

SB1397



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1397

Introduced 2/9/2017, by Sen. John G. Mulroe

SYNOPSIS AS INTRODUCED:

730 ILCS 167/20
730 ILCS 168/20

Amends the Veterans and Servicemembers Court Treatment Act and the Mental Health Court Treatment Act. Removes provisions that a person may be admitted into a Veterans and Servicemembers Court program or a mental health court program only upon the agreement of the prosecutor. Effective immediately.

LRB100 07955 RLC 18029 b

A BILL FOR

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 5. The Veterans and Servicemembers Court Treatment
5 Act is amended by changing Section 20 as follows:

6 (730 ILCS 167/20)

7 Sec. 20. Eligibility. Veterans and Servicemembers are
8 eligible for Veterans and Servicemembers Courts, provided the
9 following:

10 (a) A defendant, who is eligible for probation based on the
11 nature of the crime convicted of and in consideration of his or
12 her criminal background, if any, may be admitted into a
13 Veterans and Servicemembers Court program only upon the
14 agreement of ~~the prosecutor and~~ the defendant and with the
15 approval of the Court.

16 (b) A defendant shall be excluded from Veterans and
17 Servicemembers Court program if any of one of the following
18 applies:

19 (1) The crime is a crime of violence as set forth in
20 clause (3) of this subsection (b).

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

23 (3) The defendant has been convicted of a crime of

1 violence within the past 10 years excluding incarceration
2 time. As used in this Section, "crime of violence" means:
3 first degree murder, second degree murder, predatory
4 criminal sexual assault of a child, aggravated criminal
5 sexual assault, criminal sexual assault, armed robbery,
6 aggravated arson, arson, aggravated kidnapping and
7 kidnapping, aggravated battery resulting in great bodily
8 harm or permanent disability, stalking, aggravated
9 stalking, or any offense involving the discharge of a
10 firearm or where occurred serious bodily injury or death to
11 any person.

12 (4) (Blank).

13 (5) The crime for which the defendant has been
14 convicted is non-probationable.

15 (6) The sentence imposed on the defendant, whether the
16 result of a plea or a finding of guilt, renders the
17 defendant ineligible for probation.

18 (Source: P.A. 98-152, eff. 1-1-14; 99-480, eff. 9-9-15.)

19 Section 10. The Mental Health Court Treatment Act is
20 amended by changing Section 20 as follows:

21 (730 ILCS 168/20)

22 Sec. 20. Eligibility.

23 (a) A defendant, who is eligible for probation based on the
24 nature of the crime convicted of and in consideration of his or

1 her criminal background, if any, may be admitted into a mental
2 health court program only upon the agreement of ~~the prosecutor~~
3 ~~and~~ the defendant and with the approval of the court.

4 (b) A defendant shall be excluded from a mental health
5 court program if any one of the following applies:

6 (1) The crime is a crime of violence as set forth in
7 clause (3) of this subsection (b).

8 (2) The defendant does not demonstrate a willingness to
9 participate in a treatment program.

10 (3) The defendant has been convicted of a crime of
11 violence within the past 10 years excluding incarceration
12 time, specifically first degree murder, second degree
13 murder, predatory criminal sexual assault of a child,
14 aggravated criminal sexual assault, criminal sexual
15 assault, armed robbery, aggravated arson, arson,
16 aggravated kidnapping, kidnapping, stalking, aggravated
17 stalking, or any offense involving the discharge of a
18 firearm.

19 (4) (Blank).

20 (5) The crime for which the defendant has been
21 convicted is non-probationable.

22 (6) The sentence imposed on the defendant, whether the
23 result of a plea or a finding of guilt, renders the
24 defendant ineligible for probation.

25 (c) A defendant charged with prostitution under Section
26 11-14 of the Criminal Code of 2012 may be admitted into a

1 mental health court program, if available in the jurisdiction
2 and provided that the requirements in subsections (a) and (b)
3 are satisfied. Mental health court programs may include
4 specialized service programs specifically designed to address
5 the trauma associated with prostitution and human trafficking,
6 and may offer those specialized services to defendants admitted
7 to the mental health court program. Judicial circuits
8 establishing these specialized programs shall partner with
9 prostitution and human trafficking advocates, survivors, and
10 service providers in the development of the programs.

11 (Source: P.A. 97-946, eff. 8-13-12; 98-152, eff. 1-1-14;
12 98-538, eff. 8-23-13; 98-621, eff. 1-7-14.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.