



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5383

Introduced 2/10/2026, by Rep. Kelly M. Cassidy

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the DUI Treatment Court Act. Provides that the Chief Judge of each judicial circuit may establish a DUI court program in compliance with the Problem-Solving Court Standards. Provides that, at the discretion of the Chief Judge, the DUI court program may be operated in one or more counties of the circuit. Allows defendants from all counties within the circuit to participate. Provides that DUI court programs must be certified by the Illinois Supreme Court. Provides that persons who committed specified offenses are excluded from the DUI court program. Provides that a judge assigned to preside over a DUI treatment court shall have experience, training, and continuing education in specified topics. Provides, subject to appropriation, for mandatory education seminars for DUI court prosecutors and public defenders. Provides that a defendant may be admitted into a DUI court program upon the consent of the defendant and with the approval of the court only if the person has been charged with driving under the influence or aggravated driving under the influence. Provides that, subject to certain limitations, the court may vacate or successfully terminate the participant's sentence or otherwise discharge the participant from any further proceedings upon successful completion of the terms and conditions of the program.

LRB104 19584 RLC 33032 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 1. Short title. This Act may be cited as the DUI  
5 Treatment Court Act.

6 Section 5. Purposes. The General Assembly recognizes that  
7 individuals who operate motor vehicles while under the  
8 influence of alcohol or any other drug or intoxicating  
9 compound pose a serious public health threat. The General  
10 Assembly also recognizes that research indicates that the  
11 majority of people arrested for driving under the influence  
12 will not reoffend, but that some individuals arrested for DUI  
13 will continue to drive impaired and will receive multiple DUI  
14 arrests. The General Assembly recognizes that, for this group  
15 of drivers, DUI courts, which are based on the problem-solving  
16 court model and which apply the Ten Guiding Principles for DWI  
17 Courts promulgated by the National Center for DWI Courts have  
18 proven to be an effective countermeasure to reduce recidivism.  
19 It is the intent of the General Assembly to create specialized  
20 DUI courts that follow problem-solving court principles and  
21 the Ten Guiding Principles for DWI Courts promulgated by the  
22 National Center for DWI Courts, in accordance with  
23 evidence-based practices and the Illinois Supreme Court

1 Problem-Solving Court Standards.

2 Section 10. Definitions. 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 "DUI program", "DUI court", or "program" means a specially  
8 designated court, court calendar, or docket facilitating  
9 intensive therapeutic treatment to monitor and assist  
10 participants with substance use disorder in making positive  
11 lifestyle changes and reducing the rate of recidivism. DUI  
12 programs are nonadversarial in nature and bring together  
13 substance use disorder professionals, local social programs,  
14 and monitoring in accordance with the nationally recommended  
15 10 guiding principles of DUI courts and the Problem-Solving  
16 Court Standards. Common features of a DUI court program  
17 include, but are not limited to, a designated judge and staff;  
18 specialized intake and screening procedures including use of a  
19 validated DUI risk assessment tool; coordinated treatment  
20 procedures administered by a trained, multidisciplinary  
21 professional team; close evaluation of participants, including  
22 continued assessments and modification of the court  
23 requirements and use of sanctions, incentives, and therapeutic  
24 adjustments to address behavior; frequent judicial interaction  
25 with participants; less formal court process and procedures;

1 voluntary participation; and a low treatment staff-to-client  
2 ratio.

3 "DUI court professional" means a member of the DUI court  
4 team, including, but not limited to, a judge, prosecutor,  
5 defense attorney, probation officer, coordinator, or treatment  
6 provider.

7 "Peer recovery coach" means a mentor assigned to a  
8 defendant during participation in a substance treatment court  
9 program who has been trained by the court, a service provider  
10 used by the court for substance use disorder or mental health  
11 treatment, a local service provider with an established peer  
12 recovery coach or mentor program not otherwise used by the  
13 court for treatment, or a Certified Recovery Support  
14 Specialist certified by the Illinois Certification Board.

15 "Peer recovery coach" includes individuals with lived  
16 experiences of the issues the problem-solving court seeks to  
17 address, including, but not limited to, substance use  
18 disorder, mental illness, and co-occurring disorders or  
19 involvement with the criminal justice system. "Peer recovery  
20 coach" includes individuals required to guide and mentor the  
21 participant to successfully complete assigned requirements and  
22 to facilitate participants' independence for continued success  
23 once the supports of the court are no longer available to them.

24 "Post-adjudicatory DUI court program" means a program that  
25 allows an individual who has admitted guilt or has been found  
26 guilty, with the defendant's consent and the approval of the

1 court, to enter a DUI court program as part of the defendant's  
2 sentence or disposition. All DUI courts shall be  
3 post-adjudicatory court programs.

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

9 Section 15. Authorization.

10 (a) The Chief Judge of each judicial circuit may establish  
11 a DUI court program in compliance with the Problem-Solving  
12 Court Standards. At the discretion of the Chief Judge, the DUI  
13 court program may be operated in one or more counties of the  
14 circuit and allow defendants from all counties within the  
15 circuit to participate. DUI court programs must be certified  
16 by the Illinois Supreme Court.

17 (b) Whenever the county boards of 2 or more counties  
18 within the same judicial circuit determine that a single DUI  
19 court program would best serve those counties, the county  
20 board of each such county may adopt a resolution to the effect  
21 that there shall be a single DUI court program serving those  
22 counties, and shall provide a copy of the resolution to the  
23 Chief Judge of the judicial circuit. Upon receipt of such a  
24 resolution, the Chief Judge may establish or, in the case of an  
25 existing DUI court program, reorganize a single DUI court

1 program to serve those counties.

2 Section 20. Eligibility.

3 (a) A defendant may be admitted into a DUI court program  
4 upon the consent of the defendant and with the approval of the  
5 court only if the person:

6 (1) has been charged with driving under the influence  
7 of alcohol, other drug or drugs, or intoxicating compound  
8 or compounds, or any combination thereof under Section  
9 11-501 of the Illinois Vehicle Code or a similar provision  
10 of a local ordinance;

11 (2) has been charged with aggravated driving under the  
12 influence of alcohol, other drug or drugs, or intoxicating  
13 compound or compounds, or any combination thereof under  
14 subsection (d) of Section 11-501 of the Illinois Vehicle  
15 Code, excluding a charge:

16 (A) involving a motor vehicle crash resulting in  
17 great bodily harm or permanent disability or  
18 disfigurement to another when the violation was a  
19 proximate cause of the injuries, in violation of  
20 subparagraph (C) of paragraph (1) of subsection (d) of  
21 Section 11-501 of the Illinois Vehicle Code.

22 (B) involving a motor vehicle crash resulting in  
23 bodily harm, other than great bodily harm or permanent  
24 disability or disfigurement, to another person when  
25 the violation was a proximate cause of the bodily harm

1 and the violation occurred while the person was  
2 driving at any speed in a school speed zone at a time  
3 when a speed limit of 20 miles per hour was in effect  
4 under subsection (a) of Section 11-501 of the Illinois  
5 Vehicle Code in violation of subparagraph (E) of  
6 paragraph (1) of subsection (d) of Section 11-501 of  
7 the Illinois Vehicle Code.

8 (C) involving a motor vehicle, snowmobile,  
9 all-terrain vehicle, or watercraft crash resulting in  
10 the death of another person when the violation was a  
11 proximate cause of the death, in violation of  
12 subparagraph (F) of paragraph (1) of subsection (d) of  
13 Section 11-501 of the Illinois Vehicle Code.

14 (D) involving a motor vehicle crash resulting in  
15 bodily harm, but not great bodily harm, to the child  
16 under the age of 16 being transported by the person  
17 when the violation was the proximate cause of the  
18 injury, in violation of subparagraph (J) of paragraph  
19 (1) of subsection (d) of Section 11-501 of the  
20 Illinois Vehicle Code.

21 (b) A defendant agrees to be admitted when a written  
22 consent to participate is provided to the court in open court  
23 and the defendant acknowledges understanding its contents.

24 (c) A defendant shall be excluded from a DUI court program  
25 if any one of the following applies:

26 (1) The defendant denies his or her use of alcohol or

1 another drug or having a substance use disorder.

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

4 (3) The defendant has been convicted of a crime of  
5 violence within the past 5 years excluding incarceration  
6 time, parole, and periods of mandatory supervised release.  
7 As used in this paragraph, "crime of violence" means:  
8 first degree murder, second degree murder, predatory  
9 criminal sexual assault of a child, aggravated criminal  
10 sexual assault, criminal sexual assault, armed robbery,  
11 aggravated arson, arson, aggravated kidnaping, kidnaping,  
12 aggravated battery resulting in great bodily harm or  
13 permanent disability, aggravated domestic battery  
14 resulting in great bodily harm or permanent disability,  
15 aggravated criminal sexual abuse by a person in a position  
16 of trust or authority over a child, stalking, aggravated  
17 stalking, home invasion, aggravated vehicular hijacking,  
18 or any offense involving the discharge of a firearm.

19 Section 25. Procedure.

20 (a) A DUI evaluation and risk assessment appropriate for  
21 problem-solving courts and DUI courts of the defendant shall  
22 be performed as required by the court's policies and  
23 procedures prior to the defendant's admission into a DUI  
24 court. The DUI evaluation shall be conducted in accordance  
25 with the Department of Human Services' DUI evaluation rules.

1 The DUI evaluation shall include, but is not limited to,  
2 assessments of the defendant's alcohol use and mental and  
3 behavioral health needs and the defendant's risk to public  
4 safety. The DUI evaluation shall be administered by  
5 individuals approved under the Department of Human Services'  
6 rules. DUI treatment plans shall be developed in accordance  
7 with the Problem-Solving Court Standards and in part upon the  
8 known availability of treatment resources. Any risk assessment  
9 shall be performed using an assessment tool approved by the  
10 Administrative Office of the Illinois Courts and as required  
11 by the court's policies and procedures. An assessment need not  
12 be ordered if the court finds a valid DUI risk assessment  
13 related to the present charge pending against the defendant  
14 has been completed within the previous 60 days.

15 (b) The judge shall inform the defendant that if the  
16 defendant fails to meet the conditions of the DUI court  
17 program, eligibility to participate in the program may be  
18 restored, a previously ordered sentence stay may be lifted, or  
19 the defendant may be sentenced as provided in the Illinois  
20 Vehicle Code or the Unified Code of Corrections.

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

26 (d) In addition to any conditions authorized under the

1 Pretrial Services Act and Section 5-6-3 of the Unified Code of  
2 Corrections, the court may order the participant to complete  
3 mental health counseling or substance use disorder treatment  
4 in an outpatient or residential treatment program and may  
5 order the participant to comply with physicians'  
6 recommendations regarding medications and all follow-up  
7 treatment for any mental health diagnosis made by the  
8 provider. Substance use disorder treatment programs must be  
9 licensed by the Department of Human Services in accordance  
10 with the Department of Human Services' substance use  
11 prevention and recovery rules, or an equivalent standard in  
12 any other state where the treatment may take place, and use  
13 evidence-based treatment.

14 (e) The DUI court program shall include a regimen of  
15 graduated requirements, including fines, fees, costs,  
16 restitution, individual and group therapy, substance use  
17 analysis testing, close monitoring by the court, restitution,  
18 educational or vocational counseling as appropriate, and other  
19 requirements necessary to fulfill the DUI court program.  
20 Program phases, therapeutic adjustments, incentives, and  
21 sanctions, including the use of jail sanctions, shall be  
22 administered in accordance with evidence-based practices and  
23 the Problem-Solving Court Standards. A participant's failure  
24 to pay program fines or fees shall not prevent the participant  
25 from advancing phases or successfully completing the program.  
26 DUI court participants may not be required to refrain from

1 using medication-assisted treatment as a term or condition of  
2 successful completion of the DUI court program.

3 (f) Recognizing that individuals struggling with substance  
4 use disorder and related co-occurring disorders have often  
5 experienced trauma, DUI court programs may include specialized  
6 service programs specifically designed to address trauma.  
7 These specialized services may be offered to individuals  
8 admitted to the DUI court program. Judicial circuits  
9 establishing these specialized programs shall partner with  
10 advocates, survivors, and service providers in the development  
11 of the programs. Trauma-informed services and programming  
12 shall be operated in accordance with evidence-based best  
13 practices as outlined by the Substance Abuse and Mental Health  
14 Service Administration's National Center for Trauma-Informed  
15 Care.

16 (g) The court may establish a mentorship program that  
17 provides access and support to program participants by peer  
18 recovery coaches. Courts shall be responsible to administer  
19 the mentorship program with the support of mentors and local  
20 mental health and substance use disorder treatment  
21 organizations.

22 (h) Upon successful completion of the terms and conditions  
23 of the program, the court may vacate or successfully terminate  
24 the participant's sentence or otherwise discharge the  
25 participant from further proceedings against the participant  
26 in the original prosecution. However, the court may not

1 dismiss the DUI or aggravated DUI charge or vacate the DUI or  
2 aggravated DUI charge or expunge the associated records.

3 Section 30. DUI risk education.

4 (a) A defendant admitted into a DUI court program shall  
5 receive DUI risk education. DUI risk education shall provide  
6 orientation to the defendant regarding the impact of alcohol  
7 and other drug use on individual behavior and driving skills  
8 and to allow the defendant to further explore the personal  
9 ramifications of his or her own alcohol use and abuse. The DUI  
10 risk education curriculum shall include:

11 (1) information on alcohol as a drug;

12 (2) physiological and pharmacological effects of  
13 alcohol and other drugs, including their residual  
14 impairment on normal levels of driving performance;

15 (3) other drugs, legal and illegal, and their effects  
16 on driving when used separately or in combination with  
17 alcohol, or both;

18 (4) alcohol abuse or dependence and the effect on  
19 individuals and families;

20 (5) blood alcohol concentration level and its effect  
21 on driving performance;

22 (6) information about Illinois driving under the  
23 influence laws and associated penalties;

24 (7) factors that influence the formation of patterns  
25 of alcohol and drug abuse; and

1           (8) information about referrals for services that can  
2           address any identified problem that may increase the risk  
3           for future alcohol or drug related difficulty, or both.

4           (b) Risk education courses shall include a minimum of 10  
5           hours of classroom instruction, divided into at least 4  
6           sessions held on different days. No session shall exceed 3  
7           hours in length.

8           (c) In order to successfully complete risk education, the  
9           defendant shall attend each session in its entirety and in  
10          proper sequence and achieve a score on the post-test of at  
11          least 75%.

12          (d) Upon successful completion, a DUI Risk Education  
13          Certificate of Completion shall be issued to each defendant.  
14          The certificate shall be produced by the DUI Service Reporting  
15          System. All sections of this form shall be complete, and it  
16          shall be signed by the DUI risk education instructor.

17          (e) Audio-visual presentations shall not comprise more  
18          than 25% of the total class time.

19          (f) No more than 24 participants shall be permitted in any  
20          one class session.

21          Section 35. Violation; termination; dismissal from  
22          program.

23          (a) If the court finds from the evidence presented,  
24          including, but not limited to, the reports or proffers of  
25          proof from the DUI court professionals, that the participant

1 is not complying with the requirements of the treatment  
2 program or has otherwise violated the terms and conditions of  
3 the program, then the court may impose reasonable sanctions  
4 under the prior written agreement of the participant,  
5 including, but not limited to, imprisonment or dismissal of  
6 the participant from the program, and the court may lift a  
7 previously ordered sentence stay, or the defendant may be  
8 sentenced as provided in the Illinois Vehicle Code or Unified  
9 Code of Corrections.

10 (b) Based on the evidence presented, the court shall  
11 determine whether the participant has violated the conditions  
12 of the program and whether the participant should be dismissed  
13 from the program or whether, pursuant to the court's policies  
14 and procedures, some other alternative may be appropriate in  
15 the interests of the participant and the public.

16 (c) A participant who is assigned to a substance use  
17 disorder treatment program under this Act is not in violation  
18 of the terms or conditions of the program on the basis of  
19 participation in medication-assisted treatment under the care  
20 of a physician licensed in this State to practice medicine in  
21 all of its branches.

22 (d) A participant may voluntarily withdraw from the DUI  
23 court program in accordance with the DUI court program's  
24 policies and procedures. Prior to allowing the participant to  
25 withdraw, the judge shall:

26 (1) ensure that the participant has the right to

1 consult with counsel prior to withdrawal;

2 (2) determine in open court that the withdrawal is  
3 made voluntarily and knowingly; and

4 (3) admonish the participant in open court as to the  
5 consequences, actual or potential, which can result from  
6 withdrawal.

7 Upon withdrawal, the criminal proceedings may be  
8 reinstated against the participant or proceedings may be  
9 initiated under Section 5-6-4 of the Unified Code of  
10 Corrections for a violation of probation, conditional  
11 discharge, or supervision hearing.

12 (e) No participant may be dismissed from the program  
13 unless, prior to dismissal, the participant is informed in  
14 writing:

15 (1) of the reason or reasons for the dismissal;

16 (2) the evidentiary basis supporting the reason or  
17 reasons for the dismissal; and

18 (3) that the participant has a right to a hearing at  
19 which the participant may present evidence supporting the  
20 participant's continuation in the program.

21 (f) A participant who has not violated the conditions of  
22 the program in such a way as to warrant unsuccessful  
23 dismissal, but who is unable to complete program requirements  
24 to qualify for a successful discharge, may be terminated from  
25 the program as a neutral discharge.

26 (g) Upon successful completion of the terms and conditions

1 of the program, the court may vacate any or all of the sentence  
2 or successfully terminate the participant's sentence or  
3 otherwise discharge the participant from any further  
4 proceedings against the participant in the original  
5 prosecution, but the court may not dismiss the DUI or  
6 aggravated DUI charges or prevent a conviction for DUI or  
7 aggravated DUI from being entered and reported to the  
8 Secretary of State.

9 Section 40. Education for judges. A judge assigned to  
10 preside over a DUI court shall have experience, training, and  
11 continuing education in related topics, including, but not  
12 limited to:

- 13 (1) criminal law;
- 14 (2) behavioral health;
- 15 (3) confidentiality;
- 16 (4) ethics;
- 17 (5) evidence-based practices;
- 18 (6) substance use disorder;
- 19 (7) mental illness;
- 20 (8) co-occurring disorders;
- 21 (9) presiding over various types of problem-solving  
22 courts; and
- 23 (10) impaired driving and traffic law.

24 Section 45. Education seminars for DUI court prosecutors.

1 Subject to appropriation, the Office of the State's Attorneys  
2 Appellate Prosecutor shall conduct mandatory education  
3 seminars for all DUI court prosecutors throughout the State to  
4 ensure that the problem-solving court maintains fidelity to  
5 the problem-solving court model. Topics include, but are not  
6 limited to, evidence-based screening, assessment and treatment  
7 practices, target population, substance use disorder, mental  
8 illness, disability, co-occurring disorders, trauma,  
9 confidentiality, criminogenic risks and needs, incentives and  
10 sanctions, court processes, traffic and impaired driving law,  
11 limited English proficiency, and team dynamics.

12 Section 50. Education seminars for DUI court public  
13 defenders. Subject to appropriation, the Office of the State  
14 Appellate Defender shall conduct mandatory education seminars  
15 for all DUI court public defenders and assistant public  
16 defenders practicing in DUI courts throughout the State to  
17 ensure that the problem-solving court maintains fidelity to  
18 the problem-solving court model. Topics include, but are not  
19 limited to, evidence-based screening, assessment and treatment  
20 practices, target population, substance use disorder, mental  
21 illness, disability, co-occurring disorders, trauma,  
22 confidentiality, criminogenic risks and needs, incentives and  
23 sanctions, court processes, traffic and impaired driving law,  
24 limited English proficiency, and team dynamics.