



Rep. Elga L. Jefferies

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09500HB2734ham003

LRB095 01030 RLC 35526 a

1 AMENDMENT TO HOUSE BILL 2734

2 AMENDMENT NO. _____. Amend House Bill 2734 by replacing
3 everything after the enacting clause with the following:

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.

1 (5) Drug addiction is recognized as a health issue
2 around the country.

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

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

7 (8) The State of Illinois will save more than
8 \$17,000,000 if treatment programs are offered in lieu of
9 incarceration.

10 The purpose of this Act is to establish, subject to
11 appropriation, a drug school program for nonviolent drug
12 offenders statewide modeled after the Cook County State's
13 Attorney drug school program.

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

20 (1) No less than 10 and no more than 20 hours of drug
21 education delivered by an organization licensed, certified
22 or otherwise authorized by the Illinois Department of Human
23 Services, Division of Alcoholism and Substance Abuse to
24 provide treatment, intervention, education or other such
25 services. This education is to be delivered at least once

1 per week at a class of no less than one hour and no greater
2 than 4 hours, and with a class size no larger than 40
3 individuals.

4 (2) Curriculum designed to present the harmful effects
5 of drug use on the individual, family and community,
6 including the relationship between drug use and criminal
7 behavior, as well as instruction regarding the application
8 procedure for the sealing and expungement of records of
9 arrest and any other record of the proceedings of the case
10 for which the individual was mandated to attend the drug
11 school.

12 (3) Education regarding the practical consequences of
13 conviction and continued justice involvement. Such
14 consequences of drug use will include the negative
15 physiological, psychological, societal, familial, and
16 legal areas. Additionally, the practical limitations
17 imposed by a drug conviction on one's vocational,
18 educational, financial, and residential options will be
19 addressed.

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

24 (5) A process for capturing data on drug school
25 participants, including but not limited to total
26 individuals served, demographics of those individuals,

1 rates of attendance, and frequency of future justice
2 involvement for drug school participants and other data as
3 may be required by the Division of Alcoholism and Substance
4 Abuse.

5 Section 15. Authorization.

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

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

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

5 (d) Drug schools established through funding from DASA
6 shall operate according to the guidelines established thereby
7 and the provisions of this Act.

8 Section 20. Eligibility.

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

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

16 Section 25. Process.

17 (a) The State's Attorney, alone, in each county where a
18 drug school is established shall determine who is eligible to
19 participate in the drug school in lieu of prosecution.
20 Considerations in making such a determination shall include the
21 crime committed, the circumstances of the crime or of the
22 individual under consideration, and whether or not the State's
23 Attorney believes that the individual would benefit from
24 participation in the drug school.

1 (b) The judge shall inform the defendant that if the
2 defendant fails to meet the conditions of drug school,
3 eligibility to participate in the program may be revoked and
4 the defendant may be prosecuted under the criminal laws of this
5 State and sentenced as provided in the Unified Code of
6 Corrections for the crime charged.

7 (c) The defendant shall execute a written agreement as to
8 his or her participation in the drug school program and shall
9 agree to all of the terms and conditions of the program,
10 including but not limited to the possibility of prosecution for
11 the crime charged for failing to abide or comply with the terms
12 of the drug school program or for any arrest incurred
13 subsequent to entry into the drug school program.

14 Section 30. Successful completion. If an individual is
15 certified by the State's Attorney that he or she has
16 successfully completed the terms of the drug school, the
17 State's Attorney shall waive prosecution for the immediate
18 offense and discharge the case.

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

22 Section 40. Appropriations to DASA.

23 (a) Moneys shall be appropriated to DASA to enable DASA (i)

1 to contract with Cook County, and (ii) counties other than Cook
2 County to reimburse for services delivered in those counties
3 under the county Drug School program.

4 (b) DASA shall establish rules and procedures for
5 reimbursements paid to the Cook County Treasurer which are not
6 subject to county appropriation and are not intended to
7 supplant monies currently expended by Cook County to operate
8 its drug school program. Cook County is required to maintain
9 its efforts with regard to its drug school program.

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

12 (d) In addition to reporting required by DASA, State's
13 Attorneys 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.".