

SB0834



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB0834

Introduced 2/11/2015, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

405 ILCS 5/3-800

from Ch. 91 1/2, par. 3-800

Amends the Mental Health and Developmental Disabilities Code concerning court hearings under the Admission, Transfer and Discharge Procedures for the Mentally Ill Chapter of the Code. Deletes provision that any party may request a change of venue or transfer to any other county because of the convenience of parties or witnesses or the condition of the respondent. Provides that the court shall grant the request of the respondent to have the proceedings transferred to the county of his or her residence if and only if the court determines that the transfer is necessary to ensure the attendance of any material witness. Effective immediately.

LRB099 03852 RLC 23866 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Section 3-800 as
6 follows:

7 (405 ILCS 5/3-800) (from Ch. 91 1/2, par. 3-800)

8 Sec. 3-800. (a) Unless otherwise indicated, court hearings
9 under this Chapter shall be held pursuant to this Article.
10 Hearings shall be held in such quarters as the court directs.
11 To the extent practical, hearings shall be held in the mental
12 health facility where the respondent is hospitalized. ~~Any party~~
13 ~~may request a change of venue or transfer to any other county~~
14 ~~because of the convenience of parties or witnesses or the~~
15 ~~condition of the respondent.~~ The respondent may request to have
16 the proceedings transferred to the county of his or her
17 residence. The court shall grant the request if and only if the
18 court determines that the transfer is necessary to ensure the
19 attendance of any material witness.

20 (b) If the court grants a continuance on its own motion or
21 upon the motion of one of the parties, the respondent may
22 continue to be detained pending further order of the court.
23 Such continuance shall not extend beyond 15 days except to the

1 extent that continuances are requested by the respondent.

2 (c) Court hearings under this Chapter, including hearings
3 under Section 2-107.1, shall be open to the press and public
4 unless the respondent or some other party requests that they be
5 closed. The court may also indicate its intention to close a
6 hearing, including when it determines that the respondent may
7 be unable to make a reasoned decision to request that the
8 hearing be closed. A request that a hearing be closed shall be
9 granted unless there is an objection to closing the hearing by
10 a party or any other person. If an objection is made, the court
11 shall not close the hearing unless, following a hearing, it
12 determines that the patient's interest in having the hearing
13 closed is compelling. The court shall support its determination
14 with written findings of fact and conclusions of law. The court
15 shall not close the hearing if the respondent objects to its
16 closure. Whenever a court determines that a hearing shall be
17 closed, access to the records of the hearing, including but not
18 limited to transcripts and pleadings, shall be limited to the
19 parties involved in the hearing, court personnel, and any
20 person or agency providing mental health services that are the
21 subject of the hearing. Access may also be granted, however,
22 pursuant to the provisions of the Mental Health and
23 Developmental Disabilities Confidentiality Act.

24 (d) The provisions of subsection (a-5) of Section 6 of the
25 Rights of Crime Victims and Witnesses Act shall apply to the
26 initial commitment hearing, as provided under Section 5-2-4 of

1 the Unified Code of Corrections, for a respondent found not
2 guilty by reason of insanity of a violent crime in a criminal
3 proceeding and the hearing has been ordered by the court under
4 this Code to determine if the defendant is:

5 (1) in need of mental health services on an inpatient
6 basis;

7 (2) in need of mental health services on an outpatient
8 basis; or

9 (3) not in need of mental health services.

10 While the impact statement to the court allowed under this
11 subsection (d) may include the impact that the respondent's
12 criminal conduct has had upon the victim, victim's
13 representative, or victim's family or household member, the
14 court may only consider the impact statement along with all
15 other appropriate factors in determining the:

16 (i) threat of serious physical harm posed by the
17 respondent to himself or herself, or to another person;

18 (ii) location of inpatient or outpatient mental health
19 services ordered by the court, but only after complying
20 with all other applicable administrative requirements,
21 rules, and statutory requirements;

22 (iii) maximum period of commitment for inpatient
23 mental health services; and

24 (iv) conditions of release for outpatient mental
25 health services ordered by the court.

26 (e) Notwithstanding the provisions of Section 2-1009 of the

1 Code of Civil Procedure, a respondent may object to a motion
2 for voluntary dismissal and the court may refuse to grant such
3 a dismissal for good cause shown.

4 (Source: P.A. 96-117, eff. 1-1-10; 97-375, eff. 8-15-11.)

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