

1 AN ACT concerning drug treatment.

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 Drug Court Treatment Act.

6 Section 5. Purposes. The General Assembly recognizes that  
7 the use and abuse of drugs has a dramatic effect on the  
8 criminal justice system in the State of Illinois. There is a  
9 critical need for a criminal justice system program that will  
10 reduce the incidence of drug use, drug addiction, and crimes  
11 committed as a result of drug use and drug addiction. It is  
12 the intent of the General Assembly to create specialized drug  
13 courts with the necessary flexibility to meet the drug  
14 problems in the State of Illinois.

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

16 "Drug court", "drug court program", or "program" means an  
17 immediate and highly structured judicial intervention process  
18 for substance abuse treatment of eligible defendants that  
19 brings together substance abuse professionals, local social  
20 programs, and intensive judicial monitoring in accordance  
21 with the nationally recommended 10 key components of drug  
22 courts.

23 "Drug court professional" means a judge, prosecutor,  
24 defense attorney, probation officer, or treatment provider  
25 involved with the drug court program.

26 "Pre-adjudicatory drug court program" means a program  
27 that allows the defendant, with the consent of the  
28 prosecution, to expedite the defendant's criminal case before  
29 conviction or before filing of a criminal case and requires  
30 successful completion of the drug court program as part of

1 the agreement.

2 "Post-adjudicatory drug court program" means a program in  
3 which the defendant has admitted guilt or has been found  
4 guilty and agrees, along with the prosecution, to enter a  
5 drug court program as part of the defendant's sentence.

6 "Combination drug court program" means a drug court  
7 program that includes a pre-adjudicatory drug court program  
8 and a post-adjudicatory drug court program.

9 Section 15. Authorization. The Chief Judge of each  
10 judicial circuit may establish a drug court program including  
11 the format under which it operates under this Act.

12 Section 20. Eligibility.

13 (a) A defendant may be admitted into a drug court  
14 program only upon the agreement of the prosecutor and the  
15 defendant and with the approval of the court.

16 (b) A defendant shall be excluded from a drug court  
17 program if any of one of the following apply:

18 (1) The crime is a crime of violence as set forth in  
19 clause (4) of this subsection (b).

20 (2) The defendant denies his or her use of or  
21 addiction to drugs.

22 (3) The defendant does not demonstrate a  
23 willingness to participate in a treatment program.

24 (4) The defendant has been convicted of a crime of  
25 violence within the past 10 years excluding incarceration  
26 time, including but not limited to: first degree murder,  
27 second degree murder, predatory criminal sexual assault  
28 of a child, aggravated criminal sexual assault, criminal  
29 sexual assault, armed robbery, aggravated arson, arson,  
30 aggravated kidnaping, kidnaping, aggravated battery  
31 resulting in great bodily harm or permanent disability,  
32 stalking, aggravated stalking, or any offense involving

1 the discharge of a firearm.

2 (5) The defendant has previously completed or has  
3 been discharged from a drug court program.

4 Section 25. Procedure.

5 (a) The court shall order an eligibility screening and an  
6 assessment of the defendant by an agent designated by the  
7 State of Illinois to provide assessment services for the  
8 Illinois Courts. An assessment need not be ordered if the  
9 court finds a valid assessment related to the present charge  
10 pending against the defendant has been completed within the  
11 previous 60 days.

12 (b) The judge shall inform the defendant that if the  
13 defendant fails to meet the conditions of the drug court  
14 program, eligibility to participate in the program may be  
15 revoked and the defendant may be sentenced or the prosecution  
16 continued as provided in the Unified Code of Corrections for  
17 the crime charged.

18 (c) The defendant shall execute a written agreement as  
19 to his or her participation in the program and shall agree to  
20 all of the terms and conditions of the program, including but  
21 not limited to the possibility of sanctions or incarceration  
22 for failing to abide or comply with the terms of the program.

23 (d) In addition to any conditions authorized under the  
24 Pretrial Services Act and Section 5-6-3 of the Unified Code  
25 of Corrections, the court may order the defendant to complete  
26 substance abuse treatment in an outpatient, inpatient,  
27 residential, or jail-based custodial treatment program. Any  
28 period of time a defendant shall serve in a jail-based  
29 treatment program may not be reduced by the accumulation of  
30 good time or other credits and may be for a period of up to  
31 120 days.

32 (e) The drug court program shall include a regimen of  
33 graduated requirements and rewards and sanctions, including

1 but not limited to: fines, fees, costs, restitution,  
 2 incarceration of up to 180 days, individual and group  
 3 therapy, drug analysis testing, close monitoring by the court  
 4 at a minimum of once every 30 days and supervision of  
 5 progress, educational or vocational counseling as  
 6 appropriate, and other requirements necessary to fulfill the  
 7 drug court program.

8 Section 30. Substance abuse treatment.

9 (a) The drug court program shall maintain a network of  
 10 substance abuse treatment programs representing a continuum  
 11 of graduated substance abuse treatment options commensurate  
 12 with the needs of defendants.

13 (b) Any substance abuse treatment program to which  
 14 defendants are referred must meet all of the rules and  
 15 governing programs in Parts 2030 and 2060 of Title 77 of the  
 16 Illinois Administrative Code.

17 (c) The drug court program may, at its discretion,  
 18 employ additional services or interventions, as it deems  
 19 necessary on a case by case basis.

20 Section 35. Violation; termination; discharge.

21 (a) If the court finds from the evidence presented  
 22 including but not limited to the reports or proffers of proof  
 23 from the drug court professionals that:

24 (1) the defendant is not performing satisfactorily  
 25 in the assigned program;

26 (2) the defendant is not benefitting from  
 27 education, treatment, or rehabilitation;

28 (3) the defendant has engaged in criminal conduct  
 29 rendering him or her unsuitable for the program; or

30 (4) the defendant has otherwise violated the terms  
 31 and conditions of the program or his or her sentence or  
 32 is for any reason unable to participate;

1 the court may impose reasonable sanctions under prior written  
2 agreement of the defendant, including but not limited to  
3 imprisonment or dismissal of the defendant from the program  
4 and the court may reinstate criminal proceedings against him  
5 or her or proceed under Section 5-6-4 of the Unified Code of  
6 Corrections for a violation of probation, conditional  
7 discharge, or supervision hearing.

8 (b) Upon successful completion of the terms and  
9 conditions of the program, the court may dismiss the original  
10 charges against the defendant or successfully terminate the  
11 defendant's sentence or otherwise discharge him or her from  
12 any further proceedings against him or her in the original  
13 prosecution.