



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1346

Introduced 2/6/2023, by Sen. Karina Villa

SYNOPSIS AS INTRODUCED:

730 ILCS 166/10
730 ILCS 166/55 new
730 ILCS 167/10
730 ILCS 167/95 new
730 ILCS 168/10
730 ILCS 168/55 new

Amends the Drug Court Treatment Act, the Veterans and Servicemembers Court Treatment Act, and the Mental Health Court Treatment Act. Provides that jurisdiction may be transferred from the sentencing court to the problem-solving court circuit in which the offender resides at the concurrence of both courts. Provides that the court to which jurisdiction has been transferred shall have the same powers as the sentencing court. Provides that the problem-solving court department within the circuit to which jurisdiction has been transferred may impose problem-solving court fees upon receiving the transferred offender. Provides that after the transfer all problem-solving court fees shall be paid to the problem-solving court department within the circuit to which jurisdiction has been transferred. Defines "problem-solving court" and "transferred".

LRB103 26069 RLC 52424 b

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 Drug Court Treatment Act is amended by
5 changing Section 10 and by adding Section 55 as follows:

6 (730 ILCS 166/10)

7 Sec. 10. Definitions. As used in this Act:

8 "Certification" means the process by which a
9 problem-solving court obtains approval from the Supreme Court
10 to operate in accordance with the Problem-Solving Court
11 Standards.

12 "Clinical treatment plan" means an evidence-based,
13 comprehensive, and individualized plan that: (i) is developed
14 by a qualified professional in accordance with the Department
15 of Human Services substance use prevention and recovery rules
16 under 77 Ill. Adm. Code 2060 or an equivalent standard in any
17 state where treatment may take place; and (ii) defines the
18 scope of treatment services to be delivered by a court
19 treatment provider.

20 "Combination drug court program" means a type of
21 problem-solving court that allows an individual to enter a
22 problem-solving court before a plea, conviction, or
23 disposition while also permitting an individual who has

1 admitted guilt, or been found guilty, to enter a
2 problem-solving court as a part of the individual's sentence
3 or disposition.

4 "Community behavioral health center" means a physical site
5 where behavioral healthcare services are provided in
6 accordance with the Community Behavioral Health Center
7 Infrastructure Act.

8 "Community mental health center" means an entity:

9 (1) licensed by the Department of Public Health as a
10 community mental health center in accordance with the
11 conditions of participation for community mental health
12 centers established by the Centers for Medicare and
13 Medicaid Services; and

14 (2) that provides outpatient services, including
15 specialized outpatient services, for individuals who are
16 chronically mental ill.

17 "Co-occurring mental health and substance use disorders
18 court program" means a program that includes an individual
19 with co-occurring mental illness and substance use disorder
20 diagnoses and professionals with training and experience in
21 treating individuals with diagnoses of substance use disorder
22 and mental illness.

23 "Drug court", "drug court program", "court", or "program"
24 means a specially designated court, court calendar, or docket
25 facilitating intensive therapeutic treatment to monitor and
26 assist participants with substance use disorders in making

1 positive lifestyle changes and reducing the rate of
2 recidivism. Drug court programs are nonadversarial in nature
3 and bring together substance use disorder professionals, local
4 social programs, and monitoring in accordance with the
5 nationally recommended 10 key components of drug courts and
6 the Problem-Solving Court Standards. Common features of a drug
7 court program include, but are not limited to, a designated
8 judge and staff; specialized intake and screening procedures;
9 coordinated treatment procedures administered by a trained,
10 multidisciplinary professional team; close evaluation of
11 participants, including continued assessments and modification
12 of the court requirements and use of sanctions, incentives,
13 and therapeutic adjustments to address behavior; frequent
14 judicial interaction with participants; less formal court
15 process and procedures; voluntary participation; and a low
16 treatment staff-to-client ratio.

17 "Drug court professional" means a member of the drug court
18 team, including but not limited to a judge, prosecutor,
19 defense attorney, probation officer, coordinator, or treatment
20 provider.

21 "Peer recovery coach" means a mentor assigned to a
22 defendant during participation in a drug treatment court
23 program who has been trained by the court, a service provider
24 used by the court for substance use disorder or mental health
25 treatment, a local service provider with an established peer
26 recovery coach or mentor program not otherwise used by the

1 court for treatment, or a Certified Recovery Support
2 Specialist certified by the Illinois Certification Board.

3 "Peer recovery coach" includes individuals with lived
4 experiences of the issues the problem-solving court seeks to
5 address, including, but not limited to, substance use
6 disorder, mental illness, and co-occurring disorders or
7 involvement with the criminal justice system. "Peer recovery
8 coach" includes individuals required to guide and mentor the
9 participant to successfully complete assigned requirements and
10 to facilitate participants' independence for continued success
11 once the supports of the court are no longer available to them.

12 "Post-adjudicatory drug court program" means a program
13 that allows an individual who has admitted guilt or has been
14 found guilty, with the defendant's consent, and the approval
15 of the court, to enter a drug court program as part of the
16 defendant's sentence or disposition.

17 "Pre-adjudicatory drug court program" means a program that
18 allows the defendant, with the defendant's consent and the
19 approval of the court, to enter the drug court program before
20 plea, conviction, or disposition and requires successful
21 completion of the drug court program as part of the agreement.

22 "Problem-solving court" means any and all mental health
23 court treatment, Veterans and Servicemembers Court treatment,
24 and drug court treatment departments in a judicial circuit.

25 "Problem-Solving Court Standards" means the statewide
26 standards adopted by the Supreme Court that set forth the

1 minimum requirements for the planning, establishment,
2 certification, operation, and evaluation of all
3 problem-solving courts in this State.

4 "Transferred" means the transfer of any case in which an
5 adult or juvenile offender seeks to have problem-solving court
6 treatment transferred from one county to the county in this
7 State in which the offender resides, and the transfer is
8 approved by a judge.

9 "Validated clinical assessment" means a validated
10 assessment tool administered by a qualified clinician to
11 determine the treatment needs of participants. "Validated
12 clinical assessment" includes assessment tools required by
13 public or private insurance.

14 (Source: P.A. 102-1041, eff. 6-2-22.)

15 (730 ILCS 166/55 new)

16 Sec. 55. Transfer. Jurisdiction may be transferred from
17 the sentencing court to the problem-solving court circuit in
18 which the offender resides at the concurrence of both courts.
19 The court to which jurisdiction has been transferred shall
20 have the same powers as the sentencing court. The
21 problem-solving court department within the circuit to which
22 jurisdiction has been transferred may impose problem-solving
23 court fees upon receiving the transferred offender as defined
24 in Section 10. After the transfer all problem-solving court
25 fees shall be paid to the problem-solving court department

1 within the circuit to which jurisdiction has been transferred.

2 Section 10. The Veterans and Servicemembers Court
3 Treatment Act is amended by changing Section 10 and by adding
4 Section 95 as follows:

5 (730 ILCS 167/10)

6 Sec. 10. Definitions. In this Act:

7 "Certification" means the process by which a
8 problem-solving court obtains approval from the Supreme Court
9 to operate in accordance with the Problem-Solving Court
10 Standards.

11 "Clinical treatment plan" means an evidence-based,
12 comprehensive, and individualized plan that: (i) is developed
13 by a qualified professional in accordance with the Department
14 of Human Services substance use prevention and recovery rules
15 under 77 Ill. Adm. Code 2060 or an equivalent standard in any
16 state where treatment may take place; and (ii) defines the
17 scope of treatment services to be delivered by a court
18 treatment provider.

19 "Combination Veterans and Servicemembers court program"
20 means a type of problem-solving court that allows an
21 individual to enter a problem-solving court before a plea,
22 conviction, or disposition while also permitting an individual
23 who has admitted guilt, or been found guilty, to enter a
24 problem-solving court as a part of the individual's sentence

1 or disposition.

2 "Community behavioral health center" means a physical site
3 where behavioral healthcare services are provided in
4 accordance with the Community Behavioral Health Center
5 Infrastructure Act.

6 "Community mental health center" means an entity:

7 (1) licensed by the Department of Public Health as a
8 community mental health center in accordance with the
9 conditions of participation for community mental health
10 centers established by the Centers for Medicare and
11 Medicaid Services; and

12 (2) that provides outpatient services, including
13 specialized outpatient services, for individuals who are
14 chronically mental ill.

15 "Co-occurring mental health and substance use disorders
16 court program" means a program that includes an individual
17 with co-occurring mental illness and substance use disorder
18 diagnoses and professionals with training and experience in
19 treating individuals with diagnoses of substance use disorder
20 and mental illness.

21 "Court" means veterans and servicemembers court.

22 "IDVA" means the Illinois Department of Veterans' Affairs.

23 "Peer recovery coach" means a veteran mentor as defined
24 nationally by Justice for Vets and assigned to a veteran or
25 servicemember during participation in a veteran treatment
26 court program who has been approved by the court, and trained

1 according to curriculum recommended by Justice for Vets, a
2 service provider used by the court for substance use disorder
3 or mental health treatment, a local service provider with an
4 established peer recovery coach or mentor program not
5 otherwise used by the court for treatment, or a Certified
6 Recovery Support Specialist certified by the Illinois
7 Certification Board. "Peer recovery coach" includes
8 individuals with lived experiences of the issues the
9 problem-solving court seeks to address, including, but not
10 limited to, substance use disorder, mental illness, and
11 co-occurring disorders or involvement with the criminal
12 justice system. "Peer recovery coach" includes individuals
13 required to guide and mentor the participant to successfully
14 complete assigned requirements and to facilitate participants'
15 independence for continued success once the supports of the
16 court are no longer available to them.

17 "Post-adjudicatory veterans and servicemembers court
18 program" means a program that allows a defendant who has
19 admitted guilt or has been found guilty and agrees, with the
20 defendant's consent, and the approval of the court, to enter a
21 veterans and servicemembers court program as part of the
22 defendant's sentence or disposition.

23 "Pre-adjudicatory veterans and servicemembers court
24 program" means a program that allows the defendant, with the
25 defendant's consent and the approval of the court, to enter
26 the Veterans and Servicemembers Court program before plea,

1 conviction, or disposition and requires successful completion
2 of the Veterans and Servicemembers Court programs as part of
3 the agreement.

4 "Problem-solving court" means any and all mental health
5 court treatment, Veterans and Servicemembers Court treatment,
6 and drug court treatment departments in a judicial circuit.

7 "Problem-Solving Court Standards" means the statewide
8 standards adopted by the Supreme Court that set forth the
9 minimum requirements for the planning, establishment,
10 certification, operation, and evaluation of all
11 problem-solving courts in this State.

12 "Servicemember" means a person who is currently serving in
13 the Army, Air Force, Marines, Navy, or Coast Guard on active
14 duty, reserve status or in the National Guard.

15 "Transferred" means the transfer of any case in which an
16 adult or juvenile offender seeks to have problem-solving court
17 treatment transferred from one county to the county in this
18 State in which the offender resides, and the transfer is
19 approved by a judge.

20 "VA" means the United States Department of Veterans'
21 Affairs.

22 "VAC" means a veterans assistance commission.

23 "Validated clinical assessment" means a validated
24 assessment tool administered by a qualified clinician to
25 determine the treatment needs of participants. "Validated
26 clinical assessment" includes assessment tools required by

1 public or private insurance.

2 "Veteran" means a person who previously served as an
3 active servicemember.

4 "Veterans and servicemembers court professional" means a
5 member of the veterans and servicemembers court team,
6 including, but not limited to, a judge, prosecutor, defense
7 attorney, probation officer, coordinator, treatment provider.

8 "Veterans and servicemembers court", "veterans and
9 servicemembers court program", "court", or "program" means a
10 specially designated court, court calendar, or docket
11 facilitating intensive therapeutic treatment to monitor and
12 assist veteran or servicemember participants with substance
13 use disorder, mental illness, co-occurring disorders, or other
14 assessed treatment needs of eligible veteran and servicemember
15 participants and in making positive lifestyle changes and
16 reducing the rate of recidivism. Veterans and servicemembers
17 court programs are nonadversarial in nature and bring together
18 substance use disorder professionals, mental health
19 professionals, VA professionals, local social programs, and
20 intensive judicial monitoring in accordance with the
21 nationally recommended 10 key components of veterans treatment
22 courts and the Problem-Solving Court Standards. Common
23 features of a veterans and servicemembers court program
24 include, but are not limited to, a designated judge and staff;
25 specialized intake and screening procedures; coordinated
26 treatment procedures administered by a trained,

1 multidisciplinary professional team; close evaluation of
2 participants, including continued assessments and modification
3 of the court requirements and use of sanctions, incentives,
4 and therapeutic adjustments to address behavior; frequent
5 judicial interaction with participants; less formal court
6 process and procedures; voluntary participation; and a low
7 treatment staff-to-client ratio.

8 (Source: P.A. 102-1041, eff. 6-2-22.)

9 (730 ILCS 167/95 new)

10 Sec. 95. Transfers. Jurisdiction may be transferred from
11 the sentencing court to the problem-solving court circuit in
12 which the offender resides at the concurrence of both courts.
13 The court to which jurisdiction has been transferred shall
14 have the same powers as the sentencing court. The
15 problem-solving court department within the circuit to which
16 jurisdiction has been transferred may impose problem-solving
17 court fees upon receiving the transferred offender as defined
18 in Section 10. After the transfer all problem-solving court
19 fees shall be paid to the problem-solving court department
20 within the circuit to which jurisdiction has been transferred.

21 Section 15. The Mental Health Court Treatment Act is
22 amended by changing Section 10 and by adding Section 55 as
23 follows:

1 (730 ILCS 168/10)

2 Sec. 10. Definitions. As used in this Act:

3 "Certification" means the process by which a
4 problem-solving court obtains approval from the Supreme Court
5 to operate in accordance with the Problem-Solving Court
6 Standards.

7 "Clinical treatment plan" means an evidence-based,
8 comprehensive, and individualized plan that: (i) is developed
9 by a qualified professional in accordance with Department of
10 Human Services substance use prevention and recovery rules
11 under 77 Ill. Adm. Code 2060 or an equivalent standard in any
12 state where treatment may take place; and (ii) defines the
13 scope of treatment services to be delivered by a court
14 treatment provider.

15 "Combination mental health court program" means a type of
16 problem-solving court that allows an individual to enter a
17 problem-solving court before a plea, conviction, or
18 disposition while also permitting an individual who has
19 admitted guilt, or been found guilty, to enter a
20 problem-solving court as a part of the individual's sentence
21 or disposition.

22 "Community behavioral health center" means a physical site
23 where behavioral healthcare services are provided in
24 accordance with the Community Behavioral Health Center
25 Infrastructure Act.

26 "Community mental health center" means an entity:

1 (1) licensed by the Department of Public Health as a
2 community mental health center in accordance with the
3 conditions of participation for community mental health
4 centers established by the Centers for Medicare and
5 Medicaid Services; and

6 (2) that provides outpatient services, including
7 specialized outpatient services, for individuals who are
8 chronically mental ill.

9 "Co-occurring mental health and substance use disorders
10 court program" means a program that includes an individual
11 with co-occurring mental illness and substance use disorder
12 diagnoses and professionals with training and experience in
13 treating individuals with diagnoses of substance use disorder
14 and mental illness.

15 "Mental health court", "mental health court program",
16 "court", or "program" means a specially designated court,
17 court calendar, or docket facilitating intensive therapeutic
18 treatment to monitor and assist participants with mental
19 illness in making positive lifestyle changes and reducing the
20 rate of recidivism. Mental health court programs are
21 nonadversarial in nature and bring together mental health
22 professionals and local social programs in accordance with the
23 Bureau of Justice Assistance and Council of State Governments
24 Justice Center's Essential Elements of a Mental Health Court
25 and the Problem-Solving Court Standards. Common features of a
26 mental health court program include, but are not limited to, a

1 designated judge and staff; specialized intake and screening
2 procedures; coordinated treatment procedures administered by a
3 trained, multidisciplinary professional team; close evaluation
4 of participants, including continued assessments and
5 modification of the court requirements and use of sanctions,
6 incentives, and therapeutic adjustments to address behavior;
7 frequent judicial interaction with participants; less formal
8 court process and procedures; voluntary participation; and a
9 low treatment staff-to-client ratio.

10 "Mental health court professional" means a member of the
11 mental health court team, including but not limited to a
12 judge, prosecutor, defense attorney, probation officer,
13 coordinator, or treatment provider.

14 "Peer recovery coach" means a mentor assigned to a
15 defendant during participation in a mental health treatment
16 court program who has been trained by the court, a service
17 provider used by the court for substance use disorder or
18 mental health treatment, a local service provider with an
19 established peer recovery coach or mentor program not
20 otherwise used by the court for treatment, or a Certified
21 Recovery Support Specialist certified by the Illinois
22 Certification Board. "Peer recovery coach" includes
23 individuals with lived experiences of the issues the
24 problem-solving court seeks to address, including, but not
25 limited to, substance use disorder, mental illness, and
26 co-occurring disorders or involvement with the criminal

1 justice system. "Peer recovery coach" includes individuals
2 required to guide and mentor the participant to successfully
3 complete assigned requirements and to facilitate participants'
4 independence for continued success once the supports of the
5 court are no longer available to them.

6 "Post-adjudicatory mental health court program" means a
7 program that allows an individual who has admitted guilt or
8 has been found guilty, with the defendant's consent, and the
9 approval of the court, to enter a mental health court program
10 as part of the defendant's sentence or disposition.

11 "Pre-adjudicatory mental health court program" means a
12 program that allows the defendant, with the defendant's
13 consent and the approval of the court, to enter the mental
14 health court program before plea, conviction, or disposition
15 and requires successful completion of the mental health court
16 program as part of the agreement.

17 "Problem-solving court" means any and all mental health
18 court treatment, Veterans and Servicemembers Court treatment,
19 and drug court treatment departments in a judicial circuit.

20 "Problem-Solving Court Standards" means the statewide
21 standards adopted by the Supreme Court that set forth the
22 minimum requirements for the planning, establishment,
23 certification, operation, and evaluation of all
24 problem-solving courts in this State.

25 "Transferred" means the transfer of any case in which an
26 adult or juvenile offender seeks to have problem-solving court

1 treatment transferred from one county to the county in this
2 State in which the offender resides, and the transfer is
3 approved by a judge.

4 "Validated clinical assessment" means a validated
5 assessment tool administered by a qualified clinician to
6 determine the treatment needs of participants. "Validated
7 clinical assessment" includes assessment tools required by
8 public or private insurance.

9 (Source: P.A. 102-1041, eff. 6-2-22.)

10 (730 ILCS 168/55 new)

11 Sec. 55. Transfers. Jurisdiction may be transferred from
12 the sentencing court to the problem-solving court circuit in
13 which the offender resides at the concurrence of both courts.
14 The court to which jurisdiction has been transferred shall
15 have the same powers as the sentencing court. The
16 problem-solving court department within the circuit to which
17 jurisdiction has been transferred may impose problem-solving
18 court fees upon receiving the transferred offender as defined
19 in Section 10. After the transfer all problem-solving court
20 fees shall be paid to the problem-solving court department
21 within the circuit to which jurisdiction has been transferred.