

1 AN ACT concerning criminal law.

2 WHEREAS, Treatment Alternatives for Safe Communities  
3 (TASC) is a more rigorous sentencing option employed by  
4 Illinois courts to ensure that offenders rehabilitate and prove  
5 to the Court that they remain drug free; therefore

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

8 Section 5. The Alcoholism and Other Drug Abuse and  
9 Dependency Act is amended by changing Section 40-5 as follows:

10 (20 ILCS 301/40-5)

11 Sec. 40-5. Election of treatment. An addict or alcoholic  
12 who is charged with or convicted of a crime may elect treatment  
13 under the supervision of a licensed program designated by the  
14 Department, referred to in this Article as "designated  
15 program", unless:

16 (1) the crime is a crime of violence;

17 (2) the crime is a violation of Section 401(a), 401(b),  
18 401(c) where the person electing treatment has been  
19 previously convicted of a non-probationable felony or the  
20 violation is non-probationable, 401(d) where the violation  
21 is non-probationable, 401.1, 402(a), 405 or 407 of the  
22 Illinois Controlled Substances Act, or Section 4(d), 4(e),

1 4(f), 4(g), 5(d), 5(e), 5(f), 5(g), 5.1, 7 or 9 of the  
2 Cannabis Control Act or Section 15, 20, 55, 60(b)(3),  
3 60(b)(4), 60(b)(5), 60(b)(6) ~~60~~, or 65 of the  
4 Methamphetamine Control and Community Protection Act or is  
5 otherwise ineligible for probation under Section 70 of the  
6 Methamphetamine Control and Community Protection Act;

7 (3) the person has a record of 2 or more convictions of  
8 a crime of violence;

9 (4) other criminal proceedings alleging commission of  
10 a felony are pending against the person;

11 (5) the person is on probation or parole and the  
12 appropriate parole or probation authority does not consent  
13 to that election;

14 (6) the person elected and was admitted to a designated  
15 program on 2 prior occasions within any consecutive 2-year  
16 period;

17 (7) the person has been convicted of residential  
18 burglary and has a record of one or more felony  
19 convictions;

20 (8) the crime is a violation of Section 11-501 of the  
21 Illinois Vehicle Code or a similar provision of a local  
22 ordinance; or

23 (9) the crime is a reckless homicide or a reckless  
24 homicide of an unborn child, as defined in Section 9-3 or  
25 9-3.2 of the Criminal Code of 1961, in which the cause of  
26 death consists of the driving of a motor vehicle by a

1 person under the influence of alcohol or any other drug or  
2 drugs at the time of the violation.

3 (Source: P.A. 94-556, eff. 9-11-05.)

4 Section 10. The Cannabis Control Act is amended by changing  
5 Section 10 as follows:

6 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

7 Sec. 10. (a) Whenever any person who has not previously  
8 been convicted of, or placed on probation or court supervision  
9 for, any offense under this Act or any law of the United States  
10 or of any State relating to a felony cannabis violation or a  
11 misdemeanor cannabis violation involving the manufacture or  
12 delivery or the possession with intent to manufacture or  
13 deliver cannabis, or controlled substances as defined in the  
14 Illinois Controlled Substances Act, pleads guilty to or is  
15 found guilty of violating Sections 4(a), 4(b), 4(c), 5(a),  
16 5(b), 5(c) or 8 of this Act, the court may, without entering a  
17 judgment and with the consent of such person, sentence him to  
18 probation.

19 (b) When a person is placed on probation, the court shall  
20 enter an order specifying a period of probation of 24 months,  
21 and shall defer further proceedings in the case until the  
22 conclusion of the period or until the filing of a petition  
23 alleging violation of a term or condition of probation.

24 (c) The conditions of probation shall be that the person:

1 (1) not violate any criminal statute of any jurisdiction; (2)  
2 refrain from possession of a firearm or other dangerous weapon;  
3 (3) submit to periodic drug testing at a time and in a manner  
4 as ordered by the court, but no less than 3 times during the  
5 period of the probation, with the cost of the testing to be  
6 paid by the probationer; and (4) perform no less than 30 hours  
7 of community service, provided community service is available  
8 in the jurisdiction and is funded and approved by the county  
9 board.

10 (d) The court may, in addition to other conditions, require  
11 that the person:

12 (1) make a report to and appear in person before or  
13 participate with the court or such courts, person, or  
14 social service agency as directed by the court in the order  
15 of probation;

16 (2) pay a fine and costs;

17 (3) work or pursue a course of study or vocational  
18 training;

19 (4) undergo medical or psychiatric treatment; or  
20 treatment for drug addiction or alcoholism;

21 (5) attend or reside in a facility established for the  
22 instruction or residence of defendants on probation;

23 (6) support his dependents;

24 (7) refrain from possessing a firearm or other  
25 dangerous weapon;

26 (7-5) refrain from having in his or her body the

1 presence of any illicit drug prohibited by the Cannabis  
2 Control Act, the Illinois Controlled Substances Act, or the  
3 Methamphetamine Control and Community Protection Act,  
4 unless prescribed by a physician, and submit samples of his  
5 or her blood or urine or both for tests to determine the  
6 presence of any illicit drug;

7 (8) and in addition, if a minor:

8 (i) reside with his parents or in a foster home;

9 (ii) attend school;

10 (iii) attend a non-residential program for youth;

11 (iv) contribute to his own support at home or in a  
12 foster home.

13 (e) Upon violation of a term or condition of probation, the  
14 court may enter a judgment on its original finding of guilt and  
15 proceed as otherwise provided.

16 (f) Upon fulfillment of the terms and conditions of  
17 probation, the court shall discharge such person and dismiss  
18 the proceedings against him.

19 (g) A disposition of probation is considered to be a  
20 conviction for the purposes of imposing the conditions of  
21 probation and for appeal, however, discharge and dismissal  
22 under this Section is not a conviction for purposes of  
23 disqualification or disabilities imposed by law upon  
24 conviction of a crime (including the additional penalty imposed  
25 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)  
26 of this Act).

1 (h) Discharge and dismissal under this Section, Section 410  
2 of the Illinois Controlled Substances Act, or Section 70 of the  
3 Methamphetamine Control and Community Protection Act may occur  
4 only once with respect to any person.

5 (i) If a person is convicted of an offense under this Act,  
6 the Illinois Controlled Substances Act, or the Methamphetamine  
7 Control and Community Protection Act within 5 years subsequent  
8 to a discharge and dismissal under this Section, the discharge  
9 and dismissal under this Section shall be admissible in the  
10 sentencing proceeding for that conviction as a factor in  
11 aggravation.

12 (Source: P.A. 94-556, eff. 9-11-05.)

13 Section 15. The Illinois Controlled Substances Act is  
14 amended by changing Section 410 as follows:

15 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

16 Sec. 410. (a) Whenever any person who has not previously  
17 been convicted of, or placed on probation or court supervision  
18 for any offense under this Act or any law of the United States  
19 or of any State relating to ~~cannabis or~~ controlled substances  
20 or a felony cannabis violation or a misdemeanor cannabis  
21 violation involving the manufacture or delivery or the  
22 possession with intent to manufacture or deliver cannabis,  
23 pleads guilty to or is found guilty of possession of a  
24 controlled or counterfeit substance under subsection (c) of

1 Section 402 or of unauthorized possession of prescription form  
2 under Section 406.2, the court, without entering a judgment and  
3 with the consent of such person, may sentence him to probation.

4 (b) When a person is placed on probation, the court shall  
5 enter an order specifying a period of probation of 24 months  
6 and shall defer further proceedings in the case until the  
7 conclusion of the period or until the filing of a petition  
8 alleging violation of a term or condition of probation.

9 (c) The conditions of probation shall be that the person:  
10 (1) not violate any criminal statute of any jurisdiction; (2)  
11 refrain from possessing a firearm or other dangerous weapon;  
12 (3) submit to periodic drug testing at a time and in a manner  
13 as ordered by the court, but no less than 3 times during the  
14 period of the probation, with the cost of the testing to be  
15 paid by the probationer; and (4) perform no less than 30 hours  
16 of community service, provided community service is available  
17 in the jurisdiction and is funded and approved by the county  
18 board.

19 (d) The court may, in addition to other conditions, require  
20 that the person:

21 (1) make a report to and appear in person before or  
22 participate with the court or such courts, person, or  
23 social service agency as directed by the court in the order  
24 of probation;

25 (2) pay a fine and costs;

26 (3) work or pursue a course of study or vocational

1 training;

2 (4) undergo medical or psychiatric treatment; or  
3 treatment or rehabilitation approved by the Illinois  
4 Department of Human Services;

5 (5) attend or reside in a facility established for the  
6 instruction or residence of defendants on probation;

7 (6) support his dependents;

8 (6-5) refrain from having in his or her body the  
9 presence of any illicit drug prohibited by the Cannabis  
10 Control Act, the Illinois Controlled Substances Act, or the  
11 Methamphetamine Control and Community Protection Act,  
12 unless prescribed by a physician, and submit samples of his  
13 or her blood or urine or both for tests to determine the  
14 presence of any illicit drug;

15 (7) and in addition, if a minor:

16 (i) reside with his parents or in a foster home;

17 (ii) attend school;

18 (iii) attend a non-residential program for youth;

19 (iv) contribute to his own support at home or in a  
20 foster home.

21 (e) Upon violation of a term or condition of probation, the  
22 court may enter a judgment on its original finding of guilt and  
23 proceed as otherwise provided.

24 (f) Upon fulfillment of the terms and conditions of  
25 probation, the court shall discharge the person and dismiss the  
26 proceedings against him.



1 (g) A disposition of probation is considered to be a  
2 conviction for the purposes of imposing the conditions of  
3 probation and for appeal, however, discharge and dismissal  
4 under this Section is not a conviction for purposes of this Act  
5 or for purposes of disqualifications or disabilities imposed by  
6 law upon conviction of a crime.

7 (h) There may be only one discharge and dismissal under  
8 this Section, Section 10 of the Cannabis Control Act, or  
9 Section 70 of the Methamphetamine Control and Community  
10 Protection Act with respect to any person.

11 (i) If a person is convicted of an offense under this Act,  
12 the Cannabis Control Act, or the Methamphetamine Control and  
13 Community Protection Act within 5 years subsequent to a  
14 discharge and dismissal under this Section, the discharge and  
15 dismissal under this Section shall be admissible in the  
16 sentencing proceeding for that conviction as evidence in  
17 aggravation.

18 (Source: P.A. 94-556, eff. 9-11-05; 95-487, eff. 1-1-08.)

19 Section 20. The Methamphetamine Control and Community  
20 Protection Act is amended by changing Section 70 as follows:

21 (720 ILCS 646/70)

22 Sec. 70. Probation.

23 (a) Whenever any person who has not previously been  
24 convicted of, or placed on probation or court supervision for

1 any offense under this Act, the Illinois Controlled Substances  
2 Act, a felony violation of the Cannabis Control Act, or any law  
3 of the United States or of any state relating to ~~cannabis or~~  
4 controlled substances or a felony cannabis violation or a  
5 misdemeanor cannabis violation involving the manufacture or  
6 delivery or the possession with intent to manufacture or  
7 deliver cannabis, pleads guilty to or is found guilty of  
8 possession of less than 15 grams of methamphetamine under  
9 paragraph (1) or (2) of subsection (b) of Section 60 of this  
10 Act, the court, without entering a judgment and with the  
11 consent of the person, may sentence him or her to probation.

12 (b) When a person is placed on probation, the court shall  
13 enter an order specifying a period of probation of 24 months  
14 and shall defer further proceedings in the case until the  
15 conclusion of the period or until the filing of a petition  
16 alleging violation of a term or condition of probation.

17 (c) The conditions of probation shall be that the person:

18 (1) not violate any criminal statute of any  
19 jurisdiction;

20 (2) refrain from possessing a firearm or other  
21 dangerous weapon;

22 (3) submit to periodic drug testing at a time and in a  
23 manner as ordered by the court, but no less than 3 times  
24 during the period of the probation, with the cost of the  
25 testing to be paid by the probationer; and

26 (4) perform no less than 30 hours of community service,

1 if community service is available in the jurisdiction and  
2 is funded and approved by the county board.

3 (d) The court may, in addition to other conditions, require  
4 that the person take one or more of the following actions:

5 (1) make a report to and appear in person before or  
6 participate with the court or such courts, person, or  
7 social service agency as directed by the court in the order  
8 of probation;

9 (2) pay a fine and costs;

10 (3) work or pursue a course of study or vocational  
11 training;

12 (4) undergo medical or psychiatric treatment; or  
13 treatment or rehabilitation approved by the Illinois  
14 Department of Human Services;

15 (5) attend or reside in a facility established for the  
16 instruction or residence of defendants on probation;

17 (6) support his or her dependents;

18 (7) refrain from having in his or her body the presence  
19 of any illicit drug prohibited by this Act, the Cannabis  
20 Control Act, or the Illinois Controlled Substances Act,  
21 unless prescribed by a physician, and submit samples of his  
22 or her blood or urine or both for tests to determine the  
23 presence of any illicit drug; or

24 (8) if a minor:

25 (i) reside with his or her parents or in a foster  
26 home;

- 1           (ii) attend school;
- 2           (iii) attend a non-residential program for youth;
- 3           or
- 4           (iv) contribute to his or her own support at home
- 5           or in a foster home.

6           (e) Upon violation of a term or condition of probation, the

7           court may enter a judgment on its original finding of guilt and

8           proceed as otherwise provided.

9           (f) Upon fulfillment of the terms and conditions of

10          probation, the court shall discharge the person and dismiss the

11          proceedings against the person.

12          (g) A disposition of probation is considered to be a

13          conviction for the purposes of imposing the conditions of

14          probation and for appeal, however, discharge and dismissal

15          under this Section is not a conviction for purposes of this Act

16          or for purposes of disqualifications or disabilities imposed by

17          law upon conviction of a crime.

18          (h) There may be only one discharge and dismissal under

19          this Section, Section 410 of the Illinois Controlled Substances

20          Act, or Section 10 of the Cannabis Control Act with respect to

21          any person.

22          (i) If a person is convicted of an offense under this Act,

23          the Cannabis Control Act, or the Illinois Controlled Substances

24          Act within 5 years subsequent to a discharge and dismissal

25          under this Section, the discharge and dismissal under this

26          Section are admissible in the sentencing proceeding for that

1 conviction as evidence in aggravation.

2 (Source: P.A. 94-556, eff. 9-11-05.)