

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 1. Short title. This Act may be cited as the Drug
5 School Act.

6 Section 5. Findings; purpose. The General Assembly finds as
7 follows:

8 (1) One of the many objectives of the Illinois criminal
9 justice system is individual rehabilitation.

10 (2) The incarceration of nonviolent drug offenders
11 with families breaks the family unit.

12 (3) The recidivism rate of nonviolent drug offenders in
13 Illinois is 53%.

14 (4) Nonviolent drug offenders are in need of
15 alternatives to incarceration such as counseling and
16 treatment.

17 (5) Drug addiction is recognized as a health issue
18 around the country.

19 (6) The Cook County State's Attorney drug school
20 program has a success rate of over 85%.

21 (7) The State of Illinois spends \$22,607 on one adult
22 incarceration.

23 (8) The State of Illinois will save more than

1 \$17,000,000 if treatment programs are offered in lieu of
2 incarceration.

3 The purpose of this Act is to establish, subject to
4 appropriation, a drug school program for nonviolent drug
5 offenders statewide modeled after the Cook County State's
6 Attorney drug school program.

7 Section 10. Definition. As used in this Act, "drug school"
8 means a drug intervention and education program established and
9 administered by the State's Attorney's Office of a particular
10 county as an alternative to traditional prosecution. A drug
11 school shall include, but not be limited to, the following core
12 components:

13 (1) No less than 10 and no more than 20 hours of drug
14 education delivered by an organization licensed, certified
15 or otherwise authorized by the Illinois Department of Human
16 Services, Division of Alcoholism and Substance Abuse to
17 provide treatment, intervention, education or other such
18 services. This education is to be delivered at least once
19 per week at a class of no less than one hour and no greater
20 than 4 hours, and with a class size no larger than 40
21 individuals.

22 (2) Curriculum designed to present the harmful effects
23 of drug use on the individual, family and community,
24 including the relationship between drug use and criminal
25 behavior, as well as instruction regarding the application

1 procedure for the sealing and expungement of records of
2 arrest and any other record of the proceedings of the case
3 for which the individual was mandated to attend the drug
4 school.

5 (3) Education regarding the practical consequences of
6 conviction and continued justice involvement. Such
7 consequences of drug use will include the negative
8 physiological, psychological, societal, familial, and
9 legal areas. Additionally, the practical limitations
10 imposed by a drug conviction on one's vocational,
11 educational, financial, and residential options will be
12 addressed.

13 (4) A process for monitoring and reporting attendance
14 such that the State's Attorney in the county where the drug
15 school is being operated is informed of class attendance no
16 more than 48 hours after each class.

17 (5) A process for capturing data on drug school
18 participants, including but not limited to total
19 individuals served, demographics of those individuals,
20 rates of attendance, and frequency of future justice
21 involvement for drug school participants and other data as
22 may be required by the Division of Alcoholism and Substance
23 Abuse.

24 Section 15. Authorization.

25 (a) Each State's Attorney may establish a drug school

1 operated under the terms of this Act. The purpose of the drug
2 school shall be to provide an alternative to prosecution by
3 identifying drug-involved individuals for the purpose of
4 intervening with their drug use before their criminal
5 involvement becomes severe. The State's Attorney shall
6 identify criteria to be used in determining eligibility for the
7 drug school. Only those participants who successfully complete
8 the requirements of the drug school, as certified by the
9 State's Attorney, are eligible to apply for the sealing and
10 expungement of records of arrest and any other record of the
11 proceedings of the case for which the individual was mandated
12 to attend the drug school.

13 (b) A State's Attorney seeking to establish a drug school
14 may apply to the Division of Alcoholism and Substance Abuse of
15 the Illinois Department of Human Services ("DASA") for funding
16 to establish and operate a drug school within his or her
17 respective county. Nothing in this subsection shall prevent
18 State's Attorneys from establishing drug schools within their
19 counties without funding from DASA.

20 (c) Nothing in this Act shall prevent 2 or more State's
21 Attorneys from applying jointly for funding as provided in
22 subsection (b) for the purpose of establishing a drug school
23 that serves multiple counties.

24 (d) Drug schools established through funding from DASA
25 shall operate according to the guidelines established thereby
26 and the provisions of this Act.

1 Section 20. Eligibility.

2 (a) The State's Attorney, alone, in each county where a
3 drug school is established shall have the authority to
4 determine which individuals, who would otherwise be prosecuted
5 under the relevant provisions of Illinois law, may be eligible
6 to participate in the drug school in lieu of prosecution.

7 (b) A defendant may be admitted into drug school only upon
8 the agreement of the prosecutor and the defendant.

9 Section 25. Process.

10 (a) The State's Attorney, alone, in each county where a
11 drug school is established shall determine who is eligible to
12 participate in the drug school in lieu of prosecution.
13 Considerations in making such a determination shall include the
14 crime committed, the circumstances of the crime or of the
15 individual under consideration, and whether or not the State's
16 Attorney believes that the individual would benefit from
17 participation in the drug school.

18 (b) The judge shall inform the defendant that if the
19 defendant fails to meet the conditions of drug school,
20 eligibility to participate in the program may be revoked and
21 the defendant may be prosecuted under the criminal laws of this
22 State and sentenced as provided in the Unified Code of
23 Corrections for the crime charged.

24 (c) The defendant shall execute a written agreement as to

1 his or her participation in the drug school program and shall
2 agree to all of the terms and conditions of the program,
3 including but not limited to the possibility of prosecution for
4 the crime charged for failing to abide or comply with the terms
5 of the drug school program or for any arrest incurred
6 subsequent to entry into the drug school program.

7 Section 30. Successful completion. If an individual is
8 certified by the State's Attorney that he or she has
9 successfully completed the terms of the drug school, the
10 State's Attorney shall waive prosecution for the immediate
11 offense and discharge the case.

12 Section 35. Violations. Upon a violation of any of the
13 terms of the drug school, the State's Attorney may proceed with
14 prosecution as otherwise authorized under law.

15 Section 40. Appropriations to DASA.

16 (a) Moneys shall be appropriated to DASA to enable DASA (i)
17 to contract with Cook County, and (ii) counties other than Cook
18 County to reimburse for services delivered in those counties
19 under the county Drug School program.

20 (b) DASA shall establish rules and procedures for
21 reimbursements paid to the Cook County Treasurer which are not
22 subject to county appropriation and are not intended to
23 supplant monies currently expended by Cook County to operate

1 its drug school program. Cook County is required to maintain
2 its efforts with regard to its drug school program.

3 (c) Expenditure of moneys under this Section is subject to
4 audit by the Auditor General.

5 (d) In addition to reporting required by DASA, State's
6 Attorneys receiving monies under this Section shall each report
7 separately to the General Assembly by January 1, 2008 and each
8 and every following January 1 for as long as the services are
9 in existence, detailing the need for continued services and
10 contain any suggestions for changes to this Act.