



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4924

by Rep. Lindsey LaPointe

SYNOPSIS AS INTRODUCED:

405 ILCS 5/3-100
405 ILCS 5/3-811

from Ch. 91 1/2, par. 3-100
from Ch. 91 1/2, par. 3-811

Amends the Mental Health and Developmental Disabilities Code. Provides that the circuit court has jurisdiction over persons who are: (1) subject to involuntary admission on an inpatient basis; or (2) in need of treatment by psychotropic medication and electroconvulsive therapy. Provides that no respondent who has pending felony charges may be ordered to undergo a program of hospitalization in a mental health facility operated by the Department of Human Services unless the Department agrees to the program of hospitalization. Removes provisions granting the circuit court jurisdiction, until January 1, 2030, over all persons subject to involuntary admission on an outpatient basis.

LRB104 18178 KTG 31617 b

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 Sections 3-100 and
6 3-811 as follows:

7 (405 ILCS 5/3-100) (from Ch. 91 1/2, par. 3-100)

8 Sec. 3-100. Jurisdiction over involuntary admissions. ~~(a)~~
9 The circuit court has jurisdiction under this Chapter over
10 persons ~~not charged with a felony~~ who are:

11 (1) subject to involuntary admission on an inpatient
12 basis as defined in Section 1-119; or -

13 (2) in need of treatment under Section 2-107.1.

14 ~~(b) The circuit court has jurisdiction over all persons~~
15 ~~who are subject to involuntary admission on an outpatient~~
16 ~~basis under Article VII A of this Chapter. This subsection (b)~~
17 ~~is inoperative on and after January 1, 2030.~~

18 ~~(c) Inmates of penal institutions shall not be considered~~
19 ~~as charged with a felony within the meaning of this Chapter.~~
20 ~~Court proceedings under Article VIII of this Chapter may be~~
21 ~~instituted as to any such inmate at any time within 90 days~~
22 ~~prior to discharge of such inmate by expiration of sentence or~~
23 ~~otherwise, and if such inmate is found to be subject to~~

1 ~~involuntary admission, the order of the court ordering~~
2 ~~hospitalization or other disposition shall become effective at~~
3 ~~the time of discharge of the inmate from penal custody.~~

4 ~~(d) The circuit court has jurisdiction over all persons~~
5 ~~alleged to be in need of treatment under Section 2-107.1 of~~
6 ~~this Code, whether or not they are charged with a felony.~~

7 (Source: P.A. 104-217, eff. 1-1-26.)

8 (405 ILCS 5/3-811) (from Ch. 91 1/2, par. 3-811)

9 Sec. 3-811. Involuntary admission; alternative mental
10 health facilities.

11 (a) If any person is found subject to involuntary
12 admission on an inpatient basis, the court shall consider
13 alternative mental health facilities which are appropriate for
14 and available to the respondent, including but not limited to
15 hospitalization. The court may order the respondent to undergo
16 a program of hospitalization in a mental health facility
17 designated by the Department, in a licensed private hospital
18 or private mental health facility if it agrees, or in a
19 facility of the United States Veterans Administration if it
20 agrees. If any person is found subject to involuntary
21 admission on an outpatient basis, the court may order the
22 respondent to undergo a program of alternative treatment; or
23 the court may place the respondent in the care and custody of a
24 relative or other person willing and able to properly care for
25 him or her. The court shall order the least restrictive

1 alternative for treatment which is appropriate. Except as
2 provided in the Code of Criminal Procedure of 1963, no
3 respondent who has pending felony charges may be ordered to
4 undergo a program of hospitalization in a mental health
5 facility operated by the Department unless the Department
6 agrees to the program of hospitalization.

7 (b) Whenever a person is found subject to involuntary
8 admission on an inpatient or outpatient basis, notice shall be
9 provided to the petitioner, orally and in writing, of his or
10 her right to receive notice of the recipient's discharge
11 pursuant to Section 3-902(d).

12 (c) An order that a person is found subject to involuntary
13 admission on an inpatient basis does not eliminate any
14 obligations under the federal Emergency Medical Transport and
15 Active Labor Act (EMTALA) of the transferring facility toward
16 the receiving facility. Before implementing an order, the
17 transferring facility shall notify the receiving facility of
18 the recipient and obtain medical clearance for the recipient.

19 (Source: P.A. 96-570, eff. 1-1-10; 96-1399, eff. 7-29-10;
20 96-1453, eff. 8-20-10; 97-130, eff. 7-14-11.)