25          to personally serve the notice by personal service,  
26          including substitute service by leaving a copy at the usual

1 place of abode with some person of the family or a person  
2 residing there, of the age of 13 years or upwards. If after  
3 3 attempts at service in this manner, and no service of the  
4 notice is accomplished, the notice shall be posted in a  
5 conspicuous manner at this address and service shall be  
6 made by the posting. The attempts at service and the  
7 posting if required, shall be documented by the person  
8 attempting service and the documentation shall be made part  
9 of a return of service returned to the State's Attorney.  
10 The State's Attorney may utilize any Sheriff or Deputy  
11 Sheriff, a peace officer, a private process server or  
12 investigator, or an employee, agent, or investigator of the  
13 State's Attorney's Office to attempt service without  
14 seeking leave of court. After the procedures listed are  
15 followed, service shall be effective on the owner or  
16 interest holder on the date of receipt by the State's  
17 Attorney of a returned return receipt requested, or on the  
18 date of receipt of a communication from an owner or  
19 interest holder documenting actual notice, whichever is  
20 first in time, or on the date of the last act performed by  
21 the State's Attorney in attempting personal service. For  
22 purposes of notice under this Section, if a person has been  
23 arrested for the conduct giving rise to the forfeiture, the  
24 address provided to the arresting agency at the time of  
25 arrest shall be deemed to be that person's known address.  
26 Provided, however, if an owner or interest holder's address

1 changes prior to the effective date of the notice of  
2 pending forfeiture, the owner or interest holder shall  
3 promptly notify the seizing agency of the change in address  
4 or, if the owner or interest holder's address changes  
5 subsequent to the effective date of the notice of pending  
6 forfeiture, the owner or interest holder shall promptly  
7 notify the State's Attorney of the change in address. If  
8 the property seized is a conveyance, notice shall also be  
9 directed to the address reflected in the office of the  
10 agency or official in which title or interest to the  
11 conveyance is required by law to be recorded.

12 (A) (Blank);

13 (A-5) If the owner's or interest holder's address  
14 is not known, and is not on record as provided in  
15 paragraph (1), service by publication for 3 successive  
16 weeks in a newspaper of general circulation in the  
17 county in which the seizure occurred shall suffice for  
18 service requirements.

19 (A-10) Notice to any business entity, corporation,  
20 LLC, LLP, or partnership shall be complete by a single  
21 mailing of a copy of the notice by certified mail,  
22 return receipt requested and first class mail, to that  
23 address. This notice is complete regardless of the  
24 return of a signed "return receipt requested".

25 (A-15) Notice to a person whose address is not  
26 within the State shall be completed by a single mailing

1 of a copy of the notice by certified mail, return  
2 receipt requested and first class mail to that address.  
3 This notice is complete regardless of the return of a  
4 signed "return receipt requested".

5 (A-20) Notice to a person whose address is not  
6 within the United States shall be completed by a single  
7 mailing of a copy of the notice by certified mail,  
8 return receipt requested and first class mail to that  
9 address. This notice is complete regardless of the  
10 return of a signed "return receipt requested". If  
11 certified mail is not available in the foreign country  
12 where the person has an address, notice shall proceed  
13 by paragraph (A-15) publication requirements.

14 (A-25) A person who the State's Attorney  
15 reasonably should know is incarcerated within this  
16 State, shall also include, mailing a copy of the notice  
17 by certified mail, return receipt requested and first  
18 class mail, to the address of the detention facility  
19 with the inmate's name clearly marked on the envelope.

20 After a claimant files a verified claim with the  
21 State's Attorney and provides an address at which they  
22 will accept service, the complaint shall be served and  
23 notice shall be complete upon the mailing of the  
24 complaint to the claimant at the address the claimant  
25 provided via certified mail, return receipt requested  
26 and first class mail. No return receipt card need be



1 received, or any other attempts at service need be made  
2 to comply with service and notice requirements under  
3 this Section. This certified mailing, return receipt  
4 requested shall be proof of service of the complaint on  
5 the claimant. If notice is to be shown by actual notice  
6 from communication with a claimant, then the State's  
7 Attorney shall file an affidavit as proof of service  
8 providing details of the communication which shall be  
9 accepted as proof of service by the court.

10 (B) If the property seized is a conveyance, to the  
11 address reflected in the office of the agency or  
12 official in which title or interest to the conveyance  
13 is required by law to be recorded, then by mailing a  
14 copy of the notice by certified mail, return receipt  
15 requested, to that address; or

16 (C) (Blank).

17 (2) Notice served under this Article is effective upon  
18 personal service, the last date of publication, or the  
19 mailing of written notice, whichever is earlier.

20 (j) Notice to State's Attorney. The law enforcement agency  
21 seizing property for forfeiture under this Article shall,  
22 within 60 days after seizure, notify the State's Attorney for  
23 the county, either where an act or omission giving rise to the  
24 forfeiture occurred or where the property was seized, of the  
25 seizure of the property and the facts and circumstances giving  
26 rise to the seizure and shall provide the State's Attorney with

1 the inventory of the property and its estimated value. When the  
2 property seized for forfeiture is a vehicle, the law  
3 enforcement agency seizing the property shall immediately  
4 notify the Secretary of State that forfeiture proceedings are  
5 pending regarding such vehicle. This notice shall be by the  
6 form 4-64.

7 (k) Non-judicial forfeiture. If non-real property that  
8 exceeds \$20,000 in value excluding the value of any conveyance,  
9 or if real property is seized under the provisions of this  
10 Article, the State's Attorney shall institute judicial in rem  
11 forfeiture proceedings as described in subsection (l) of this  
12 Section within 28 days from receipt of notice of seizure from  
13 the seizing agency under subsection (j) of this Section.  
14 However, if non-real property that does not exceed \$20,000 in  
15 value excluding the value of any conveyance is seized, the  
16 following procedure shall be used:

17 (1) If, after review of the facts surrounding the  
18 seizure, the State's Attorney is of the opinion that the  
19 seized property is subject to forfeiture, then within 45  
20 days after the receipt of notice of seizure from the  
21 seizing agency, the State's Attorney shall cause notice of  
22 pending forfeiture to be given to the owner of the property  
23 and all known interest holders of the property in  
24 accordance with subsection (i) of this Section.

25 (2) The notice of pending forfeiture must include a  
26 description of the property, the estimated value of the

1 property, the date and place of seizure, the conduct giving  
2 rise to forfeiture or the violation of law alleged, and a  
3 summary of procedures and procedural rights applicable to  
4 the forfeiture action.

5 (3) (A) Any person claiming an interest in property  
6 which is the subject of notice under paragraph (1) of this  
7 subsection (k), must, in order to preserve any rights or  
8 claims to the property, within 45 days after the effective  
9 date of notice as described in subsection (i) of this  
10 Section, file a verified claim with the State's Attorney  
11 expressing his or her interest in the property. The claim  
12 must set forth:

13 (i) the caption of the proceedings as set forth on  
14 the notice of pending forfeiture and the name of the  
15 claimant;

16 (ii) the address at which the claimant will accept  
17 mail;

18 (iii) the nature and extent of the claimant's  
19 interest in the property;

20 (iv) the date, identity of the transferor, and  
21 circumstances of the claimant's acquisition of the  
22 interest in the property;

23 (v) the name and address of all other persons known  
24 to have an interest in the property;

25 (vi) the specific provision of law relied on in  
26 asserting the property is not subject to forfeiture;

1           (vii) all essential facts supporting each  
2           assertion; and

3           (viii) the relief sought.

4           (B) If a claimant files the claim, then the State's  
5           Attorney shall institute judicial in rem forfeiture  
6           proceedings with the clerk of the court as described in  
7           subsection (l) of this Section within 45 days after receipt  
8           of the claim.

9           (C) (Blank).

10          (4) If no claim is filed within the 45 day period as  
11          described in paragraph (3) of this subsection (k), the  
12          State's Attorney shall declare the property forfeited and  
13          shall promptly notify the owner and all known interest  
14          holders of the property and the Director of State Police of  
15          the declaration of forfeiture and the Director shall  
16          dispose of the property in accordance with law.

17          (1) Judicial in rem procedures. If property seized under  
18          the provisions of this Article is non-real property that  
19          exceeds \$20,000 in value excluding the value of any conveyance,  
20          or is real property, or a claimant has filed a claim under  
21          paragraph (3) of subsection (k) of this Section, the following  
22          judicial in rem procedures shall apply:

23                 (1) If, after a review of the facts surrounding the  
24                 seizure, the State's Attorney is of the opinion that the  
25                 seized property is subject to forfeiture, then within 28  
26                 days of the receipt of notice of seizure by the seizing

1 agency or the filing of the claim, whichever is later, the  
2 State's Attorney shall institute judicial forfeiture  
3 proceedings by filing a verified complaint for forfeiture.  
4 When authorized by law, a forfeiture must be ordered by a  
5 court on an action in rem brought by a State's Attorney  
6 under a verified complaint for forfeiture.

7 (1.5) A complaint of forfeiture shall include:

8 (i) a description of the property seized;

9 (ii) the date and place of seizure of the property;

10 (iii) the name and address of the law enforcement  
11 agency making the seizure; and

12 (iv) the specific statutory and factual grounds  
13 for the seizure.

14 (1.10) The complaint shall be served upon the person  
15 from whom the property was seized and all persons known or  
16 reasonably believed by the State to claim an interest in  
17 the property, as provided in subsection (i) of this  
18 Section. The complaint shall be accompanied by the  
19 following written notice:

20 "This is a civil court proceeding subject to the Code  
21 of Civil Procedure. You received this Complaint of  
22 Forfeiture because the State's Attorney's office has  
23 brought a legal action seeking forfeiture of your seized  
24 property. This complaint starts the court process where the  
25 State seeks to prove that your property should be forfeited  
26 and not returned to you. This process is also your

1 opportunity to try to prove to a judge that you should get  
2 your property back. The complaint lists the date, time, and  
3 location of your first court date. You must appear in court  
4 on that day, or you may lose the case automatically. You  
5 must also file an appearance and answer. If you are unable  
6 to pay the appearance fee, you may qualify to have the fee  
7 waived. If there is a criminal case related to the seizure  
8 of your property, your case may be set for trial after the  
9 criminal case has been resolved. Before trial, the judge  
10 may allow discovery, where the State can ask you to respond  
11 in writing to questions and give them certain documents,  
12 and you can make similar requests of the State. The trial  
13 is your opportunity to explain what happened when your  
14 property was seized and why you should get the property  
15 back."

16 (2) The laws of evidence relating to civil actions  
17 shall apply to proceedings under this Article with the  
18 following exception. The parties shall be allowed to use,  
19 and the court shall receive and consider all relevant  
20 hearsay evidence which relates to evidentiary foundation,  
21 chain of custody, business records, recordings, laboratory  
22 analysis, laboratory reports, and relevant hearsay related  
23 to the use of technology in the investigation which  
24 resulted in the seizure of property which is now subject to  
25 this forfeiture action.

26 (3) Only an owner of or interest holder in the property

1           may file an answer asserting a claim against the property  
2           in the action in rem. For purposes of this Section, the  
3           owner or interest holder shall be referred to as claimant.  
4           Upon motion of the State, the court shall first hold a  
5           hearing, wherein any claimant must establish by a  
6           preponderance of the evidence, that he or she has a lawful,  
7           legitimate ownership interest in the property and that it  
8           was obtained through a lawful source.

9           (4) The answer must be signed by the owner or interest  
10          holder under penalty of perjury and must set forth:

11                 (A) the caption of the proceedings as set forth on  
12                 the notice of pending forfeiture and the name of the  
13                 claimant;

14                 (B) the address at which the claimant will accept  
15                 mail;

16                 (C) the nature and extent of the claimant's  
17                 interest in the property;

18                 (D) the date, identity of transferor, and  
19                 circumstances of the claimant's acquisition of the  
20                 interest in the property;

21                 (E) the name and address of all other persons known  
22                 to have an interest in the property;

23                 (F) all essential facts supporting each assertion;

24                 (G) the precise relief sought; and

25                 (H) the answer shall follow the rules under the  
26                 Code of Civil Procedure.

1           (5) The answer must be filed with the court within 45  
2 days after service of the civil in rem complaint.

3           (6) The hearing must be held within 60 days after  
4 filing of the answer unless continued for good cause.

5           (7) At the judicial in rem proceeding, in the State's  
6 case in chief, the State shall show by a preponderance of  
7 the evidence that the property is subject to forfeiture. If  
8 the State makes such a showing, the claimant shall have the  
9 burden of production to set forth evidence that the  
10 property is not related to the alleged factual basis of the  
11 forfeiture. After this production of evidence, the State  
12 shall maintain the burden of proof to overcome this  
13 assertion. A claimant shall provide the State notice of its  
14 intent to allege that the currency or its equivalent is not  
15 related to the alleged factual basis of the forfeiture and  
16 why. As to conveyances, at the judicial in rem proceeding,  
17 in their case in chief, the State shall show by a  
18 preponderance of the evidence, that (1) the property is  
19 subject to forfeiture; and (2) at least one of the  
20 following:

21           (i) that the claimant was legally accountable for  
22 the conduct giving rise to the forfeiture;

23           (ii) that the claimant knew or reasonably should  
24 have known of the conduct giving rise to the  
25 forfeiture;

26           (iii) that the claimant knew or reasonable should



1           have known that the conduct giving rise to the  
2           forfeiture was likely to occur;

3           (iv) that the claimant held the property for the  
4           benefit of, or as nominee for, any person whose conduct  
5           gave rise to its forfeiture;

6           (v) that if the claimant acquired their interest  
7           through any person engaging in any of the conduct  
8           described above or conduct giving rise to the  
9           forfeiture;

10           (1) the claimant did not acquire it as a bona  
11           fide purchaser for value; or

12           (2) the claimant acquired the interest under  
13           the circumstances that they reasonably should have  
14           known the property was derived from, or used in,  
15           the conduct giving rise to the forfeiture; or

16           (vii) that the claimant is not the true owner of  
17           the property that is subject to forfeiture.

18           (8) If the State does not meet its burden to show that  
19           the property is subject to forfeiture, the court shall  
20           order the interest in the property returned or conveyed to  
21           the claimant and shall order all other property forfeited  
22           to the State. If the State does meet its burden to show  
23           that the property is subject to forfeiture, the court shall  
24           order all property forfeited to the State.

25           (9) A defendant convicted in any criminal proceeding is  
26           precluded from later denying the essential allegations of

1 the criminal offense of which the defendant was convicted  
2 in any proceeding under this Article regardless of the  
3 pendency of an appeal from that conviction. However,  
4 evidence of the pendency of an appeal is admissible.

5 (10) On a motion by the ~~the~~ parties, the court may stay  
6 civil forfeiture proceedings during the criminal trial for  
7 a related criminal indictment or information alleging a  
8 money laundering violation. Such a stay shall not be  
9 available pending an appeal. Property subject to  
10 forfeiture under this Article shall not be subject to  
11 return or release by a court exercising jurisdiction over a  
12 criminal case involving the seizure of such property unless  
13 such return or release is consented to by the State's  
14 Attorney.

15 Notwithstanding any other provision of this Section,  
16 the State's burden of proof at the trial of the forfeiture  
17 action shall be by clear and convincing evidence if: (1) a  
18 finding of not guilty is entered as to all counts and all  
19 defendants in a criminal proceeding relating to the conduct  
20 giving rise to the forfeiture action; or (2) the State  
21 receives an adverse finding at a preliminary hearing and  
22 fails to secure an indictment in a criminal proceeding  
23 relating to the factual allegations of the forfeiture  
24 action.

25 (11) All property declared forfeited under this  
26 Article vests in this State on the commission of the

1           conduct giving rise to forfeiture together with the  
2           proceeds of the property after that time. Except as  
3           otherwise provided in this Article, title to any such  
4           property or proceeds subsequently transferred to any  
5           person remain subject to forfeiture and thereafter shall be  
6           ordered forfeited unless the person to whom the property  
7           was transferred makes an appropriate claim and has his or  
8           her claim adjudicated at the judicial in rem hearing.

9           (12) A civil action under this Article must be  
10          commenced within 5 years after the last conduct giving rise  
11          to forfeiture became known or should have become known or 5  
12          years after the forfeitable property is discovered,  
13          whichever is later, excluding any time during which either  
14          the property or claimant is out of the State or in  
15          confinement or during which criminal proceedings relating  
16          to the same conduct are in progress.

17          (m) Stay of time periods. If property is seized for  
18          evidence and for forfeiture, the time periods for instituting  
19          judicial and non-judicial forfeiture proceedings shall not  
20          begin until the property is no longer necessary for evidence.

21          (n) Settlement of claims. Notwithstanding other provisions  
22          of this Article, the State's Attorney and a claimant of seized  
23          property may enter into an agreed-upon settlement concerning  
24          the seized property in such an amount and upon such terms as  
25          are set out in writing in a settlement agreement. All proceeds  
26          from a settlement agreement shall be tendered to the Department

1 of State Police and distributed under paragraph (6) of  
2 subsection (h) of this Section.

3 (o) Property constituting attorney fees. Nothing in this  
4 Article applies to property which constitutes reasonable bona  
5 fide attorney's fees paid to an attorney for services rendered  
6 or to be rendered in the forfeiture proceeding or criminal  
7 proceeding relating directly thereto where such property was  
8 paid before its seizure, before the issuance of any seizure  
9 warrant or court order prohibiting transfer of the property and  
10 where the attorney, at the time he or she received the property  
11 did not know that it was property subject to forfeiture under  
12 this Article.

13 (p) Construction. It is the intent of the General Assembly  
14 that the forfeiture provisions of this Article be liberally  
15 construed so as to effect their remedial purpose. The  
16 forfeiture of property and other remedies hereunder shall be  
17 considered to be in addition to, and not exclusive of, any  
18 sentence or other remedy provided by law.

19 (q) Judicial review. If property has been declared  
20 forfeited under subsection (k) of this Section, any person who  
21 has an interest in the property declared forfeited may, within  
22 30 days after the effective date of the notice of the  
23 declaration of forfeiture, file a claim as described in  
24 paragraph (3) of subsection (k) of this Section. If a claim is  
25 filed under this Section, then the procedures described in  
26 subsection (l) of this Section apply.

1 (r) (Blank).

2 (s) Review of administrative decisions. All administrative  
3 findings, rulings, final determinations, findings, and  
4 conclusions of the State's Attorney's Office under this Article  
5 are final and conclusive decisions of the matters involved. Any  
6 person aggrieved by the decision may obtain review of the  
7 decision pursuant to the provisions of the Administrative  
8 Review Law and the rules adopted pursuant to that Law. Pending  
9 final decision on such review, the administrative acts, orders,  
10 and rulings of the State's Attorney's Office remain in full  
11 force and effect unless modified or suspended by order of court  
12 pending final judicial decision. Pending final decision on such  
13 review, the acts, orders, and rulings of the State's Attorney's  
14 Office remain in full force and effect, unless stayed by order  
15 of court. However, no stay of any decision of the  
16 administrative agency shall issue unless the person aggrieved  
17 by the decision establishes by a preponderance of the evidence  
18 that good cause exists for the stay. In determining good cause,  
19 the court shall find that the aggrieved party has established a  
20 substantial likelihood of prevailing on the merits and that  
21 granting the stay will not have an injurious effect on the  
22 general public.

23 (t) Actual physical seizure of real property subject to  
24 forfeiture under this Act requires the issuance of a seizure  
25 warrant. Nothing in this Section prohibits the constructive  
26 seizure of real property through the filing of a complaint for

1 forfeiture in circuit court and the recording of a lis pendens  
2 against the real property which is subject to forfeiture  
3 without any hearing, warrant application, or judicial  
4 approval.

5 (u) Property which is forfeited shall be subject to an 8th  
6 amendment to the United States Constitution disproportionate  
7 penalties analysis and the property forfeiture may be denied in  
8 whole or in part if the court finds that the forfeiture would  
9 constitute an excessive fine in violation of the 8th amendment  
10 as interpreted by case law.

11 (v) If property is ordered forfeited under this Section  
12 from a claimant who held title to the property in joint tenancy  
13 or tenancy in common with another claimant, the court shall  
14 determine the amount of each owner's interest in the property  
15 according to principles of property law.

16 (w) A claimant or a party interested in personal property  
17 contained within a seized conveyance may file a request with  
18 the State's Attorney in a non-judicial forfeiture action, or a  
19 motion with the court in a judicial forfeiture action for the  
20 return of any personal property contained within a conveyance  
21 which is seized under this Article. The return of personal  
22 property shall not be unreasonably withheld if the personal  
23 property is not mechanically or electrically coupled to the  
24 conveyance, needed for evidentiary purposes, or otherwise  
25 contraband. Any law enforcement agency that returns property  
26 under a court order under this Section shall not be liable to

1 any person who claims ownership to the property if it is  
2 returned to an improper party.

3 (x) Innocent owner hearing.

4 (1) After a complaint for forfeiture has been filed and  
5 all claimants have appeared and answered, a claimant may  
6 file a motion with the court for an innocent owner hearing  
7 prior to trial. This motion shall be made and supported by  
8 sworn affidavit and shall assert the following along with  
9 specific facts which support each assertion:

10 (i) that the claimant filing the motion is the true  
11 owner of the conveyance as interpreted by case law;

12 (ii) that the claimant was not legally accountable  
13 for the conduct giving rise to the forfeiture or  
14 acquiesced in the conduct;

15 (iii) that the claimant did not solicit, conspire,  
16 or attempt to commit the conduct giving rise to the  
17 forfeiture;

18 (iv) that the claimant did not know or did not have  
19 reason to know that the conduct giving rise to the  
20 forfeiture was likely to occur; and

21 (v) that the claimant did not hold the property for  
22 the benefit of, or as nominee for any person whose  
23 conduct gave rise to its forfeiture or if the owner or  
24 interest holder acquired the interest through any  
25 person, the owner or interest holder did not acquire it  
26 as a bona fide purchaser for value or acquired the

1 interest without knowledge of the seizure of the  
2 property for forfeiture.

3 (2) The claimant shall include specific facts which  
4 support these assertions in their motion.

5 (3) Upon this filing, a hearing may only be conducted  
6 after the parties have been given the opportunity to  
7 conduct limited discovery as to the ownership and control  
8 of the property, the claimant's knowledge, or any matter  
9 relevant to the issues raised or facts alleged in the  
10 claimant's motion. Discovery shall be limited to the  
11 People's requests in these areas but may proceed by any  
12 means allowed in the Code of Civil Procedure.

13 (i) After discovery is complete and the court has  
14 allowed for sufficient time to review and investigate  
15 the discovery responses, the court shall conduct a  
16 hearing. At the hearing, the fact that the conveyance  
17 is subject to forfeiture shall not be at issue. The  
18 court shall only hear evidence relating to the issue of  
19 innocent ownership.

20 (ii) At the hearing on the motion, it shall be the  
21 burden of the claimant to prove each of the assertions  
22 listed in paragraph (1) of this subsection (x) by a  
23 preponderance of the evidence.

24 (iii) If a claimant meets his burden of proof, the  
25 court shall grant the motion and order the property  
26 returned to the claimant. If the claimant fails to meet



1           his or her burden of proof then the court shall deny  
2           the motion.

3           (y) No property shall be forfeited under this Section from  
4           a person who, without actual or constructive notice that the  
5           property was the subject of forfeiture proceedings, obtained  
6           possession of the property as a bona fide purchaser for value.  
7           A person who purports to affect transfer of property after  
8           receiving actual or constructive notice that the property is  
9           subject to seizure or forfeiture is guilty of contempt of  
10          court, and shall be liable to the State for a penalty in the  
11          amount of the fair market value of the property.

12          (z) Forfeiture proceedings under this Section shall be  
13          subject to the Code of Civil Procedure and the rules of  
14          evidence relating to civil actions.

15          (aa) Return of property, damages, and costs.

16           (1) The law enforcement agency that holds custody of  
17           property seized for forfeiture shall deliver property  
18           ordered by the court to be returned or conveyed to the  
19           claimant within a reasonable time not to exceed 7 days,  
20           unless the order is stayed by the trial court or a  
21           reviewing court pending an appeal, motion to reconsider, or  
22           other reason.

23           (2) The law enforcement agency that holds custody of  
24           property is responsible for any damages, storage fees, and  
25           related costs applicable to property returned. The  
26           claimant shall not be subject to any charges by the State

1 for storage of the property or expenses incurred in the  
2 preservation of the property. Charges for the towing of a  
3 conveyance shall be borne by the claimant unless the  
4 conveyance was towed for the sole reason of seizure for  
5 forfeiture. This Section does not prohibit the imposition  
6 of any fees or costs by a home rule unit of local  
7 government related to the impoundment of a conveyance under  
8 an ordinance enacted by the unit of government.

9 (3) A law enforcement agency shall not retain forfeited  
10 property for its own use or transfer the property to any  
11 person or entity, except as provided under this Section. A  
12 law enforcement agency may apply in writing to the Director  
13 of State Police to request that a forfeited property be  
14 awarded to the agency for a specifically articulated  
15 official law enforcement use in an investigation. The  
16 Director of State Police shall provide a written  
17 justification in each instance detailing the reasons why  
18 the forfeited property was placed into official use and the  
19 justification shall be retained for a period of not less  
20 than 3 years.

21 (bb) The changes made to this Section by this amendatory  
22 Act of the 100th General Assembly are subject to Sections 2 and  
23 4 of the Statute on Statutes.

24 (Source: P.A. 99-480, eff. 9-9-15; 100-512, eff. 7-1-18.)

25 Section 100. The Illinois Controlled Substances Act is

1 amended by changing Sections 302, 411.2, and 501 as follows:

2 (720 ILCS 570/302) (from Ch. 56 1/2, par. 1302)

3 Sec. 302. (a) Every person who manufactures, distributes,  
4 or dispenses any controlled substances; engages in chemical  
5 analysis, research, or instructional activities which utilize  
6 controlled substances; purchases, stores, or administers  
7 euthanasia drugs, within this State; provides canine odor  
8 detection services; proposes to engage in the manufacture,  
9 distribution, or dispensing of any controlled substance;  
10 proposes to engage in chemical analysis, research, or  
11 instructional activities which utilize controlled substances;  
12 proposes to engage in purchasing, storing, or administering  
13 euthanasia drugs; or proposes to provide canine odor detection  
14 services within this State, must obtain a registration issued  
15 by the Department of Financial and Professional Regulation in  
16 accordance with its rules. The rules shall include, but not be  
17 limited to, setting the expiration date and renewal period for  
18 each registration under this Act. The Department, any facility  
19 or service licensed by the Department, and any veterinary  
20 hospital or clinic operated by a veterinarian or veterinarians  
21 licensed under the Veterinary Medicine and Surgery Practice Act  
22 of 2004 or maintained by a State-supported or publicly funded  
23 university or college shall be exempt from the regulation  
24 requirements of this Section; however, such exemption shall not  
25 operate to bar the University of Illinois from requesting, nor

1 the Department of Financial and Professional Regulation from  
2 issuing, a registration to the University of Illinois  
3 Veterinary Teaching Hospital under this Act. Neither a request  
4 for such registration nor the issuance of such registration to  
5 the University of Illinois shall operate to otherwise waive or  
6 modify the exemption provided in this subsection (a).

7 (b) Persons registered by the Department of Financial and  
8 Professional Regulation under this Act to manufacture,  
9 distribute, or dispense controlled substances, engage in  
10 chemical analysis, research, or instructional activities which  
11 utilize controlled substances, purchase, store, or administer  
12 euthanasia drugs, or provide canine odor detection services,  
13 may possess, manufacture, distribute, engage in chemical  
14 analysis, research, or instructional activities which utilize  
15 controlled substances, dispense those substances, or purchase,  
16 store, or administer euthanasia drugs, or provide canine odor  
17 detection services to the extent authorized by their  
18 registration and in conformity with the other provisions of  
19 this Article.

20 (c) The following persons need not register and may  
21 lawfully possess controlled substances under this Act:

22 (1) an agent or employee of any registered  
23 manufacturer, distributor, or dispenser of any controlled  
24 substance if he or she is acting in the usual course of his  
25 or her employer's lawful business or employment;

26 (2) a common or contract carrier or warehouseman, or an

1 agent or employee thereof, whose possession of any  
2 controlled substance is in the usual lawful course of such  
3 business or employment;

4 (3) an ultimate user or a person in possession of a  
5 controlled substance prescribed for the ultimate user  
6 under a lawful prescription of a practitioner, including an  
7 advanced practice registered nurse, practical nurse, or  
8 registered nurse licensed under the Nurse Practice Act, or  
9 a physician assistant licensed under the Physician  
10 Assistant Practice Act of 1987, who provides hospice  
11 services to a hospice patient or who provides home health  
12 services to a person, or a person in possession of any  
13 controlled substance pursuant to a lawful prescription of a  
14 practitioner or in lawful possession of a Schedule V  
15 substance. In this Section, "home health services" has the  
16 meaning ascribed to it in the Home Health, Home Services,  
17 and Home Nursing Agency Licensing Act; and "hospice  
18 patient" and "hospice services" have the meanings ascribed  
19 to them in the Hospice Program Licensing Act;

20 (4) officers and employees of this State or of the  
21 United States while acting in the lawful course of their  
22 official duties which requires possession of controlled  
23 substances;

24 (5) a registered pharmacist who is employed in, or the  
25 owner of, a pharmacy licensed under this Act and the  
26 Federal Controlled Substances Act, at the licensed

1 location, or if he or she is acting in the usual course of  
2 his or her lawful profession, business, or employment;

3 (6) a holder of a temporary license issued under  
4 Section 17 of the Medical Practice Act of 1987 practicing  
5 within the scope of that license and in compliance with the  
6 rules adopted under this Act. In addition to possessing  
7 controlled substances, a temporary license holder may  
8 order, administer, and prescribe controlled substances  
9 when acting within the scope of his or her license and in  
10 compliance with the rules adopted under this Act.

11 (d) A separate registration is required at each place of  
12 business or professional practice where the applicant  
13 manufactures, distributes, or dispenses controlled substances,  
14 or purchases, stores, or administers euthanasia drugs. Persons  
15 are required to obtain a separate registration for each place  
16 of business or professional practice where controlled  
17 substances are located or stored. A separate registration is  
18 not required for every location at which a controlled substance  
19 may be prescribed.

20 (e) The Department of Financial and Professional  
21 Regulation or the Illinois State Police may inspect the  
22 controlled premises, as defined in Section 502 of this Act, of  
23 a registrant or applicant for registration in accordance with  
24 this Act and the rules promulgated hereunder and with regard to  
25 persons licensed by the Department, in accordance with  
26 subsection (bb) of Section 30-5 of the Substance Use Disorder

1 ~~Act Alcoholism and Other Drug Abuse and Dependency Act~~ and the  
2 rules and regulations promulgated thereunder.

3 (Source: P.A. 99-163, eff. 1-1-16; 99-247, eff. 8-3-15; 99-642,  
4 eff. 7-28-16; 100-513, eff. 1-1-18.)

5 (720 ILCS 570/411.2) (from Ch. 56 1/2, par. 1411.2)

6 Sec. 411.2. (a) Every person convicted of a violation of  
7 this Act, and every person placed on probation, conditional  
8 discharge, supervision or probation under Section 410 of this  
9 Act, shall be assessed for each offense a sum fixed at:

- 10 (1) \$3,000 for a Class X felony;  
11 (2) \$2,000 for a Class 1 felony;  
12 (3) \$1,000 for a Class 2 felony;  
13 (4) \$500 for a Class 3 or Class 4 felony;  
14 (5) \$300 for a Class A misdemeanor;  
15 (6) \$200 for a Class B or Class C misdemeanor.

16 (b) The assessment under this Section is in addition to and  
17 not in lieu of any fines, restitution costs, forfeitures or  
18 other assessments authorized or required by law.

19 (c) As a condition of the assessment, the court may require  
20 that payment be made in specified installments or within a  
21 specified period of time. If the assessment is not paid within  
22 the period of probation, conditional discharge or supervision  
23 to which the defendant was originally sentenced, the court may  
24 extend the period of probation, conditional discharge or  
25 supervision pursuant to Section 5-6-2 or 5-6-3.1 of the Unified

1 Code of Corrections, as applicable, until the assessment is  
2 paid or until successful completion of public or community  
3 service set forth in subsection (e) or the successful  
4 completion of the substance abuse intervention or treatment  
5 program set forth in subsection (f). If a term of probation,  
6 conditional discharge or supervision is not imposed, the  
7 assessment shall be payable upon judgment or as directed by the  
8 court.

9 (d) If an assessment for a violation of this Act is imposed  
10 on an organization, it is the duty of each individual  
11 authorized to make disbursements of the assets of the  
12 organization to pay the assessment from assets of the  
13 organization.

14 (e) A defendant who has been ordered to pay an assessment  
15 may petition the court to convert all or part of the assessment  
16 into court-approved public or community service. One hour of  
17 public or community service shall be equivalent to \$4 of  
18 assessment. The performance of this public or community service  
19 shall be a condition of the probation, conditional discharge or  
20 supervision and shall be in addition to the performance of any  
21 other period of public or community service ordered by the  
22 court or required by law.

23 (f) The court may suspend the collection of the assessment  
24 imposed under this Section; provided the defendant agrees to  
25 enter a substance abuse intervention or treatment program  
26 approved by the court; and further provided that the defendant



1 agrees to pay for all or some portion of the costs associated  
2 with the intervention or treatment program. In this case, the  
3 collection of the assessment imposed under this Section shall  
4 be suspended during the defendant's participation in the  
5 approved intervention or treatment program. Upon successful  
6 completion of the program, the defendant may apply to the court  
7 to reduce the assessment imposed under this Section by any  
8 amount actually paid by the defendant for his or her  
9 participation in the program. The court shall not reduce the  
10 penalty under this subsection unless the defendant establishes  
11 to the satisfaction of the court that he or she has  
12 successfully completed the intervention or treatment program.  
13 If the defendant's participation is for any reason terminated  
14 before his or her successful completion of the intervention or  
15 treatment program, collection of the entire assessment imposed  
16 under this Section shall be enforced. Nothing in this Section  
17 shall be deemed to affect or suspend any other fines,  
18 restitution costs, forfeitures or assessments imposed under  
19 this or any other Act.

20 (g) The court shall not impose more than one assessment per  
21 complaint, indictment or information. If the person is  
22 convicted of more than one offense in a complaint, indictment  
23 or information, the assessment shall be based on the highest  
24 class offense for which the person is convicted.

25 (h) In counties under 3,000,000, all moneys collected under  
26 this Section shall be forwarded by the clerk of the circuit

1 court to the State Treasurer for deposit in the Drug Treatment  
2 Fund, which is hereby established as a special fund within the  
3 State Treasury. The Department of Human Services may make  
4 grants to persons licensed under Section 15-10 of the Substance  
5 Use Disorder Act ~~Alcoholism and Other Drug Abuse and Dependency~~  
6 ~~Act~~ or to municipalities or counties from funds appropriated to  
7 the Department from the Drug Treatment Fund for the treatment  
8 of pregnant women who are addicted to alcohol, cannabis or  
9 controlled substances and for the needed care of minor,  
10 unemancipated children of women undergoing residential drug  
11 treatment. If the Department of Human Services grants funds to  
12 a municipality or a county that the Department determines is  
13 not experiencing a problem with pregnant women addicted to  
14 alcohol, cannabis or controlled substances, or with care for  
15 minor, unemancipated children of women undergoing residential  
16 drug treatment, or intervention, the funds shall be used for  
17 the treatment of any person addicted to alcohol, cannabis or  
18 controlled substances. The Department may adopt such rules as  
19 it deems appropriate for the administration of such grants.

20 (i) In counties over 3,000,000, all moneys collected under  
21 this Section shall be forwarded to the County Treasurer for  
22 deposit into the County Health Fund. The County Treasurer  
23 shall, no later than the 15th day of each month, forward to the  
24 State Treasurer 30 percent of all moneys collected under this  
25 Act and received into the County Health Fund since the prior  
26 remittance to the State Treasurer. Funds retained by the County

1 shall be used for community-based treatment of pregnant women  
2 who are addicted to alcohol, cannabis, or controlled substances  
3 or for the needed care of minor, unemancipated children of  
4 these women. Funds forwarded to the State Treasurer shall be  
5 deposited into the State Drug Treatment Fund maintained by the  
6 State Treasurer from which the Department of Human Services may  
7 make grants to persons licensed under Section 15-10 of the  
8 Substance Use Disorder Act ~~Alcoholism and Other Drug Abuse and~~  
9 ~~Dependency Act~~ or to municipalities or counties from funds  
10 appropriated to the Department from the Drug Treatment Fund,  
11 provided that the moneys collected from each county be returned  
12 proportionately to the counties through grants to licensees  
13 located within the county from which the assessment was  
14 received and moneys in the State Drug Treatment Fund shall not  
15 supplant other local, State or federal funds. If the Department  
16 of Human Services grants funds to a municipality or county that  
17 the Department determines is not experiencing a problem with  
18 pregnant women addicted to alcohol, cannabis or controlled  
19 substances, or with care for minor, unemancipated children or  
20 women undergoing residential drug treatment, the funds shall be  
21 used for the treatment of any person addicted to alcohol,  
22 cannabis or controlled substances. The Department may adopt  
23 such rules as it deems appropriate for the administration of  
24 such grants.

25 (Source: P.A. 97-334, eff. 1-1-12.)

1 (720 ILCS 570/501) (from Ch. 56 1/2, par. 1501)

2 Sec. 501. (a) It is hereby made the duty of the Department  
3 of Financial and Professional Regulation and the Illinois State  
4 Police, and their agents, officers, and investigators, to  
5 enforce all provisions of this Act, except those specifically  
6 delegated, and to cooperate with all agencies charged with the  
7 enforcement of the laws of the United States, or of any State,  
8 relating to controlled substances. Only an agent, officer, or  
9 investigator designated by the Secretary of the Department of  
10 Financial and Professional Regulation or the Director of the  
11 Illinois State Police may: (1) for the purpose of inspecting,  
12 copying, and verifying the correctness of records, reports or  
13 other documents required to be kept or made under this Act and  
14 otherwise facilitating the execution of the functions of the  
15 Department of Financial and Professional Regulation or the  
16 Illinois State Police, be authorized in accordance with this  
17 Section to enter controlled premises and to conduct  
18 administrative inspections thereof and of the things  
19 specified; or (2) execute and serve administrative inspection  
20 notices, warrants, subpoenas, and summonses under the  
21 authority of this State. Any inspection or administrative entry  
22 of persons licensed by the Department shall be made in  
23 accordance with subsection (bb) of Section 30-5 of the  
24 Substance Use Disorder Act ~~Alcoholism and Other Drug Abuse and~~  
25 ~~Dependency Act~~ and the rules and regulations promulgated  
26 thereunder.

1           (b) Administrative entries and inspections designated in  
2 clause (1) of subsection (a) shall be carried out through  
3 agents, officers, investigators and peace officers  
4 (hereinafter referred to as "inspectors") designated by the  
5 Secretary of the Department of Financial and Professional  
6 Regulation. Any inspector, upon stating his or her purpose and  
7 presenting to the owner, operator, or agent in charge of the  
8 premises (1) appropriate credentials and (2) a written notice  
9 of his or her inspection authority (which notice, in the case  
10 of an inspection requiring or in fact supported by an  
11 administrative inspection warrant, shall consist of that  
12 warrant), shall have the right to enter the premises and  
13 conduct the inspection at reasonable times.

14           Inspectors appointed before the effective date of this  
15 amendatory Act of the 97th General Assembly by the Secretary of  
16 Financial and Professional Regulation under this Section 501  
17 are conservators of the peace and as such have all the powers  
18 possessed by policemen in municipalities and by sheriffs,  
19 except that they may exercise such powers anywhere in the  
20 State.

21           A Chief of Investigations of the Department of Financial  
22 and Professional Regulation's Division of Professional  
23 Regulation appointed by the Secretary of Financial and  
24 Professional Regulation on or after the effective date of this  
25 amendatory Act of the 97th General Assembly is a conservator of  
26 the peace and as such has all the powers possessed by policemen

1 in municipalities and by sheriffs, except that he or she may  
2 exercise such powers anywhere in the State. Any other employee  
3 of the Department of Financial and Professional Regulation  
4 appointed by the Secretary of Financial and Professional  
5 Regulation or by the Director of Professional Regulation on or  
6 after the effective date of this amendatory Act of the 97th  
7 General Assembly under this Section 501 is not a conservator of  
8 the peace.

9 (c) Except as may otherwise be indicated in an applicable  
10 inspection warrant, the inspector shall have the right:

11 (1) to inspect and copy records, reports and other  
12 documents required to be kept or made under this Act;

13 (2) to inspect, within reasonable limits and in a  
14 reasonable manner, controlled premises and all pertinent  
15 equipment, finished and unfinished drugs and other  
16 substances or materials, containers and labeling found  
17 therein, and all other things therein (including records,  
18 files, papers, processes, controls and facilities)  
19 appropriate for verification of the records, reports and  
20 documents referred to in item (1) or otherwise bearing on  
21 the provisions of this Act; and

22 (3) to inventory any stock of any controlled substance.

23 (d) Except when the owner, operator, or agent in charge of  
24 the controlled premises so consents in writing, no inspection  
25 authorized by this Section shall extend to:

26 (1) financial data;

1 (2) sales data other than shipment data; or

2 (3) pricing data.

3 Any inspection or administrative entry of persons licensed  
4 by the Department shall be made in accordance with subsection  
5 (bb) of Section 30-5 of the Substance Use Disorder Act  
6 ~~Alcoholism and Other Drug Abuse and Dependency Act~~ and the  
7 rules and regulations promulgated thereunder.

8 (e) Any agent, officer, investigator or peace officer  
9 designated by the Secretary of the Department of Financial and  
10 Professional Regulation may (1) make seizure of property  
11 pursuant to the provisions of this Act; and (2) perform such  
12 other law enforcement duties as the Secretary shall designate.  
13 It is hereby made the duty of all State's Attorneys to  
14 prosecute violations of this Act and institute legal  
15 proceedings as authorized under this Act.

16 (Source: P.A. 97-334, eff. 1-1-12.)

17 Section 105. The Methamphetamine Control and Community  
18 Protection Act is amended by changing Section 80 as follows:

19 (720 ILCS 646/80)

20 Sec. 80. Assessment.

21 (a) Every person convicted of a violation of this Act, and  
22 every person placed on probation, conditional discharge,  
23 supervision, or probation under this Act, shall be assessed for  
24 each offense a sum fixed at:

- 1 (1) \$3,000 for a Class X felony;
- 2 (2) \$2,000 for a Class 1 felony;
- 3 (3) \$1,000 for a Class 2 felony;
- 4 (4) \$500 for a Class 3 or Class 4 felony.

5 (b) The assessment under this Section is in addition to and  
6 not in lieu of any fines, restitution, costs, forfeitures, or  
7 other assessments authorized or required by law.

8 (c) As a condition of the assessment, the court may require  
9 that payment be made in specified installments or within a  
10 specified period of time. If the assessment is not paid within  
11 the period of probation, conditional discharge, or supervision  
12 to which the defendant was originally sentenced, the court may  
13 extend the period of probation, conditional discharge, or  
14 supervision pursuant to Section 5-6-2 or 5-6-3.1 of the Unified  
15 Code of Corrections, as applicable, until the assessment is  
16 paid or until successful completion of public or community  
17 service set forth in subsection (e) or the successful  
18 completion of the substance abuse intervention or treatment  
19 program set forth in subsection (f). If a term of probation,  
20 conditional discharge, or supervision is not imposed, the  
21 assessment shall be payable upon judgment or as directed by the  
22 court.

23 (d) If an assessment for a violation of this Act is imposed  
24 on an organization, it is the duty of each individual  
25 authorized to make disbursements of the assets of the  
26 organization to pay the assessment from assets of the



1 organization.

2 (e) A defendant who has been ordered to pay an assessment  
3 may petition the court to convert all or part of the assessment  
4 into court-approved public or community service. One hour of  
5 public or community service shall be equivalent to \$4 of  
6 assessment. The performance of this public or community service  
7 shall be a condition of the probation, conditional discharge,  
8 or supervision and shall be in addition to the performance of  
9 any other period of public or community service ordered by the  
10 court or required by law.

11 (f) The court may suspend the collection of the assessment  
12 imposed under this Section if the defendant agrees to enter a  
13 substance abuse intervention or treatment program approved by  
14 the court and the defendant agrees to pay for all or some  
15 portion of the costs associated with the intervention or  
16 treatment program. In this case, the collection of the  
17 assessment imposed under this Section shall be suspended during  
18 the defendant's participation in the approved intervention or  
19 treatment program. Upon successful completion of the program,  
20 the defendant may apply to the court to reduce the assessment  
21 imposed under this Section by any amount actually paid by the  
22 defendant for his or her participation in the program. The  
23 court shall not reduce the penalty under this subsection unless  
24 the defendant establishes to the satisfaction of the court that  
25 he or she has successfully completed the intervention or  
26 treatment program. If the defendant's participation is for any

1 reason terminated before his or her successful completion of  
2 the intervention or treatment program, collection of the entire  
3 assessment imposed under this Section shall be enforced.  
4 Nothing in this Section shall be deemed to affect or suspend  
5 any other fines, restitution costs, forfeitures, or  
6 assessments imposed under this or any other Act.

7 (g) The court shall not impose more than one assessment per  
8 complaint, indictment, or information. If the person is  
9 convicted of more than one offense in a complaint, indictment,  
10 or information, the assessment shall be based on the highest  
11 class offense for which the person is convicted.

12 (h) In counties with a population under 3,000,000, all  
13 moneys collected under this Section shall be forwarded by the  
14 clerk of the circuit court to the State Treasurer for deposit  
15 in the Drug Treatment Fund. The Department of Human Services  
16 may make grants to persons licensed under Section 15-10 of the  
17 Substance Use Disorder Act ~~Alcoholism and Other Drug Abuse and~~  
18 ~~Dependency Act~~ or to municipalities or counties from funds  
19 appropriated to the Department from the Drug Treatment Fund for  
20 the treatment of pregnant women who are addicted to alcohol,  
21 cannabis or controlled substances and for the needed care of  
22 minor, unemancipated children of women undergoing residential  
23 drug treatment. If the Department of Human Services grants  
24 funds to a municipality or a county that the Department  
25 determines is not experiencing a problem with pregnant women  
26 addicted to alcohol, cannabis or controlled substances, or with

1 care for minor, unemancipated children of women undergoing  
2 residential drug treatment, or intervention, the funds shall be  
3 used for the treatment of any person addicted to alcohol,  
4 cannabis, or controlled substances. The Department may adopt  
5 such rules as it deems appropriate for the administration of  
6 such grants.

7 (i) In counties with a population of 3,000,000 or more, all  
8 moneys collected under this Section shall be forwarded to the  
9 County Treasurer for deposit into the County Health Fund. The  
10 County Treasurer shall, no later than the 15th day of each  
11 month, forward to the State Treasurer 30 percent of all moneys  
12 collected under this Act and received into the County Health  
13 Fund since the prior remittance to the State Treasurer. Funds  
14 retained by the County shall be used for community-based  
15 treatment of pregnant women who are addicted to alcohol,  
16 cannabis, or controlled substances or for the needed care of  
17 minor, unemancipated children of these women. Funds forwarded  
18 to the State Treasurer shall be deposited into the State Drug  
19 Treatment Fund maintained by the State Treasurer from which the  
20 Department of Human Services may make grants to persons  
21 licensed under Section 15-10 of the Alcoholism and Other Drug  
22 Abuse and Dependency Act or to municipalities or counties from  
23 funds appropriated to the Department from the Drug Treatment  
24 Fund, provided that the moneys collected from each county be  
25 returned proportionately to the counties through grants to  
26 licensees located within the county from which the assessment

1 was received and moneys in the State Drug Treatment Fund shall  
2 not supplant other local, State or federal funds. If the  
3 Department of Human Services grants funds to a municipality or  
4 county that the Department determines is not experiencing a  
5 problem with pregnant women addicted to alcohol, cannabis or  
6 controlled substances, or with care for minor, unemancipated  
7 children or women undergoing residential drug treatment, the  
8 funds shall be used for the treatment of any person addicted to  
9 alcohol, cannabis or controlled substances. The Department may  
10 adopt such rules as it deems appropriate for the administration  
11 of such grants.

12 (Source: P.A. 94-556, eff. 9-11-05.)

13 Section 110. The Unified Code of Corrections is amended by  
14 changing Sections 3-6-2, 3-8-5, 3-19-5, 3-19-10, 5-2-6,  
15 5-4.5-95, and 5-5-3 as follows:

16 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

17 Sec. 3-6-2. Institutions and Facility Administration.

18 (a) Each institution and facility of the Department shall  
19 be administered by a chief administrative officer appointed by  
20 the Director. A chief administrative officer shall be  
21 responsible for all persons assigned to the institution or  
22 facility. The chief administrative officer shall administer  
23 the programs of the Department for the custody and treatment of  
24 such persons.

1           (b) The chief administrative officer shall have such  
2 assistants as the Department may assign.

3           (c) The Director or Assistant Director shall have the  
4 emergency powers to temporarily transfer individuals without  
5 formal procedures to any State, county, municipal or regional  
6 correctional or detention institution or facility in the State,  
7 subject to the acceptance of such receiving institution or  
8 facility, or to designate any reasonably secure place in the  
9 State as such an institution or facility and to make transfers  
10 thereto. However, transfers made under emergency powers shall  
11 be reviewed as soon as practicable under Article 8, and shall  
12 be subject to Section 5-905 of the Juvenile Court Act of 1987.  
13 This Section shall not apply to transfers to the Department of  
14 Human Services which are provided for under Section 3-8-5 or  
15 Section 3-10-5.

16           (d) The Department shall provide educational programs for  
17 all committed persons so that all persons have an opportunity  
18 to attain the achievement level equivalent to the completion of  
19 the twelfth grade in the public school system in this State.  
20 Other higher levels of attainment shall be encouraged and  
21 professional instruction shall be maintained wherever  
22 possible. The Department may establish programs of mandatory  
23 education and may establish rules and regulations for the  
24 administration of such programs. A person committed to the  
25 Department who, during the period of his or her incarceration,  
26 participates in an educational program provided by or through

1 the Department and through that program is awarded or earns the  
2 number of hours of credit required for the award of an  
3 associate, baccalaureate, or higher degree from a community  
4 college, college, or university located in Illinois shall  
5 reimburse the State, through the Department, for the costs  
6 incurred by the State in providing that person during his or  
7 her incarceration with the education that qualifies him or her  
8 for the award of that degree. The costs for which reimbursement  
9 is required under this subsection shall be determined and  
10 computed by the Department under rules and regulations that it  
11 shall establish for that purpose. However, interest at the rate  
12 of 6% per annum shall be charged on the balance of those costs  
13 from time to time remaining unpaid, from the date of the  
14 person's parole, mandatory supervised release, or release  
15 constituting a final termination of his or her commitment to  
16 the Department until paid.

17 (d-5) A person committed to the Department is entitled to  
18 confidential testing for infection with human immunodeficiency  
19 virus (HIV) and to counseling in connection with such testing,  
20 with no copay to the committed person. A person committed to  
21 the Department who has tested positive for infection with HIV  
22 is entitled to medical care while incarcerated, counseling, and  
23 referrals to support services, in connection with that positive  
24 test result. Implementation of this subsection (d-5) is subject  
25 to appropriation.

26 (e) A person committed to the Department who becomes in

1 need of medical or surgical treatment but is incapable of  
2 giving consent thereto shall receive such medical or surgical  
3 treatment by the chief administrative officer consenting on the  
4 person's behalf. Before the chief administrative officer  
5 consents, he or she shall obtain the advice of one or more  
6 physicians licensed to practice medicine in all its branches in  
7 this State. If such physician or physicians advise:

8 (1) that immediate medical or surgical treatment is  
9 required relative to a condition threatening to cause  
10 death, damage or impairment to bodily functions, or  
11 disfigurement; and

12 (2) that the person is not capable of giving consent to  
13 such treatment; the chief administrative officer may give  
14 consent for such medical or surgical treatment, and such  
15 consent shall be deemed to be the consent of the person for  
16 all purposes, including, but not limited to, the authority  
17 of a physician to give such treatment.

18 (e-5) If a physician providing medical care to a committed  
19 person on behalf of the Department advises the chief  
20 administrative officer that the committed person's mental or  
21 physical health has deteriorated as a result of the cessation  
22 of ingestion of food or liquid to the point where medical or  
23 surgical treatment is required to prevent death, damage, or  
24 impairment to bodily functions, the chief administrative  
25 officer may authorize such medical or surgical treatment.

26 (f) In the event that the person requires medical care and

1 treatment at a place other than the institution or facility,  
2 the person may be removed therefrom under conditions prescribed  
3 by the Department. The Department shall require the committed  
4 person receiving medical or dental services on a non-emergency  
5 basis to pay a \$5 co-payment to the Department for each visit  
6 for medical or dental services. The amount of each co-payment  
7 shall be deducted from the committed person's individual  
8 account. A committed person who has a chronic illness, as  
9 defined by Department rules and regulations, shall be exempt  
10 from the \$5 co-payment for treatment of the chronic illness. A  
11 committed person shall not be subject to a \$5 co-payment for  
12 follow-up visits ordered by a physician, who is employed by, or  
13 contracts with, the Department. A committed person who is  
14 indigent is exempt from the \$5 co-payment and is entitled to  
15 receive medical or dental services on the same basis as a  
16 committed person who is financially able to afford the  
17 co-payment. For purposes of this Section only, "indigent" means  
18 a committed person who has \$20 or less in his or her Inmate  
19 Trust Fund at the time of such services and for the 30 days  
20 prior to such services. Notwithstanding any other provision in  
21 this subsection (f) to the contrary, any person committed to  
22 any facility operated by the Department of Juvenile Justice, as  
23 set forth in Section 3-2.5-15 of this Code, is exempt from the  
24 co-payment requirement for the duration of confinement in those  
25 facilities.

26 (g) Any person having sole custody of a child at the time



1 of commitment or any woman giving birth to a child after her  
2 commitment, may arrange through the Department of Children and  
3 Family Services for suitable placement of the child outside of  
4 the Department of Corrections. The Director of the Department  
5 of Corrections may determine that there are special reasons why  
6 the child should continue in the custody of the mother until  
7 the child is 6 years old.

8 (h) The Department may provide Family Responsibility  
9 Services which may consist of, but not be limited to the  
10 following:

11 (1) family advocacy counseling;

12 (2) parent self-help group;

13 (3) parenting skills training;

14 (4) parent and child overnight program;

15 (5) parent and child reunification counseling, either  
16 separately or together, preceding the inmate's release;  
17 and

18 (6) a prerelease reunification staffing involving the  
19 family advocate, the inmate and the child's counselor, or  
20 both and the inmate.

21 (i) (Blank).

22 (j) Any person convicted of a sex offense as defined in the  
23 Sex Offender Management Board Act shall be required to receive  
24 a sex offender evaluation prior to release into the community  
25 from the Department of Corrections. The sex offender evaluation  
26 shall be conducted in conformance with the standards and

1 guidelines developed under the Sex Offender Management Board  
2 Act and by an evaluator approved by the Board.

3 (k) Any minor committed to the Department of Juvenile  
4 Justice for a sex offense as defined by the Sex Offender  
5 Management Board Act shall be required to undergo sex offender  
6 treatment by a treatment provider approved by the Board and  
7 conducted in conformance with the Sex Offender Management Board  
8 Act.

9 (l) Prior to the release of any inmate committed to a  
10 facility of the Department or the Department of Juvenile  
11 Justice, the Department must provide the inmate with  
12 appropriate information verbally, in writing, by video, or  
13 other electronic means, concerning HIV and AIDS. The Department  
14 shall develop the informational materials in consultation with  
15 the Department of Public Health. At the same time, the  
16 Department must also offer the committed person the option of  
17 testing for infection with human immunodeficiency virus (HIV),  
18 with no copayment for the test. Pre-test information shall be  
19 provided to the committed person and informed consent obtained  
20 as required in subsection (d) of Section 3 and Section 5 of the  
21 AIDS Confidentiality Act. The Department may conduct opt-out  
22 HIV testing as defined in Section 4 of the AIDS Confidentiality  
23 Act. If the Department conducts opt-out HIV testing, the  
24 Department shall place signs in English, Spanish and other  
25 languages as needed in multiple, highly visible locations in  
26 the area where HIV testing is conducted informing inmates that

1 they will be tested for HIV unless they refuse, and refusal or  
2 acceptance of testing shall be documented in the inmate's  
3 medical record. The Department shall follow procedures  
4 established by the Department of Public Health to conduct HIV  
5 testing and testing to confirm positive HIV test results. All  
6 testing must be conducted by medical personnel, but pre-test  
7 and other information may be provided by committed persons who  
8 have received appropriate training. The Department, in  
9 conjunction with the Department of Public Health, shall develop  
10 a plan that complies with the AIDS Confidentiality Act to  
11 deliver confidentially all positive or negative HIV test  
12 results to inmates or former inmates. Nothing in this Section  
13 shall require the Department to offer HIV testing to an inmate  
14 who is known to be infected with HIV, or who has been tested  
15 for HIV within the previous 180 days and whose documented HIV  
16 test result is available to the Department electronically. The  
17 testing provided under this subsection (1) shall consist of a  
18 test approved by the Illinois Department of Public Health to  
19 determine the presence of HIV infection, based upon  
20 recommendations of the United States Centers for Disease  
21 Control and Prevention. If the test result is positive, a  
22 reliable supplemental test based upon recommendations of the  
23 United States Centers for Disease Control and Prevention shall  
24 be administered.

25 Prior to the release of an inmate who the Department knows  
26 has tested positive for infection with HIV, the Department in a

1 timely manner shall offer the inmate transitional case  
2 management, including referrals to other support services.

3 (m) The chief administrative officer of each institution or  
4 facility of the Department shall make a room in the institution  
5 or facility available for substance use disorder ~~addiction~~  
6 ~~recovery~~ services to be provided to committed persons on a  
7 voluntary basis. The services shall be provided for one hour  
8 once a week at a time specified by the chief administrative  
9 officer of the institution or facility if the following  
10 conditions are met:

11 (1) the substance use disorder ~~addiction-recovery~~  
12 service contacts the chief administrative officer to  
13 arrange the meeting;

14 (2) the committed person may attend the meeting for  
15 substance use disorder ~~addiction-recovery~~ services only if  
16 the committed person uses pre-existing free time already  
17 available to the committed person;

18 (3) all disciplinary and other rules of the institution  
19 or facility remain in effect;

20 (4) the committed person is not given any additional  
21 privileges to attend substance use disorder ~~addiction~~  
22 ~~recovery~~ services;

23 (5) if the substance use disorder ~~addiction-recovery~~  
24 service does not arrange for scheduling a meeting for that  
25 week, no substance use disorder ~~addiction-recovery~~  
26 services shall be provided to the committed person in the

1 institution or facility for that week;

2 (6) the number of committed persons who may attend a  
3 substance use disorder ~~an addiction recovery~~ meeting shall  
4 not exceed 40 during any session held at the correctional  
5 institution or facility;

6 (7) a volunteer seeking to provide substance use  
7 disorder ~~addiction recovery~~ services under this subsection  
8 (m) must submit an application to the Department of  
9 Corrections under existing Department rules and the  
10 Department must review the application within 60 days after  
11 submission of the application to the Department; and

12 (8) each institution and facility of the Department  
13 shall manage the substance use disorder ~~addiction recovery~~  
14 services program according to its own processes and  
15 procedures.

16 For the purposes of this subsection (m), "substance use  
17 disorder ~~addiction recovery~~ services" means recovery services  
18 for persons with substance use disorders ~~alcoholics and addicts~~  
19 provided by volunteers of recovery support services recognized  
20 by the Department of Human Services.

21 (Source: P.A. 96-284, eff. 1-1-10; 97-244, eff. 8-4-11; 97-323,  
22 eff. 8-12-11; 97-562, eff. 1-1-12; 97-802, eff. 7-13-12;  
23 97-813, eff. 7-13-12.)

24 (730 ILCS 5/3-8-5) (from Ch. 38, par. 1003-8-5)

25 Sec. 3-8-5. Transfer to Department of Human Services.

1           (a) The Department shall cause inquiry and examination at  
2 periodic intervals to ascertain whether any person committed to  
3 it may be subject to involuntary admission, as defined in  
4 Section 1-119 of the Mental Health and Developmental  
5 Disabilities Code, or meets the standard for judicial admission  
6 as defined in Section 4-500 of the Mental Health and  
7 Developmental Disabilities Code, or is an intoxicated person or  
8 a person with a substance use disorder as defined in the  
9 Substance Use Disorder Act. ~~an addict, alcoholic or intoxicated~~  
10 ~~person as defined in the Alcoholism and Other Drug Abuse and~~  
11 ~~Dependency Act.~~ The Department may provide special psychiatric  
12 or psychological or other counseling or treatment to such  
13 persons in a separate institution within the Department, or the  
14 Director of the Department of Corrections may transfer such  
15 persons other than ~~addicts, alcoholics or~~ intoxicated persons  
16 or persons with substance use disorders to the Department of  
17 Human Services for observation, diagnosis and treatment,  
18 subject to the approval of the Director of the Department of  
19 Human Services, for a period of not more than 6 months, if the  
20 person consents in writing to the transfer. The person shall be  
21 advised of his right not to consent, and if he does not  
22 consent, such transfer may be effected only by commitment under  
23 paragraphs (c) and (d) of this Section.

24           (b) The person's spouse, guardian or nearest relative and  
25 his attorney of record shall be advised of their right to  
26 object, and if objection is made, such transfer may be effected

1 only by commitment under paragraph (c) of this Section. Notices  
2 of such transfer shall be mailed to such person's spouse,  
3 guardian or nearest relative and to the attorney of record  
4 marked for delivery to addressee only at his last known address  
5 by certified mail with return receipt requested together with  
6 written notification of the manner and time within which he may  
7 object thereto.

8 (c) If a committed person does not consent to his transfer  
9 to the Department of Human Services or if a person objects  
10 under paragraph (b) of this Section, or if the Department of  
11 Human Services determines that a transferred person requires  
12 commitment to the Department of Human Services for more than 6  
13 months, or if the person's sentence will expire within 6  
14 months, the Director of the Department of Corrections shall  
15 file a petition in the circuit court of the county in which the  
16 correctional institution or facility is located requesting the  
17 transfer of such person to the Department of Human Services. A  
18 certificate of a psychiatrist, clinical psychologist or, if  
19 admission to a developmental disability facility is sought, of  
20 a physician that the person is in need of commitment to the  
21 Department of Human Services for treatment or habilitation  
22 shall be attached to the petition. Copies of the petition shall  
23 be furnished to the named person and to the state's attorneys  
24 of the county in which the correctional institution or facility  
25 is located and the county in which the named person was  
26 committed to the Department of Corrections.

1           (d) The court shall set a date for a hearing on the  
2 petition within the time limit set forth in the Mental Health  
3 and Developmental Disabilities Code. The hearing shall be  
4 conducted in the manner prescribed by the Mental Health and  
5 Developmental Disabilities Code. If the person is found to be  
6 in need of commitment to the Department of Human Services for  
7 treatment or habilitation, the court may commit him to that  
8 Department.

9           (e) Nothing in this Section shall limit the right of the  
10 Director or the chief administrative officer of any institution  
11 or facility to utilize the emergency admission provisions of  
12 the Mental Health and Developmental Disabilities Code with  
13 respect to any person in his custody or care. The transfer of a  
14 person to an institution or facility of the Department of Human  
15 Services under paragraph (a) of this Section does not discharge  
16 the person from the control of the Department.

17 (Source: P.A. 88-670, eff. 12-2-94; 89-507, eff. 7-1-97.)

18           (730 ILCS 5/3-19-5)

19           Sec. 3-19-5. Methamphetamine abusers pilot program;  
20 Franklin County Juvenile Detention Center.

21           (a) There is created the Methamphetamine Abusers Pilot  
22 Program at the Franklin County Juvenile Detention Center. The  
23 Program shall be established upon adoption of a resolution or  
24 ordinance by the Franklin County Board and with the consent of  
25 the Secretary of Human Services.



1 (b) A person convicted of the unlawful possession of  
2 methamphetamine under Section 60 of the Methamphetamine  
3 Control and Community Protection Act, after an assessment by a  
4 designated program licensed under the Substance Use Disorder  
5 Act ~~Alcoholism and Other Drug Abuse and Dependency Act~~ that the  
6 person has a substance use disorder as defined in the Substance  
7 Use Disorder Act ~~is a methamphetamine abuser or addict~~ and may  
8 benefit from treatment for his or her substance use disorder  
9 ~~abuse or addiction~~, may be ordered by the court to be committed  
10 to the Program established under this Section.

11 (c) The Program shall consist of medical and psychiatric  
12 treatment for the substance use disorder ~~abuse or addiction~~ for  
13 a period of at least 90 days and not to exceed 180 days. A  
14 treatment plan for each person participating in the Program  
15 shall be approved by the court in consultation with the  
16 Department of Human Services. The Secretary of Human Services  
17 shall appoint a Program Administrator to operate the Program  
18 who shall be licensed to provide residential treatment for  
19 substance use disorders ~~alcoholism and other drug abuse and~~  
20 ~~dependency~~.

21 (d) Persons committed to the Program who are 17 years of  
22 age or older shall be separated from minors under 17 years of  
23 age who are detained in the Juvenile Detention Center and there  
24 shall be no contact between them.

25 (e) Upon the establishment of the Pilot Program, the  
26 Secretary of Human Services shall inform the chief judge of

1 each judicial circuit of this State of the existence of the  
2 Program and its date of termination.

3 (f) The Secretary of Human Services, after consultation  
4 with the Program Administrator, shall determine the  
5 effectiveness of the Program in rehabilitating persons with  
6 substance use disorders ~~methamphetamine abusers and addicts~~  
7 committed to the Program. The Secretary shall prepare a report  
8 based on his or her assessment of the effectiveness of the  
9 Program and shall submit the report to the Governor and General  
10 Assembly within one year after January 1, 2006 (the effective  
11 date of Public Act 94-549) and each year thereafter that the  
12 Program continues operation.

13 (Source: P.A. 94-549, eff. 1-1-06; 95-331, eff. 8-21-07.)

14 (730 ILCS 5/3-19-10)

15 Sec. 3-19-10. Methamphetamine abusers pilot program;  
16 Franklin County Jail.

17 (a) There is created the Methamphetamine Abusers Pilot  
18 Program at the Franklin County Jail. The Program shall be  
19 established upon adoption of a resolution or ordinance by the  
20 Franklin County Board and with the consent of the Secretary of  
21 Human Services.

22 (b) A person convicted of the unlawful possession of  
23 methamphetamine under Section 402 of the Illinois Controlled  
24 Substances Act, after an assessment by a designated program  
25 licensed under the Substance Use Disorder Act ~~Alcoholism and~~

1 ~~Other Drug Abuse and Dependency Act~~ that the person has a  
2 substance use disorder as defined in the Substance Use Disorder  
3 Act ~~is a methamphetamine abuser or addict~~ and may benefit from  
4 treatment for his or her substance use disorder ~~abuse or~~  
5 ~~addiction~~, may be ordered by the court to be committed to the  
6 Program established under this Section.

7 (c) The Program shall consist of medical and psychiatric  
8 treatment for the substance use disorder ~~abuse or addiction~~ for  
9 a period of at least 90 days and not to exceed 180 days. A  
10 treatment plan for each person participating in the Program  
11 shall be approved by the court in consultation with the  
12 Department of Human Services. The Secretary of Human Services  
13 shall appoint a Program Administrator to operate the Program  
14 who shall be licensed to provide residential treatment for  
15 substance use disorders ~~alcoholism and other drug abuse and~~  
16 ~~dependency~~.

17 (d) Upon the establishment of the Pilot Program, the  
18 Secretary of Human Services shall inform the chief judge of  
19 each judicial circuit of this State of the existence of the  
20 Program and its date of termination.

21 (e) The Secretary of Human Services, after consultation  
22 with the Program Administrator, shall determine the  
23 effectiveness of the Program in rehabilitating persons with  
24 substance use disorders ~~methamphetamine abusers and addicts~~  
25 committed to the Program. The Secretary shall prepare a report  
26 based on his or her assessment of the effectiveness of the

1 Program and shall submit the report to the Governor and General  
2 Assembly within one year after the effective date of this  
3 amendatory Act of the 94th General Assembly and each year  
4 thereafter that the Program continues operation.

5 (Source: P.A. 94-549, eff. 1-1-06; 95-331, eff. 8-21-07.)

6 (730 ILCS 5/5-2-6) (from Ch. 38, par. 1005-2-6)

7 Sec. 5-2-6. Sentencing and Treatment of Defendant Found  
8 Guilty but Mentally Ill.

9 (a) After a plea or verdict of guilty but mentally ill  
10 under Sections 115-2, 115-3 or 115-4 of the Code of Criminal  
11 Procedure of 1963, the court shall order a presentence  
12 investigation and report pursuant to Sections 5-3-1 and 5-3-2  
13 of this Act, and shall set a date for a sentencing hearing. The  
14 court may impose any sentence upon the defendant which could be  
15 imposed pursuant to law upon a defendant who had been convicted  
16 of the same offense without a finding of mental illness.

17 (b) If the court imposes a sentence of imprisonment upon a  
18 defendant who has been found guilty but mentally ill, the  
19 defendant shall be committed to the Department of Corrections,  
20 which shall cause periodic inquiry and examination to be made  
21 concerning the nature, extent, continuance, and treatment of  
22 the defendant's mental illness. The Department of Corrections  
23 shall provide such psychiatric, psychological, or other  
24 counseling and treatment for the defendant as it determines  
25 necessary.

1           (c) The Department of Corrections may transfer the  
2 defendant's custody to the Department of Human Services in  
3 accordance with the provisions of Section 3-8-5 of this Act.

4           (d) (1) The Department of Human Services shall return to  
5 the Department of Corrections any person committed to it  
6 pursuant to this Section whose sentence has not expired and  
7 whom the Department of Human Services deems no longer requires  
8 hospitalization for mental treatment, an intellectual  
9 disability, or a substance use disorder as defined in Section  
10 1-10 of the Substance Use Disorder Act. ~~addiction.~~

11           (2) The Department of Corrections shall notify the  
12 Secretary of Human Services of the expiration of the sentence  
13 of any person transferred to the Department of Human Services  
14 under this Section. If the Department of Human Services  
15 determines that any such person requires further  
16 hospitalization, it shall file an appropriate petition for  
17 involuntary commitment pursuant to the Mental Health and  
18 Developmental Disabilities Code.

19           (e) (1) All persons found guilty but mentally ill, whether  
20 by plea or by verdict, who are placed on probation or sentenced  
21 to a term of periodic imprisonment or a period of conditional  
22 discharge shall be required to submit to a course of mental  
23 treatment prescribed by the sentencing court.

24           (2) The course of treatment prescribed by the court shall  
25 reasonably assure the defendant's satisfactory progress in  
26 treatment or habilitation and for the safety of the defendant

1 and others. The court shall consider terms, conditions and  
2 supervision which may include, but need not be limited to,  
3 notification and discharge of the person to the custody of his  
4 family, community adjustment programs, periodic checks with  
5 legal authorities and outpatient care and utilization of local  
6 mental health or developmental disabilities facilities.

7 (3) Failure to continue treatment, except by agreement with  
8 the treating person or agency and the court, shall be a basis  
9 for the institution of probation revocation proceedings.

10 (4) The period of probation shall be in accordance with  
11 Article 4.5 of Chapter V of this Code and shall not be  
12 shortened without receipt and consideration of such  
13 psychiatric or psychological report or reports as the court may  
14 require.

15 (Source: P.A. 97-227, eff. 1-1-12.)

16 (730 ILCS 5/5-4.5-95)

17 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

18 (a) HABITUAL CRIMINALS.

19 (1) Every person who has been twice convicted in any  
20 state or federal court of an offense that contains the same  
21 elements as an offense now (the date of the offense  
22 committed after the 2 prior convictions) classified in  
23 Illinois as a Class X felony, criminal sexual assault,  
24 aggravated kidnapping, or first degree murder, and who is  
25 thereafter convicted of a Class X felony, criminal sexual

1 assault, or first degree murder, committed after the 2  
2 prior convictions, shall be adjudged an habitual criminal.

3 (2) The 2 prior convictions need not have been for the  
4 same offense.

5 (3) Any convictions that result from or are connected  
6 with the same transaction, or result from offenses  
7 committed at the same time, shall be counted for the  
8 purposes of this Section as one conviction.

9 (4) This Section does not apply unless each of the  
10 following requirements are satisfied:

11 (A) The third offense was committed after July 3,  
12 1980.

13 (B) The third offense was committed within 20 years  
14 of the date that judgment was entered on the first  
15 conviction; provided, however, that time spent in  
16 custody shall not be counted.

17 (C) The third offense was committed after  
18 conviction on the second offense.

19 (D) The second offense was committed after  
20 conviction on the first offense.

21 (5) Anyone who, having attained the age of 18 at the  
22 time of the third offense, is adjudged an habitual criminal  
23 shall be sentenced to a term of natural life imprisonment.

24 (6) A prior conviction shall not be alleged in the  
25 indictment, and no evidence or other disclosure of that  
26 conviction shall be presented to the court or the jury

1 during the trial of an offense set forth in this Section  
2 unless otherwise permitted by the issues properly raised in  
3 that trial. After a plea or verdict or finding of guilty  
4 and before sentence is imposed, the prosecutor may file  
5 with the court a verified written statement signed by the  
6 State's Attorney concerning any former conviction of an  
7 offense set forth in this Section rendered against the  
8 defendant. The court shall then cause the defendant to be  
9 brought before it; shall inform the defendant of the  
10 allegations of the statement so filed, and of his or her  
11 right to a hearing before the court on the issue of that  
12 former conviction and of his or her right to counsel at  
13 that hearing; and unless the defendant admits such  
14 conviction, shall hear and determine the issue, and shall  
15 make a written finding thereon. If a sentence has  
16 previously been imposed, the court may vacate that sentence  
17 and impose a new sentence in accordance with this Section.

18 (7) A duly authenticated copy of the record of any  
19 alleged former conviction of an offense set forth in this  
20 Section shall be prima facie evidence of that former  
21 conviction; and a duly authenticated copy of the record of  
22 the defendant's final release or discharge from probation  
23 granted, or from sentence and parole supervision (if any)  
24 imposed pursuant to that former conviction, shall be prima  
25 facie evidence of that release or discharge.

26 (8) Any claim that a previous conviction offered by the



1 prosecution is not a former conviction of an offense set  
2 forth in this Section because of the existence of any  
3 exceptions described in this Section, is waived unless duly  
4 raised at the hearing on that conviction, or unless the  
5 prosecution's proof shows the existence of the exceptions  
6 described in this Section.

7 (9) If the person so convicted shows to the  
8 satisfaction of the court before whom that conviction was  
9 had that he or she was released from imprisonment, upon  
10 either of the sentences upon a pardon granted for the  
11 reason that he or she was innocent, that conviction and  
12 sentence shall not be considered under this Section.

13 (b) When a defendant, over the age of 21 years, is  
14 convicted of a Class 1 or Class 2 felony, except for an offense  
15 listed in subsection (c) of this Section, after having twice  
16 been convicted in any state or federal court of an offense that  
17 contains the same elements as an offense now (the date the  
18 Class 1 or Class 2 felony was committed) classified in Illinois  
19 as a Class 2 or greater Class felony, except for an offense  
20 listed in subsection (c) of this Section, and those charges are  
21 separately brought and tried and arise out of different series  
22 of acts, that defendant shall be sentenced as a Class X  
23 offender. This subsection does not apply unless:

24 (1) the first felony was committed after February 1,  
25 1978 (the effective date of Public Act 80-1099);

26 (2) the second felony was committed after conviction on

1 the first; and

2 (3) the third felony was committed after conviction on  
3 the second.

4 (c) Subsection (b) of this Section does not apply to Class  
5 1 or Class 2 felony convictions for a violation of Section 16-1  
6 of the Criminal Code of 2012.

7 A person sentenced as a Class X offender under this  
8 subsection (b) is not eligible to apply for treatment as a  
9 condition of probation as provided by Section 40-10 of the  
10 Substance Use Disorder Act ~~Alcoholism and Other Drug Abuse and~~  
11 ~~Dependency Act~~ (20 ILCS 301/40-10).

12 (Source: P.A. 99-69, eff. 1-1-16; 100-3, eff. 1-1-18.)

13 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)  
14 Sec. 5-5-3. Disposition.

15 (a) (Blank).

16 (b) (Blank).

17 (c) (1) (Blank).

18 (2) A period of probation, a term of periodic imprisonment  
19 or conditional discharge shall not be imposed for the following  
20 offenses. The court shall sentence the offender to not less  
21 than the minimum term of imprisonment set forth in this Code  
22 for the following offenses, and may order a fine or restitution  
23 or both in conjunction with such term of imprisonment:

24 (A) First degree murder where the death penalty is not  
25 imposed.

1 (B) Attempted first degree murder.

2 (C) A Class X felony.

3 (D) A violation of Section 401.1 or 407 of the Illinois  
4 Controlled Substances Act, or a violation of subdivision  
5 (c)(1.5) of Section 401 of that Act which relates to more  
6 than 5 grams of a substance containing fentanyl or an  
7 analog thereof.

8 (D-5) A violation of subdivision (c)(1) of Section 401  
9 of the Illinois Controlled Substances Act which relates to  
10 3 or more grams of a substance containing heroin or an  
11 analog thereof.

12 (E) (Blank).

13 (F) A Class 1 or greater felony if the offender had  
14 been convicted of a Class 1 or greater felony, including  
15 any state or federal conviction for an offense that  
16 contained, at the time it was committed, the same elements  
17 as an offense now (the date of the offense committed after  
18 the prior Class 1 or greater felony) classified as a Class  
19 1 or greater felony, within 10 years of the date on which  
20 the offender committed the offense for which he or she is  
21 being sentenced, except as otherwise provided in Section  
22 40-10 of the Substance Use Disorder Act. ~~Alcoholism and~~  
23 ~~Other Drug Abuse and Dependency Act.~~

24 (F-3) A Class 2 or greater felony sex offense or felony  
25 firearm offense if the offender had been convicted of a  
26 Class 2 or greater felony, including any state or federal

1 conviction for an offense that contained, at the time it  
2 was committed, the same elements as an offense now (the  
3 date of the offense committed after the prior Class 2 or  
4 greater felony) classified as a Class 2 or greater felony,  
5 within 10 years of the date on which the offender committed  
6 the offense for which he or she is being sentenced, except  
7 as otherwise provided in Section 40-10 of the Substance Use  
8 Disorder Act. ~~Alcoholism and Other Drug Abuse and~~  
9 ~~Dependency Act.~~

10 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of  
11 the Criminal Code of 1961 or the Criminal Code of 2012 for  
12 which imprisonment is prescribed in those Sections.

13 (G) Residential burglary, except as otherwise provided  
14 in Section 40-10 of the Substance Use Disorder Act.  
15 ~~Alcoholism and Other Drug Abuse and Dependency Act.~~

16 (H) Criminal sexual assault.

17 (I) Aggravated battery of a senior citizen as described  
18 in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05  
19 of the Criminal Code of 1961 or the Criminal Code of 2012.

20 (J) A forcible felony if the offense was related to the  
21 activities of an organized gang.

22 Before July 1, 1994, for the purposes of this  
23 paragraph, "organized gang" means an association of 5 or  
24 more persons, with an established hierarchy, that  
25 encourages members of the association to perpetrate crimes  
26 or provides support to the members of the association who

1 do commit crimes.

2 Beginning July 1, 1994, for the purposes of this  
3 paragraph, "organized gang" has the meaning ascribed to it  
4 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
5 Prevention Act.

6 (K) Vehicular hijacking.

7 (L) A second or subsequent conviction for the offense  
8 of hate crime when the underlying offense upon which the  
9 hate crime is based is felony aggravated assault or felony  
10 mob action.

11 (M) A second or subsequent conviction for the offense  
12 of institutional vandalism if the damage to the property  
13 exceeds \$300.

14 (N) A Class 3 felony violation of paragraph (1) of  
15 subsection (a) of Section 2 of the Firearm Owners  
16 Identification Card Act.

17 (O) A violation of Section 12-6.1 or 12-6.5 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012.

19 (P) A violation of paragraph (1), (2), (3), (4), (5),  
20 or (7) of subsection (a) of Section 11-20.1 of the Criminal  
21 Code of 1961 or the Criminal Code of 2012.

22 (Q) A violation of subsection (b) or (b-5) of Section  
23 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
24 Code of 1961 or the Criminal Code of 2012.

25 (R) A violation of Section 24-3A of the Criminal Code  
26 of 1961 or the Criminal Code of 2012.

1 (S) (Blank).

2 (T) (Blank).

3 (U) A second or subsequent violation of Section 6-303  
4 of the Illinois Vehicle Code committed while his or her  
5 driver's license, permit, or privilege was revoked because  
6 of a violation of Section 9-3 of the Criminal Code of 1961  
7 or the Criminal Code of 2012, relating to the offense of  
8 reckless homicide, or a similar provision of a law of  
9 another state.

10 (V) A violation of paragraph (4) of subsection (c) of  
11 Section 11-20.1B or paragraph (4) of subsection (c) of  
12 Section 11-20.3 of the Criminal Code of 1961, or paragraph  
13 (6) of subsection (a) of Section 11-20.1 of the Criminal  
14 Code of 2012 when the victim is under 13 years of age and  
15 the defendant has previously been convicted under the laws  
16 of this State or any other state of the offense of child  
17 pornography, aggravated child pornography, aggravated  
18 criminal sexual abuse, aggravated criminal sexual assault,  
19 predatory criminal sexual assault of a child, or any of the  
20 offenses formerly known as rape, deviate sexual assault,  
21 indecent liberties with a child, or aggravated indecent  
22 liberties with a child where the victim was under the age  
23 of 18 years or an offense that is substantially equivalent  
24 to those offenses.

25 (W) A violation of Section 24-3.5 of the Criminal Code  
26 of 1961 or the Criminal Code of 2012.

1           (X) A violation of subsection (a) of Section 31-1a of  
2 the Criminal Code of 1961 or the Criminal Code of 2012.

3           (Y) A conviction for unlawful possession of a firearm  
4 by a street gang member when the firearm was loaded or  
5 contained firearm ammunition.

6           (Z) A Class 1 felony committed while he or she was  
7 serving a term of probation or conditional discharge for a  
8 felony.

9           (AA) Theft of property exceeding \$500,000 and not  
10 exceeding \$1,000,000 in value.

11           (BB) Laundering of criminally derived property of a  
12 value exceeding \$500,000.

13           (CC) Knowingly selling, offering for sale, holding for  
14 sale, or using 2,000 or more counterfeit items or  
15 counterfeit items having a retail value in the aggregate of  
16 \$500,000 or more.

17           (DD) A conviction for aggravated assault under  
18 paragraph (6) of subsection (c) of Section 12-2 of the  
19 Criminal Code of 1961 or the Criminal Code of 2012 if the  
20 firearm is aimed toward the person against whom the firearm  
21 is being used.

22           (EE) A conviction for a violation of paragraph (2) of  
23 subsection (a) of Section 24-3B of the Criminal Code of  
24 2012.

25           (3) (Blank).

26           (4) A minimum term of imprisonment of not less than 10

1 consecutive days or 30 days of community service shall be  
2 imposed for a violation of paragraph (c) of Section 6-303 of  
3 the Illinois Vehicle Code.

4 (4.1) (Blank).

5 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
6 this subsection (c), a minimum of 100 hours of community  
7 service shall be imposed for a second violation of Section  
8 6-303 of the Illinois Vehicle Code.

9 (4.3) A minimum term of imprisonment of 30 days or 300  
10 hours of community service, as determined by the court, shall  
11 be imposed for a second violation of subsection (c) of Section  
12 6-303 of the Illinois Vehicle Code.

13 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
14 (4.9) of this subsection (c), a minimum term of imprisonment of  
15 30 days or 300 hours of community service, as determined by the  
16 court, shall be imposed for a third or subsequent violation of  
17 Section 6-303 of the Illinois Vehicle Code. The court may give  
18 credit toward the fulfillment of community service hours for  
19 participation in activities and treatment as determined by  
20 court services.

21 (4.5) A minimum term of imprisonment of 30 days shall be  
22 imposed for a third violation of subsection (c) of Section  
23 6-303 of the Illinois Vehicle Code.

24 (4.6) Except as provided in paragraph (4.10) of this  
25 subsection (c), a minimum term of imprisonment of 180 days  
26 shall be imposed for a fourth or subsequent violation of



1 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

2 (4.7) A minimum term of imprisonment of not less than 30  
3 consecutive days, or 300 hours of community service, shall be  
4 imposed for a violation of subsection (a-5) of Section 6-303 of  
5 the Illinois Vehicle Code, as provided in subsection (b-5) of  
6 that Section.

7 (4.8) A mandatory prison sentence shall be imposed for a  
8 second violation of subsection (a-5) of Section 6-303 of the  
9 Illinois Vehicle Code, as provided in subsection (c-5) of that  
10 Section. The person's driving privileges shall be revoked for a  
11 period of not less than 5 years from the date of his or her  
12 release from prison.

13 (4.9) A mandatory prison sentence of not less than 4 and  
14 not more than 15 years shall be imposed for a third violation  
15 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
16 Code, as provided in subsection (d-2.5) of that Section. The  
17 person's driving privileges shall be revoked for the remainder  
18 of his or her life.

19 (4.10) A mandatory prison sentence for a Class 1 felony  
20 shall be imposed, and the person shall be eligible for an  
21 extended term sentence, for a fourth or subsequent violation of  
22 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,  
23 as provided in subsection (d-3.5) of that Section. The person's  
24 driving privileges shall be revoked for the remainder of his or  
25 her life.

26 (5) The court may sentence a corporation or unincorporated

1 association convicted of any offense to:

2 (A) a period of conditional discharge;

3 (B) a fine;

4 (C) make restitution to the victim under Section 5-5-6  
5 of this Code.

6 (5.1) In addition to any other penalties imposed, and  
7 except as provided in paragraph (5.2) or (5.3), a person  
8 convicted of violating subsection (c) of Section 11-907 of the  
9 Illinois Vehicle Code shall have his or her driver's license,  
10 permit, or privileges suspended for at least 90 days but not  
11 more than one year, if the violation resulted in damage to the  
12 property of another person.

13 (5.2) In addition to any other penalties imposed, and  
14 except as provided in paragraph (5.3), a person convicted of  
15 violating subsection (c) of Section 11-907 of the Illinois  
16 Vehicle Code shall have his or her driver's license, permit, or  
17 privileges suspended for at least 180 days but not more than 2  
18 years, if the violation resulted in injury to another person.

19 (5.3) In addition to any other penalties imposed, a person  
20 convicted of violating subsection (c) of Section 11-907 of the  
21 Illinois Vehicle Code shall have his or her driver's license,  
22 permit, or privileges suspended for 2 years, if the violation  
23 resulted in the death of another person.

24 (5.4) In addition to any other penalties imposed, a person  
25 convicted of violating Section 3-707 of the Illinois Vehicle  
26 Code shall have his or her driver's license, permit, or

1 privileges suspended for 3 months and until he or she has paid  
2 a reinstatement fee of \$100.

3 (5.5) In addition to any other penalties imposed, a person  
4 convicted of violating Section 3-707 of the Illinois Vehicle  
5 Code during a period in which his or her driver's license,  
6 permit, or privileges were suspended for a previous violation  
7 of that Section shall have his or her driver's license, permit,  
8 or privileges suspended for an additional 6 months after the  
9 expiration of the original 3-month suspension and until he or  
10 she has paid a reinstatement fee of \$100.

11 (6) (Blank).

12 (7) (Blank).

13 (8) (Blank).

14 (9) A defendant convicted of a second or subsequent offense  
15 of ritualized abuse of a child may be sentenced to a term of  
16 natural life imprisonment.

17 (10) (Blank).

18 (11) The court shall impose a minimum fine of \$1,000 for a  
19 first offense and \$2,000 for a second or subsequent offense  
20 upon a person convicted of or placed on supervision for battery  
21 when the individual harmed was a sports official or coach at  
22 any level of competition and the act causing harm to the sports  
23 official or coach occurred within an athletic facility or  
24 within the immediate vicinity of the athletic facility at which  
25 the sports official or coach was an active participant of the  
26 athletic contest held at the athletic facility. For the

1 purposes of this paragraph (11), "sports official" means a  
2 person at an athletic contest who enforces the rules of the  
3 contest, such as an umpire or referee; "athletic facility"  
4 means an indoor or outdoor playing field or recreational area  
5 where sports activities are conducted; and "coach" means a  
6 person recognized as a coach by the sanctioning authority that  
7 conducted the sporting event.

8 (12) A person may not receive a disposition of court  
9 supervision for a violation of Section 5-16 of the Boat  
10 Registration and Safety Act if that person has previously  
11 received a disposition of court supervision for a violation of  
12 that Section.

13 (13) A person convicted of or placed on court supervision  
14 for an assault or aggravated assault when the victim and the  
15 offender are family or household members as defined in Section  
16 103 of the Illinois Domestic Violence Act of 1986 or convicted  
17 of domestic battery or aggravated domestic battery may be  
18 required to attend a Partner Abuse Intervention Program under  
19 protocols set forth by the Illinois Department of Human  
20 Services under such terms and conditions imposed by the court.  
21 The costs of such classes shall be paid by the offender.

22 (d) In any case in which a sentence originally imposed is  
23 vacated, the case shall be remanded to the trial court. The  
24 trial court shall hold a hearing under Section 5-4-1 of the  
25 Unified Code of Corrections which may include evidence of the  
26 defendant's life, moral character and occupation during the

1 time since the original sentence was passed. The trial court  
2 shall then impose sentence upon the defendant. The trial court  
3 may impose any sentence which could have been imposed at the  
4 original trial subject to Section 5-5-4 of the Unified Code of  
5 Corrections. If a sentence is vacated on appeal or on  
6 collateral attack due to the failure of the trier of fact at  
7 trial to determine beyond a reasonable doubt the existence of a  
8 fact (other than a prior conviction) necessary to increase the  
9 punishment for the offense beyond the statutory maximum  
10 otherwise applicable, either the defendant may be re-sentenced  
11 to a term within the range otherwise provided or, if the State  
12 files notice of its intention to again seek the extended  
13 sentence, the defendant shall be afforded a new trial.

14 (e) In cases where prosecution for aggravated criminal  
15 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
16 Code of 1961 or the Criminal Code of 2012 results in conviction  
17 of a defendant who was a family member of the victim at the  
18 time of the commission of the offense, the court shall consider  
19 the safety and welfare of the victim and may impose a sentence  
20 of probation only where:

21 (1) the court finds (A) or (B) or both are appropriate:

22 (A) the defendant is willing to undergo a court  
23 approved counseling program for a minimum duration of 2  
24 years; or

25 (B) the defendant is willing to participate in a  
26 court approved plan including but not limited to the

1 defendant's:

2 (i) removal from the household;

3 (ii) restricted contact with the victim;

4 (iii) continued financial support of the  
5 family;

6 (iv) restitution for harm done to the victim;

7 and

8 (v) compliance with any other measures that  
9 the court may deem appropriate; and

10 (2) the court orders the defendant to pay for the  
11 victim's counseling services, to the extent that the court  
12 finds, after considering the defendant's income and  
13 assets, that the defendant is financially capable of paying  
14 for such services, if the victim was under 18 years of age  
15 at the time the offense was committed and requires  
16 counseling as a result of the offense.

17 Probation may be revoked or modified pursuant to Section  
18 5-6-4; except where the court determines at the hearing that  
19 the defendant violated a condition of his or her probation  
20 restricting contact with the victim or other family members or  
21 commits another offense with the victim or other family  
22 members, the court shall revoke the defendant's probation and  
23 impose a term of imprisonment.

24 For the purposes of this Section, "family member" and  
25 "victim" shall have the meanings ascribed to them in Section  
26 11-0.1 of the Criminal Code of 2012.

1 (f) (Blank).

2 (g) Whenever a defendant is convicted of an offense under  
3 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
4 11-14.3, 11-14.4 except for an offense that involves keeping a  
5 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
6 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
7 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012, the defendant shall undergo medical  
9 testing to determine whether the defendant has any sexually  
10 transmissible disease, including a test for infection with  
11 human immunodeficiency virus (HIV) or any other identified  
12 causative agent of acquired immunodeficiency syndrome (AIDS).  
13 Any such medical test shall be performed only by appropriately  
14 licensed medical practitioners and may include an analysis of  
15 any bodily fluids as well as an examination of the defendant's  
16 person. Except as otherwise provided by law, the results of  
17 such test shall be kept strictly confidential by all medical  
18 personnel involved in the testing and must be personally  
19 delivered in a sealed envelope to the judge of the court in  
20 which the conviction was entered for the judge's inspection in  
21 camera. Acting in accordance with the best interests of the  
22 victim and the public, the judge shall have the discretion to  
23 determine to whom, if anyone, the results of the testing may be  
24 revealed. The court shall notify the defendant of the test  
25 results. The court shall also notify the victim if requested by  
26 the victim, and if the victim is under the age of 15 and if

1 requested by the victim's parents or legal guardian, the court  
2 shall notify the victim's parents or legal guardian of the test  
3 results. The court shall provide information on the  
4 availability of HIV testing and counseling at Department of  
5 Public Health facilities to all parties to whom the results of  
6 the testing are revealed and shall direct the State's Attorney  
7 to provide the information to the victim when possible. A  
8 State's Attorney may petition the court to obtain the results  
9 of any HIV test administered under this Section, and the court  
10 shall grant the disclosure if the State's Attorney shows it is  
11 relevant in order to prosecute a charge of criminal  
12 transmission of HIV under Section 12-5.01 or 12-16.2 of the  
13 Criminal Code of 1961 or the Criminal Code of 2012 against the  
14 defendant. The court shall order that the cost of any such test  
15 shall be paid by the county and may be taxed as costs against  
16 the convicted defendant.

17 (g-5) When an inmate is tested for an airborne communicable  
18 disease, as determined by the Illinois Department of Public  
19 Health including but not limited to tuberculosis, the results  
20 of the test shall be personally delivered by the warden or his  
21 or her designee in a sealed envelope to the judge of the court  
22 in which the inmate must appear for the judge's inspection in  
23 camera if requested by the judge. Acting in accordance with the  
24 best interests of those in the courtroom, the judge shall have  
25 the discretion to determine what if any precautions need to be  
26 taken to prevent transmission of the disease in the courtroom.



1           (h) Whenever a defendant is convicted of an offense under  
2 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
3 defendant shall undergo medical testing to determine whether  
4 the defendant has been exposed to human immunodeficiency virus  
5 (HIV) or any other identified causative agent of acquired  
6 immunodeficiency syndrome (AIDS). Except as otherwise provided  
7 by law, the results of such test shall be kept strictly  
8 confidential by all medical personnel involved in the testing  
9 and must be personally delivered in a sealed envelope to the  
10 judge of the court in which the conviction was entered for the  
11 judge's inspection in camera. Acting in accordance with the  
12 best interests of the public, the judge shall have the  
13 discretion to determine to whom, if anyone, the results of the  
14 testing may be revealed. The court shall notify the defendant  
15 of a positive test showing an infection with the human  
16 immunodeficiency virus (HIV). The court shall provide  
17 information on the availability of HIV testing and counseling  
18 at Department of Public Health facilities to all parties to  
19 whom the results of the testing are revealed and shall direct  
20 the State's Attorney to provide the information to the victim  
21 when possible. A State's Attorney may petition the court to  
22 obtain the results of any HIV test administered under this  
23 Section, and the court shall grant the disclosure if the  
24 State's Attorney shows it is relevant in order to prosecute a  
25 charge of criminal transmission of HIV under Section 12-5.01 or  
26 12-16.2 of the Criminal Code of 1961 or the Criminal Code of

1 2012 against the defendant. The court shall order that the cost  
2 of any such test shall be paid by the county and may be taxed as  
3 costs against the convicted defendant.

4 (i) All fines and penalties imposed under this Section for  
5 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
6 Vehicle Code, or a similar provision of a local ordinance, and  
7 any violation of the Child Passenger Protection Act, or a  
8 similar provision of a local ordinance, shall be collected and  
9 disbursed by the circuit clerk as provided under Section 27.5  
10 of the Clerks of Courts Act.

11 (j) In cases when prosecution for any violation of Section  
12 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
13 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
14 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
15 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
16 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
17 Code of 2012, any violation of the Illinois Controlled  
18 Substances Act, any violation of the Cannabis Control Act, or  
19 any violation of the Methamphetamine Control and Community  
20 Protection Act results in conviction, a disposition of court  
21 supervision, or an order of probation granted under Section 10  
22 of the Cannabis Control Act, Section 410 of the Illinois  
23 Controlled Substances Act, or Section 70 of the Methamphetamine  
24 Control and Community Protection Act of a defendant, the court  
25 shall determine whether the defendant is employed by a facility  
26 or center as defined under the Child Care Act of 1969, a public

1 or private elementary or secondary school, or otherwise works  
2 with children under 18 years of age on a daily basis. When a  
3 defendant is so employed, the court shall order the Clerk of  
4 the Court to send a copy of the judgment of conviction or order  
5 of supervision or probation to the defendant's employer by  
6 certified mail. If the employer of the defendant is a school,  
7 the Clerk of the Court shall direct the mailing of a copy of  
8 the judgment of conviction or order of supervision or probation  
9 to the appropriate regional superintendent of schools. The  
10 regional superintendent of schools shall notify the State Board  
11 of Education of any notification under this subsection.

12 (j-5) A defendant at least 17 years of age who is convicted  
13 of a felony and who has not been previously convicted of a  
14 misdemeanor or felony and who is sentenced to a term of  
15 imprisonment in the Illinois Department of Corrections shall as  
16 a condition of his or her sentence be required by the court to  
17 attend educational courses designed to prepare the defendant  
18 for a high school diploma and to work toward a high school  
19 diploma or to work toward passing high school equivalency  
20 testing or to work toward completing a vocational training  
21 program offered by the Department of Corrections. If a  
22 defendant fails to complete the educational training required  
23 by his or her sentence during the term of incarceration, the  
24 Prisoner Review Board shall, as a condition of mandatory  
25 supervised release, require the defendant, at his or her own  
26 expense, to pursue a course of study toward a high school

1 diploma or passage of high school equivalency testing. The  
2 Prisoner Review Board shall revoke the mandatory supervised  
3 release of a defendant who wilfully fails to comply with this  
4 subsection (j-5) upon his or her release from confinement in a  
5 penal institution while serving a mandatory supervised release  
6 term; however, the inability of the defendant after making a  
7 good faith effort to obtain financial aid or pay for the  
8 educational training shall not be deemed a wilful failure to  
9 comply. The Prisoner Review Board shall recommit the defendant  
10 whose mandatory supervised release term has been revoked under  
11 this subsection (j-5) as provided in Section 3-3-9. This  
12 subsection (j-5) does not apply to a defendant who has a high  
13 school diploma or has successfully passed high school  
14 equivalency testing. This subsection (j-5) does not apply to a  
15 defendant who is determined by the court to be a person with a  
16 developmental disability or otherwise mentally incapable of  
17 completing the educational or vocational program.

18 (k) (Blank).

19 (l) (A) Except as provided in paragraph (C) of subsection  
20 (l), whenever a defendant, who is an alien as defined by the  
21 Immigration and Nationality Act, is convicted of any felony or  
22 misdemeanor offense, the court after sentencing the defendant  
23 may, upon motion of the State's Attorney, hold sentence in  
24 abeyance and remand the defendant to the custody of the  
25 Attorney General of the United States or his or her designated  
26 agent to be deported when:

1           (1) a final order of deportation has been issued  
2           against the defendant pursuant to proceedings under the  
3           Immigration and Nationality Act, and

4           (2) the deportation of the defendant would not  
5           deprecate the seriousness of the defendant's conduct and  
6           would not be inconsistent with the ends of justice.

7           Otherwise, the defendant shall be sentenced as provided in  
8           this Chapter V.

9           (B) If the defendant has already been sentenced for a  
10          felony or misdemeanor offense, or has been placed on probation  
11          under Section 10 of the Cannabis Control Act, Section 410 of  
12          the Illinois Controlled Substances Act, or Section 70 of the  
13          Methamphetamine Control and Community Protection Act, the  
14          court may, upon motion of the State's Attorney to suspend the  
15          sentence imposed, commit the defendant to the custody of the  
16          Attorney General of the United States or his or her designated  
17          agent when:

18          (1) a final order of deportation has been issued  
19          against the defendant pursuant to proceedings under the  
20          Immigration and Nationality Act, and

21          (2) the deportation of the defendant would not  
22          deprecate the seriousness of the defendant's conduct and  
23          would not be inconsistent with the ends of justice.

24          (C) This subsection (1) does not apply to offenders who are  
25          subject to the provisions of paragraph (2) of subsection (a) of  
26          Section 3-6-3.

1 (D) Upon motion of the State's Attorney, if a defendant  
2 sentenced under this Section returns to the jurisdiction of the  
3 United States, the defendant shall be recommitted to the  
4 custody of the county from which he or she was sentenced.  
5 Thereafter, the defendant shall be brought before the  
6 sentencing court, which may impose any sentence that was  
7 available under Section 5-5-3 at the time of initial  
8 sentencing. In addition, the defendant shall not be eligible  
9 for additional earned sentence credit as provided under Section  
10 3-6-3.

11 (m) A person convicted of criminal defacement of property  
12 under Section 21-1.3 of the Criminal Code of 1961 or the  
13 Criminal Code of 2012, in which the property damage exceeds  
14 \$300 and the property damaged is a school building, shall be  
15 ordered to perform community service that may include cleanup,  
16 removal, or painting over the defacement.

17 (n) The court may sentence a person convicted of a  
18 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
19 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
20 of 1961 or the Criminal Code of 2012 (i) to an impact  
21 incarceration program if the person is otherwise eligible for  
22 that program under Section 5-8-1.1, (ii) to community service,  
23 or (iii) if the person has a substance use disorder, as defined  
24 in the Substance Use Disorder Act, to a treatment program  
25 licensed under that Act. ~~is an addict or alcoholic, as defined~~  
26 ~~in the Alcoholism and Other Drug Abuse and Dependency Act, to a~~

1 ~~substance or alcohol abuse program licensed under that Act.~~

2 (o) Whenever a person is convicted of a sex offense as  
3 defined in Section 2 of the Sex Offender Registration Act, the  
4 defendant's driver's license or permit shall be subject to  
5 renewal on an annual basis in accordance with the provisions of  
6 license renewal established by the Secretary of State.

7 (Source: P.A. 99-143, eff. 7-27-15; 99-885, eff. 8-23-16;  
8 99-938, eff. 1-1-18; 100-575, eff. 1-8-18.)

9 Section 120. The Code of Civil Procedure is amended by  
10 changing Section 8-2002 as follows:

11 (735 ILCS 5/8-2002) (from Ch. 110, par. 8-2002)

12 Sec. 8-2002. Application.

13 (a) Part 20 of Article VIII of this Act does not apply to  
14 the records of patients, inmates, or persons being examined,  
15 observed or treated in any institution, division, program or  
16 service now existing, or hereafter acquired or created under  
17 the jurisdiction of the Department of Human Services as  
18 successor to the Department of Mental Health and Developmental  
19 Disabilities and the Department of Alcoholism and Substance  
20 Abuse, or over which, in that capacity, the Department of Human  
21 Services exercises executive or administrative supervision.

22 (b) In the event of a conflict between the application of  
23 Part 20 of Article VIII of this Act and the Mental Health and  
24 Developmental Disabilities Confidentiality Act or subsection

1 (bb) of Section 30-5 of the Substance Use Disorder Act  
2 ~~Alcoholism and Other Drug Abuse and Dependency Act~~ to a  
3 specific situation, the provisions of the Mental Health and  
4 Developmental Disabilities Confidentiality Act or subsection  
5 (bb) of Section 30-5 of the Substance Use Disorder Act  
6 ~~Alcoholism and Other Drug Abuse and Dependency Act~~ shall  
7 control. The provisions of federal law concerning the  
8 confidentiality of alcohol and drug abuse patient records, as  
9 contained in Title 21 of the United States Code, Section 1175;  
10 Title 42 of the United States Code, Section 4582; 42 CFR Part  
11 2; and any other regulations promulgated pursuant thereto, all  
12 as now or hereafter amended, shall supersede all other laws and  
13 regulations concerning such confidentiality, except where any  
14 such otherwise applicable laws or regulations are more  
15 stringent, in which case the most stringent shall apply.

16 (Source: P.A. 88-670, eff. 12-2-94; 89-507, eff. 7-1-97.)

17 Section 125. The Controlled Substance and Cannabis  
18 Nuisance Act is amended by changing Section 7 as follows:

19 (740 ILCS 40/7) (from Ch. 100 1/2, par. 20)

20 Sec. 7. The proceeds of the sale of the movable property  
21 shall be applied in payment of the costs of the proceeding, and  
22 the balance, if any, shall be forwarded by the clerk of the  
23 circuit court to the State Treasurer for deposit into the Drug  
24 Treatment Fund, which is established as a special fund within



1 the State Treasury. The Department of Human Services may make  
2 grants to persons licensed under Section 15-10 of the Substance  
3 Use Disorder Act ~~Alcoholism and Other Drug Abuse and Dependency~~  
4 ~~Act~~ or to municipalities or counties from funds appropriated to  
5 the Department from the Drug Treatment Fund for the treatment  
6 of persons addicted to alcohol, cannabis, or controlled  
7 substances. The Department may adopt any rules it deems  
8 appropriate for the administration of these grants. The  
9 Department shall ensure that the moneys collected in each  
10 county be returned proportionately to the counties through  
11 grants to licensees located within the county in which the  
12 assessment was collected. Moneys in the Fund shall not supplant  
13 other local, state or federal funds.

14 (Source: P.A. 88-670, eff. 12-2-94; 89-507, eff. 7-1-97.)

15 Section 130. The Alcoholism and Drug Addiction Intervenor  
16 and Reporter Immunity Law is amended by changing Section 3 as  
17 follows:

18 (745 ILCS 35/3) (from Ch. 70, par. 653)

19 Sec. 3. Definitions. As used in this Act, the following  
20 terms shall have the following meanings:

21 (a) (Blank). ~~"Addiction" shall have the same meaning as~~  
22 ~~provided in Section 1-10 of the Alcoholism and Other Drug Abuse~~  
23 ~~and Dependency Act.~~

24 (b) (Blank). ~~"Alcoholic" shall have the same meaning as~~

1 ~~provided in Section 1-10 of the Alcoholism and Other Drug Abuse~~  
2 ~~and Dependency Act.~~

3 (c) "Intervention" means the technique of helping an  
4 alcoholic or drug addict realize and admit the reality of his  
5 or her condition by confronting or preparing to confront him or  
6 her with specific instances of misconduct or abnormal behavior  
7 caused by alcohol or drug use, as recited to the subject by  
8 fact reporters such as: family members, friends, co-workers,  
9 employers or other concerned individuals who have first-hand  
10 knowledge of such incidents, whether or not they are acting  
11 under the guidance of a trained intervenor. "Intervention" also  
12 includes steps taken to get treatment for the subject of an  
13 intervention or his or her family members.

14 (d) A "trained intervenor" is someone who coordinates an  
15 intervention and is: (1) a school counselor, school social  
16 worker, or other professional certificated by a professional  
17 association whose members are licensed by the Department of  
18 Registration and Education; (2) a hospital providing substance  
19 abuse treatment that is accredited by the Joint Commission on  
20 Accreditation of Hospitals or by an alcohol or drug treatment  
21 program licensed by the Illinois Department of Public Health or  
22 by a substance use disorder treatment program licensed by the  
23 Department of Human Services; (3) a professional employee  
24 working in an Employee Assistance Program or Student Assistance  
25 Program operated by a private employer or governmental body; or  
26 (4) a member of a professional association that has established

1 an assistance program designed to intervene in the alcohol and  
2 drug-related problems of its members and is designated to act  
3 on behalf of the association's program.

4 (e) "Fact reporter" or "reporter" means any identified  
5 person or organization who participates in an intervention and  
6 communicates first-hand knowledge of incidents or behavior  
7 that give rise to a reasonable belief that the reported  
8 individual suffers from alcohol or drug addiction.

9 (f) "Controlled substance" means a drug, substance, or its  
10 immediate precursor listed in the Schedules of Article II of  
11 the Illinois Controlled Substances Act.

12 (Source: P.A. 88-670, eff. 12-2-94; 89-241, eff. 8-4-95;  
13 89-507, eff. 7-1-97.)

14 Section 135. The Good Samaritan Act is amended by changing  
15 Sections 36 and 70 as follows:

16 (745 ILCS 49/36)

17 Sec. 36. Pharmacists; exemptions from civil liability for  
18 the dispensing of an opioid antagonist to individuals who may  
19 or may not be at risk for an opioid overdose. Any person  
20 licensed as a pharmacist in Illinois or any other state or  
21 territory of the United States who in good faith dispenses or  
22 administers an opioid antagonist as defined in Section 5-23 of  
23 the Substance Use Disorder Act ~~Alcoholism and Other Drug Abuse~~  
24 ~~and Dependency Act~~ in compliance with the procedures or

1 protocols developed under Section 19.1 of the Pharmacy Practice  
2 Act, or the standing order of any person licensed under the  
3 Medical Practice Act of 1987, without fee or compensation in  
4 any way, shall not, as a result of her or his acts or  
5 omissions, except for willful or wanton misconduct on the part  
6 of the person, in dispensing the drug or administering the  
7 drug, be liable for civil damages.

8 (Source: P.A. 99-480, eff. 9-9-15.)

9 (745 ILCS 49/70)

10 Sec. 70. Law enforcement officers, firemen, Emergency  
11 Medical Technicians (EMTs) and First Responders; exemption  
12 from civil liability for emergency care. Any law enforcement  
13 officer or fireman as defined in Section 2 of the Line of Duty  
14 Compensation Act, any "emergency medical technician (EMT)" as  
15 defined in Section 3.50 of the Emergency Medical Services (EMS)  
16 Systems Act, and any "first responder" as defined in Section  
17 3.60 of the Emergency Medical Services (EMS) Systems Act, who  
18 in good faith provides emergency care, including the  
19 administration of an opioid antagonist as defined in Section  
20 5-23 of the Substance Use Disorder Act, ~~Alcoholism and Other~~  
21 ~~Drug Abuse and Dependency Act~~, without fee or compensation to  
22 any person shall not, as a result of his or her acts or  
23 omissions, except willful and wanton misconduct on the part of  
24 the person, in providing the care, be liable to a person to  
25 whom such care is provided for civil damages.

1 (Source: P.A. 99-480, eff. 9-9-15.)

2 Section 140. The Collaborative Process Act is amended by  
3 changing Section 65 as follows:

4 (750 ILCS 90/65)

5 Sec. 65. Limits of privilege.

6 (a) There is no privilege under Section 55 for a  
7 collaborative process communication that is:

8 (1) available to the public under the Freedom of  
9 Information Act or made during a session of a collaborative  
10 process that is open, or is required by law to be open, to  
11 the public;

12 (2) a threat or statement of a plan to inflict bodily  
13 injury or commit a crime of violence as defined in Section  
14 1-10 of the Substance Use Disorder Act; ~~Alcoholism and~~  
15 ~~Other Drug Abuse and Dependency Act~~;

16 (3) intentionally used to plan a crime, commit or  
17 attempt to commit a crime, or conceal an ongoing crime or  
18 ongoing criminal activity; or

19 (4) in an agreement resulting from the collaborative  
20 process, evidenced by a record signed by all parties to the  
21 agreement.

22 (b) The privileges under Section 55 for a collaborative  
23 process communication do not apply to the extent that a  
24 communication is:

1           (1) sought or offered to prove or disprove a claim or  
2           complaint of professional misconduct or malpractice  
3           arising from or related to a collaborative process; or

4           (2) sought or offered to prove or disprove abuse,  
5           neglect, abandonment, or exploitation of a child or adult.

6           (c) There is no privilege under Section 55 if a court  
7           finds, after a hearing in camera, that the party seeking  
8           discovery or the proponent of the evidence has shown the  
9           evidence is not otherwise available, the need for the evidence  
10          substantially outweighs the interest in protecting  
11          confidentiality, and the collaborative process communication  
12          is sought or offered in:

13           (1) a court proceeding involving a felony or  
14           misdemeanor; or

15           (2) a proceeding seeking rescission or reformation of a  
16           contract arising out of the collaborative process or in  
17           which a defense to avoid liability on the contract is  
18           asserted.

19          (d) If a collaborative process communication is subject to  
20          an exception under subsection (b) or (c), only the part of the  
21          communication necessary for the application of the exception  
22          may be disclosed or admitted.

23          (e) Disclosure or admission of evidence excepted from the  
24          privilege under subsection (b) or (c) does not make the  
25          evidence or any other collaborative process communication  
26          discoverable or admissible for any other purpose.

1           (f) The privileges under Section 55 do not apply if the  
2 parties agree in advance in a signed record, or if a record of  
3 a proceeding reflects agreement by the parties, that all or  
4 part of a collaborative process is not privileged. This  
5 subsection does not apply to a collaborative process  
6 communication made by a person that did not receive actual  
7 notice of the agreement before the communication was made.

8           (Source: P.A. 100-205, eff. 1-1-18.)

9           Section 995. No acceleration or delay. Where this Act makes  
10 changes in a statute that is represented in this Act by text  
11 that is not yet or no longer in effect (for example, a Section  
12 represented by multiple versions), the use of that text does  
13 not accelerate or delay the taking effect of (i) the changes  
14 made by this Act or (ii) provisions derived from any other  
15 Public Act.

16           Section 999. Effective date. This Act takes effect January  
17 1, 2019.

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