



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1915

Introduced 2/9/2023, by Sen. Robert F. Martwick

SYNOPSIS AS INTRODUCED:

405 ILCS 5/3-100
405 ILCS 5/3-811

from Ch. 91 1/2, par. 3-100
from Ch. 91 1/2, par. 3-811

Amends the Mental Health and Developmental Disabilities Code. Provides that the circuit court has jurisdiction over persons who are: (1) subject to involuntary admission on an inpatient basis; (2) subject to involuntary admission on an outpatient basis; or (3) in need of treatment by psychotropic medication and electroconvulsive therapy. Provides that no respondent who has pending felony charges may be ordered to undergo a program of hospitalization in a mental health facility operated by the Department of Human Services unless the Department agrees to the program of hospitalization.

LRB103 27579 SPS 53955 b

1 AN ACT concerning health.

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

4 Section 5. The Mental Health and Developmental
5 Disabilities Code is amended by changing Sections 3-100 and
6 3-811 as follows:

7 (405 ILCS 5/3-100) (from Ch. 91 1/2, par. 3-100)

8 Sec. 3-100. The circuit court has jurisdiction under this
9 Chapter over persons ~~not charged with a felony~~ who are:

10 (1) subject to involuntary admission on an inpatient basis
11 as defined in Section 1-119;

12 (2) subject to involuntary admission on an outpatient
13 basis as defined in Section 1-119.1; or

14 (3) in need of treatment under Section 2-107.1. ~~Inmates of~~
15 ~~penal institutions shall not be considered as charged with a~~
16 ~~felony within the meaning of this Chapter. Court proceedings~~
17 ~~under Article VIII of this Chapter may be instituted as to any~~
18 ~~such inmate at any time within 90 days prior to discharge of~~
19 ~~such inmate by expiration of sentence or otherwise, and if~~
20 ~~such inmate is found to be subject to involuntary admission,~~
21 ~~the order of the court ordering hospitalization or other~~
22 ~~disposition shall become effective at the time of discharge of~~
23 ~~the inmate from penal custody. The circuit court has~~

1 ~~jurisdiction over all persons alleged to be in need of~~
2 ~~treatment under Section 2-107.1 of this Code, whether or not~~
3 ~~they are charged with a felony.~~

4 (Source: P.A. 99-179, eff. 7-29-15.)

5 (405 ILCS 5/3-811) (from Ch. 91 1/2, par. 3-811)

6 Sec. 3-811. Involuntary admission; alternative mental
7 health facilities.

8 (a) If any person is found subject to involuntary
9 admission on an inpatient basis, the court shall consider
10 alternative mental health facilities which are appropriate for
11 and available to the respondent, including but not limited to
12 hospitalization. The court may order the respondent to undergo
13 a program of hospitalization in a mental health facility
14 designated by the Department, in a licensed private hospital
15 or private mental health facility if it agrees, or in a
16 facility of the United States Veterans Administration if it
17 agrees. If any person is found subject to involuntary
18 admission on an outpatient basis, the court may order the
19 respondent to undergo a program of alternative treatment; or
20 the court may place the respondent in the care and custody of a
21 relative or other person willing and able to properly care for
22 him or her. The court shall order the least restrictive
23 alternative for treatment which is appropriate. Except as
24 provided in the Code of Criminal Procedure of 1963, no
25 respondent who has pending felony charges may be ordered to

1 undergo a program of hospitalization in a mental health
2 facility operated by the Department unless the Department
3 agrees to the program of hospitalization.

4 (b) Whenever a person is found subject to involuntary
5 admission on an inpatient or outpatient basis, notice shall be
6 provided to the petitioner, orally and in writing, of his or
7 her right to receive notice of the recipient's discharge
8 pursuant to Section 3-902(d).

9 (c) An order that a person is found subject to involuntary
10 admission on an inpatient basis does not eliminate any
11 obligations under the federal Emergency Medical Transport and
12 Active Labor Act (EMTALA) of the transferring facility toward
13 the receiving facility. Before implementing an order, the
14 transferring facility shall notify the receiving facility of
15 the recipient and obtain medical clearance for the recipient.

16 (Source: P.A. 96-570, eff. 1-1-10; 96-1399, eff. 7-29-10;
17 96-1453, eff. 8-20-10; 97-130, eff. 7-14-11.)