



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5272

Introduced 2/10/2026, by Rep. Debbie Meyers-Martin

SYNOPSIS AS INTRODUCED:

405 ILCS 5/3-100
405 ILCS 5/3-812

from Ch. 91 1/2, par. 3-100
from Ch. 91 1/2, par. 3-812

Amends the Mental Health and Developmental Disabilities Code. In regard to involuntary admissions, provides that a circuit court has jurisdiction over persons who are subject to involuntary admission (rather than jurisdiction over persons not charged with a felony who are subject to involuntary admission).

LRB104 18156 KTG 31595 b

1 AN ACT concerning mental 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,
6 3-600, 3-812 and by adding Section 3-600.1 as follows:

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

8 Sec. 3-100. Jurisdiction over involuntary admissions.

9 (a) The circuit court has jurisdiction under this Chapter
10 over persons ~~not charged with a felony~~ who are subject to
11 involuntary admission.

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

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

1 become effective at the time of discharge of the inmate from
2 penal custody.

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

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

7 (405 ILCS 5/3-812) (from Ch. 91 1/2, par. 3-812)

8 Sec. 3-812. Court ordered admission on an outpatient
9 basis; modification; revocation.

10 (a) If a respondent is found subject to involuntary
11 admission on an outpatient basis, the court may issue an
12 order: (i) placing the respondent in the care and custody of a
13 relative or other person willing and able to properly care for
14 him or her; or (ii) committing the respondent to alternative
15 treatment at a community mental health provider.

16 (b) An order placing the respondent in the care and
17 custody of a relative or other person shall specify the powers
18 and duties of the custodian. An ~~Unless the respondent is~~
19 ~~charged with a felony, an~~ order of care and custody entered
20 pursuant to this Section may grant the custodian the authority
21 to consent to the admission of a respondent to a hospital if
22 the respondent fails to comply with the conditions of the
23 order. If necessary in order to obtain the hospitalization of
24 the respondent, the custodian may apply to the court for an
25 order authorizing an officer of the peace to take the

1 respondent into custody and transport the respondent to a
2 mental health facility. The provisions of Section 3-605 shall
3 govern the transportation of the respondent to a mental health
4 facility, except to the extent that those provisions are
5 inconsistent with this Section. No person admitted to a
6 hospital pursuant to this subsection shall be detained for
7 longer than 24 hours, excluding Saturdays, Sundays, and
8 holidays, unless, within that period, a petition for
9 involuntary admission on an inpatient basis and a certificate
10 supporting such petition have been filed as provided in
11 Section 3-611.

12 (c) Alternative treatment shall not be ordered unless the
13 program being considered is capable of providing adequate and
14 humane treatment in the least restrictive setting which is
15 appropriate to the respondent's condition. The court shall
16 have continuing authority to modify an order for alternative
17 treatment if the recipient fails to comply with the order or is
18 otherwise found unsuitable for alternative treatment. Prior to
19 modifying such an order, the court shall receive a report from
20 the facility director of the program specifying why the
21 alternative treatment is unsuitable. The recipient shall be
22 notified and given an opportunity to respond when modification
23 of the order for alternative treatment is considered. If the
24 court determines that the respondent has violated the order
25 for alternative treatment in the community or that alternative
26 treatment in the community will no longer provide adequate

1 assurances for the safety of the respondent or others, the
2 court may revoke the order for alternative treatment in the
3 community and may order a peace officer to take the recipient
4 into custody and transport him to an inpatient mental health
5 facility. The provisions of Section 3-605 shall govern the
6 transportation of the respondent to a mental health facility,
7 except to the extent that those provisions are inconsistent
8 with this Section. No person admitted to a hospital pursuant
9 to this subsection shall be detained for longer than 24 hours,
10 excluding Saturdays, Sundays, and holidays, unless, within
11 that period, a petition for involuntary admission on an
12 inpatient basis and a certificate supporting such petition
13 have been filed as provided in Section 3-611.

14 (d) Noncompliance with an order placing the respondent in
15 the care and custody of a relative or other person willing and
16 able to properly care for him or her or committing the
17 respondent to alternative treatment at a community mental
18 health provider shall not be a basis for a finding of contempt.
19 (Source: P.A. 104-217, eff. 1-1-26.)