



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### SB3470

Introduced 2/8/2024, by Sen. Elgie R. Sims, Jr.

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Pretrial Success Act. Provides that the Department of Human Services has grant making, operational, and procurement authority to distribute funds to local government health and human services agencies, community-based organizations, and other entities necessary to execute the functions under the Act. Provides that subject to appropriation, the Department shall issue grants to local governmental agencies and community-based organizations to maximize pretrial success each year. Provides that grants shall be awarded no later than October 1, 2024. Provides that grants in subsequent years shall be issued on or before September 1 of the relevant fiscal year and shall allow for pre-award expenditures beginning July 1 of the relevant fiscal year. Provides that each judicial circuit with a population of at least 250,000 constitutes a service area. Provides that each judicial circuit with populations of less than 250,000 shall be combined with at least one other geographically contiguous judicial circuit to constitute a service area with a population of at least 250,000. Provides that resources for each service area shall be distributed based on maximizing the total potential pretrial success. Subject to appropriation, the minimum annual grant amount awarded in each service area shall be \$300,000. Provides that beginning in fiscal year 2027 and subject to appropriation, grants shall be awarded for a project period of 3 years, contingent on Department requirements for reporting and successful performance. Provides that organizations receiving grants under the Act shall provide the following services directly or through subgrants to other organizations: (1) case management for mental health and substance use disorders; (2) detoxification or referral to detoxification when clinically indicated and available in the community; (3) medication assisted treatment or referral to medication assisted treatment when clinically indicated and available in the community; (4) child care to remove barriers to court appearances; and (5) transportation to court appearances if not available through the Office of Statewide Pretrial Services or other court stakeholders. Effective immediately.

LRB103 36966 RLC 67080 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 1. Short title. This Act may be cited as the  
5 Pretrial Success Act.

6 Section 5. Intent; purposes. This Act creates a  
7 comprehensive approach to ensuring pretrial success, justice,  
8 and individual and communal well-being. The Act minimizes the  
9 number of people detained pretrial by ensuring access to  
10 community-based pretrial supports and services.

11 Section 10. Definitions. As used in this Act:

12 "Case management" means assessment, planning,  
13 coordination, and advocacy services for individuals who need  
14 multiple services and require assistance in gaining access to  
15 and in using behavioral health, physical health, social,  
16 vocational, educational, housing, public income entitlements  
17 and other community services to assist the individual in the  
18 community. Case management may also include identifying and  
19 investigating available resources, explaining options to the  
20 individual, and linking the individual with necessary  
21 resources.

22 "Community-based pretrial supports and services" means

1 voluntary services provided in the community to an individual  
2 charged with a criminal offense who has been granted pretrial  
3 release. Community-based pretrial supports and services shall  
4 be trauma-informed and designed and delivered according to  
5 best practice standards to maximize pretrial success.

6 "Court stakeholders" means Judges, State's Attorneys,  
7 defense attorneys including Public Defenders, Sheriffs, police  
8 departments, and any other individuals, agencies, or offices  
9 or their employees involved in pretrial criminal court  
10 proceedings.

11 "Department" means the Department of Human Services.

12 "Detoxification" means the process of withdrawing a person  
13 from a specific psychoactive substance in a safe and effective  
14 manner.

15 "Eligible participant" means an Illinois resident charged  
16 with a criminal offense who has been granted pretrial release.

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  
24 a Department license.

25 "Pretrial success" means ensuring court appearances and  
26 reducing subsequent involvement with the criminal-legal

1 system.

2 "Service area" means a judicial circuit or group of  
3 judicial circuits.

4 Section 15. Findings. The General Assembly finds that:

5 (1) The Pretrial Fairness Act defines when an arrested  
6 person can be denied pretrial release and prohibits the  
7 imposition of financial conditions for release by  
8 abolishing money bond. This prevents the pretrial  
9 detention of many arrested individuals with mental health  
10 or substance use disorders or others who could benefit  
11 from community-based supports and services.

12 (2) Because people awaiting trial are legally presumed  
13 innocent, the Illinois Supreme Court Commission on  
14 Pretrial Practices recommends, consistent with national  
15 best practices, that "(c)onditions and supervision shall  
16 not mandate rehabilitative services (substance abuse,  
17 mental health, partner abuse intervention programs, etc.)  
18 unless the court finds them to be a risk factor directly  
19 related to further criminal behavior and failure to appear  
20 at court hearings. The inability to pay for such  
21 court-ordered services shall not interfere with release."

22 (3) Research shows that mental health and substance  
23 use disorder services, including treatment, are generally  
24 most effective when participation is voluntary and access  
25 is assured.

1           (4) Communities throughout Illinois have significant  
2 gaps in the availability of mental health and substance  
3 use disorder services and other community-based pretrial  
4 supports and services.

5           (5) If services are available, navigating complicated  
6 systems can be a barrier to access and success.

7           (6) Community-based pretrial supports and services are  
8 most effective when delivered by organizations trusted  
9 within the community and developed with the input of  
10 community members, including those directly impacted by  
11 the criminal-legal system.

12           Section 20. Grant making authority.

13           (a) The Department of Human Services shall have grant  
14 making, operational, and procurement authority to distribute  
15 funds to local government health and human services agencies,  
16 community-based organizations, and other entities necessary to  
17 execute the functions established in this Act.

18           (b) Subject to appropriation, the Department shall issue  
19 grants to local governmental agencies and community-based  
20 organizations to maximize pretrial success each year. Grants  
21 shall be awarded no later than October 1, 2024. Grants in  
22 subsequent years shall be issued on or before September 1 of  
23 the relevant fiscal year and shall allow for pre-award  
24 expenditures beginning July 1 of the relevant fiscal year.

25           (c) Beginning in fiscal year 2027 and subject to

1 appropriation, grants shall be awarded for a project period of  
2 3 years, contingent on Department requirements for reporting  
3 and successful performance.

4 Section 25. Community-based pretrial supports and  
5 services.

6 (a) Subject to appropriation, the Department shall make  
7 grants to organizations for community-based pretrial supports  
8 and services.

9 (b) The Department shall issue grants to at least one  
10 organization in each of the service areas and no more than 3  
11 organizations in each of the service areas with the exception  
12 of service areas with a population exceeding 2,000,000. The  
13 Department shall issue grants to at least one organization and  
14 no more than 10 organizations in service areas with a  
15 population exceeding 2,000,000. Grants in each service area  
16 shall be for no less than \$100,000 and no more than \$500,000  
17 per organization. An organization may receive grants in more  
18 than one service area.

19 (c) Organizations receiving grants under this Act shall  
20 coordinate services with other organizations and court  
21 stakeholders in their service area. Organizations receiving  
22 grants under this Act shall coordinate services with the  
23 Office of Statewide Pretrial Services to the extent that it  
24 operates in their service area.

25 (d) Organizations receiving grants under this Act shall

1 establish eligibility criteria for services. Organizations  
2 receiving grants under this Act shall be required to accept  
3 referrals of eligible participants from court stakeholders.  
4 Organizations receiving grants under this Act may accept  
5 referrals of eligible participants from other sources  
6 including self-referrals.

7 (e) An eligible participant shall not be ordered to  
8 receive services funded by a grant under this Act unless the  
9 person has undergone a validated clinical assessment and the  
10 clinical treatment plan includes such services. "Validated  
11 clinical assessment" and "clinical treatment plan" have the  
12 meanings ascribed to them in Section 10 of the Drug Court  
13 Treatment Act.

14 (f) Organizations receiving grants under this Act shall  
15 provide the following services directly or through subgrants  
16 to other organizations:

17 (1) case management for mental health and substance  
18 use disorders;

19 (2) detoxification or referral to detoxification when  
20 clinically indicated and available in the community;

21 (3) medication assisted treatment or referral to  
22 medication assisted treatment when clinically indicated  
23 and available in the community;

24 (4) child care to remove barriers to court  
25 appearances; and

26 (5) transportation to court appearances if not

1 available through the Office of Statewide Pretrial  
2 Services or other court stakeholders.

3 (g) Organizations receiving grants under this Act may  
4 provide the following services directly or through subgrants  
5 to other organizations:

6 (1) Behavioral health services, including harm  
7 reduction services, clinical interventions, crisis  
8 interventions, and group counseling supports, such as peer  
9 support groups, social-emotional learning supports,  
10 including skill building for anger management,  
11 de-escalation, sensory stabilization, coping strategies,  
12 and thoughtful decision-making, short-term clinical  
13 individual sessions, and motivational interviewing.

14 (2) Other services necessary to promote pretrial  
15 success, as determined by the organization and approved by  
16 the Department.

17 (h) Organizations receiving grants under this Act shall  
18 ensure that services are accessible to individuals with  
19 disabilities and to individuals with limited English  
20 proficiency. Organizations receiving grants under this Act  
21 shall not deny services to individuals on the basis of  
22 immigration status or gender identity.

23 (i) No statement or other disclosure, written or  
24 otherwise, made by an eligible participant to an employee of  
25 an organization receiving a grant under this Act may be used by  
26 the prosecution to prove any crime or offense alleged in the



1 pending case.

2 (j) The Department shall encourage organizations receiving  
3 grants under this Act to employ individuals with personal  
4 experience with being charged with a felony offense. On or  
5 before January 1, 2025, the Department shall create and  
6 execute a Background Check Waiver Process, limiting the  
7 disqualifying offenses, for employees who provide services  
8 under this Act.

9 (k) Organizations receiving funds under this Act may  
10 utilize up to 5% of awarded grant funds to raise awareness of  
11 community-based pretrial supports and services.

12 Section 30. Service areas.

13 (a) Each judicial circuit with a population of at least  
14 250,000 constitutes a service area. Each judicial circuit with  
15 a population of less than 250,000 shall be combined with at  
16 least one other geographically contiguous judicial circuit to  
17 constitute a service area with a population of at least  
18 250,000.

19 (b) Resources for each service area shall be distributed  
20 based on maximizing the total potential pretrial success.  
21 Subject to appropriation, the minimum annual grant amount  
22 awarded in each service area shall be \$300,000. In determining  
23 the distribution of resources to service areas, the Department  
24 shall consider the following factors:

25 (1) service area population and poverty level;

- 1           (2) the geographic size of a service area;
- 2           (3) the average number of people charged with felony  
3 offenses each year;
- 4           (4) the number of people incarcerated in the past  
5 because of their inability to afford payment of money  
6 bond; and
- 7           (5) level of Office of Statewide Pretrial Services  
8 programming in the counties in the service area.

9           Section 35. Local advisory councils.

10          (a) The Department shall create local advisory councils  
11 for each of the service areas for the purpose of obtaining  
12 recommendations on how to distribute funds in these areas to  
13 maximize pretrial success. Local advisory councils shall  
14 consist of no fewer than 5 members. At least 40% of members  
15 shall have personal experience with being charged with a  
16 felony offense in Illinois. At least 20% of members shall have  
17 personal experience with a family member being charged with a  
18 felony offense in Illinois. Members of the local advisory  
19 councils shall serve without compensation except those  
20 designated as individuals with personal experience may receive  
21 stipends as compensation for their time.

22          (b) The Department shall provide data to each local  
23 advisory council on the characteristics of the service area  
24 and the availability of community-based pretrial supports and  
25 services. The Department shall also provide best available

1 evidence on how to maximize pretrial success.

2 (c) Each local advisory council shall make recommendations  
3 on how to allocate distributed resources and desired goals for  
4 its service area based on information provided to them by the  
5 Department.

6 (d) Beginning in fiscal year 2026, the Department shall  
7 consider the recommendations and determine how to distribute  
8 funds through grants to community-based organizations and  
9 local governments. To the extent the Department does not  
10 follow a local advisory council's recommendation on allocation  
11 of funds, the Department shall explain in writing why a  
12 different allocation of resources is more likely to maximize  
13 pretrial success in the service area.

14 Section 40. Medicaid services.

15 (a) Funds awarded under this Act may be used for  
16 behavioral health services until July 1, 2026.

17 (b) Any organization being reimbursed from funds awarded  
18 under this Act for behavioral health services must also file a  
19 plan to become Medicaid certified for behavioral health  
20 services under the Illinois Medicaid program on or before July  
21 1, 2026.

22 Section 45. Evaluation.

23 (a) The Department shall issue a report to the General  
24 Assembly no later than January 1 of each year beginning

1 January 1, 2026. The report shall cover the previous fiscal  
2 year and identify gaps in community-based pretrial supports  
3 and services in each service area, explain the investments  
4 that are being made to maximize pretrial success, and make  
5 further recommendations on how to build community-based  
6 capacity for community-based pretrial supports and services  
7 including mental health and substance use disorder treatment.

8 (b) Beginning January 1, 2027, the annual report shall  
9 include an evaluation of the effectiveness of grants under  
10 this Act in maximizing pretrial success. The Department shall  
11 use community-based participatory research methods and ensure  
12 that the evaluation incorporates input from individuals and  
13 organizations affected by the Act, including, but not limited  
14 to, individuals with personal experience with being charged  
15 with a felony offense in Illinois, individuals with personal  
16 experience with a family member being charged with a felony  
17 offense in Illinois, local government health and human  
18 services agencies, community-based organizations, and court  
19 stakeholders. The evaluation should be conducted with input  
20 from outside expert evaluators when possible.

21 (c) The Department shall consider findings from annual  
22 reports and evaluations in developing subsequent years'  
23 grantmaking processes, monitoring progress toward local  
24 advisory councils' goals, and ensuring equity in the  
25 grantmaking process.

1           Section 50. Rulemaking authority. The Department shall  
2           adopt rules as are necessary to implement all elements of this  
3           Act.

4           Section 99. Effective date. This Act takes effect upon  
5           becoming law.