



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3800

Introduced 2/14/2020, by Sen. Robert F. Martwick

SYNOPSIS AS INTRODUCED:

730 ILCS 166/10
730 ILCS 166/20

Amends the Drug Court Treatment Act. Includes in the definition of "drug court" judicial monitoring according to the rules adopted by the Illinois Supreme Court and any court that primarily accepts defendants charged with driving while impaired with either alcohol or drugs. Eliminates provision that the defendant may be admitted into a drug court program only upon the agreement of the prosecutor if: (1) the defendant is charged with a Class 2 or greater felony violation of various manufacturing, delivery, trafficking, and drug conspiracy violations of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act; or (2) the defendant has previously, on 3 or more occasions, either completed a drug court program, been discharged from a drug court program, or been terminated from a drug court program. Effective immediately.

LRB101 18866 RLC 68324 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Drug Court Treatment Act is amended by
5 changing Sections 10 and 20 as follows:

6 (730 ILCS 166/10)

7 Sec. 10. Definitions. As used in this Act:

8 "Drug court", "drug court program", or "program" means an
9 immediate and highly structured judicial intervention process
10 for substance abuse treatment of eligible defendants that
11 brings together substance abuse professionals, local social
12 programs, and intensive judicial monitoring in accordance with
13 the nationally recommended 10 key components of drug courts and
14 according to the rules adopted by the Illinois Supreme Court.
15 "Drug court" also means any court that primarily accepts
16 defendants charged with driving while impaired with either
17 alcohol or drugs.

18 "Drug court professional" means a member of the drug court
19 team, including but not limited to a judge, prosecutor, defense
20 attorney, probation officer, coordinator, treatment provider,
21 or peer recovery coach.

22 "Pre-adjudicatory drug court program" means a program that
23 allows the defendant, with the consent of the prosecution, to

1 expedite the defendant's criminal case before conviction or
2 before filing of a criminal case and requires successful
3 completion of the drug court program as part of the agreement.

4 "Post-adjudicatory drug court program" means a program in
5 which the defendant has admitted guilt or has been found guilty
6 and agrees, along with the prosecution, to enter a drug court
7 program as part of the defendant's sentence.

8 "Combination drug court program" means a drug court program
9 that includes a pre-adjudicatory drug court program and a
10 post-adjudicatory drug court program.

11 (Source: P.A. 97-946, eff. 8-13-12.)

12 (730 ILCS 166/20)

13 Sec. 20. Eligibility.

14 (a) A defendant may be admitted into a drug court program
15 only upon the agreement of the defendant and with the approval
16 of the court.

17 (b) A defendant shall be excluded from a drug court program
18 if any of one of the following apply:

19 (1) The crime is a crime of violence as set forth in
20 clause (4) of this subsection (b).

21 (2) The defendant denies his or her use of or addiction
22 to drugs.

23 (3) The defendant does not demonstrate a willingness to
24 participate in a treatment program.

25 (4) The defendant has been convicted of a crime of

1 violence within the past 10 years excluding incarceration
2 time. As used in this Section, "crime of violence" means:
3 first degree murder, second degree murder, predatory
4 criminal sexual assault of a child, aggravated criminal
5 sexual assault, criminal sexual assault, armed robbery,
6 aggravated arson, arson, aggravated kidnaping, kidnaping,
7 aggravated battery resulting in great bodily harm or
8 permanent disability, stalking, aggravated stalking, or
9 any offense involving the discharge of a firearm.

10 (c) (Blank). ~~Notwithstanding subsection (a), the defendant~~
11 ~~may be admitted into a drug court program only upon the~~
12 ~~agreement of the prosecutor if:~~

13 ~~(1) the defendant is charged with a Class 2 or greater~~
14 ~~felony violation of:~~

15 ~~(A) Section 401, 401.1, 405, or 405.2 of the~~
16 ~~Illinois Controlled Substances Act;~~

17 ~~(B) Section 5, 5.1, or 5.2 of the Cannabis Control~~
18 ~~Act;~~

19 ~~(C) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56,~~
20 ~~or 65 of the Methamphetamine Control and Community~~
21 ~~Protection Act; or~~

22 ~~(2) the defendant has previously, on 3 or more~~
23 ~~occasions, either completed a drug court program, been~~
24 ~~discharged from a drug court program, or been terminated~~
25 ~~from a drug court program.~~

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

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