



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB3880

Introduced 2/6/2026, by Sen. Michael W. Halpin

#### SYNOPSIS AS INTRODUCED:

20 ILCS 301/Art. 40 heading  
20 ILCS 301/40-5  
20 ILCS 301/40-10  
20 ILCS 301/40-15  
20 ILCS 301/40-25 new

Amends the Substance Use Disorder Treatment for Criminal Justice Clients Article of the Substance Use Disorder Act. Changes references from "treatment" to "case management" and changes the name of the Article. Provides that nothing in provisions concerning case management shall preclude any individual with a substance use disorder who is charged with or convicted of a crime from receiving case management services with a designated program if such services are ordered by the court. Provides that the court, with the consent of the defendant and the State's Attorney, may, without entering a judgment, sentence the defendant to probation under a provision concerning case management as a condition of probation. Provides that the sentence to probation under the provisions shall not be considered a conviction under Illinois law unless and until judgment is entered upon violation of a term or condition of probation. Provides that, upon fulfillment of the terms and conditions of probation, the court shall discharge the person and dismiss the proceedings against the person. Provides that case management services by a designated program may be made a condition of pretrial release, and failure to comply with such services may be treated as a violation of a condition of pretrial release. Requires the designated program to make periodic progress reports regarding each such defendant to the appropriate pretrial services agency or Office of Statewide Pretrial Services and to report failures to comply with the requirements of the designated program. Makes conforming and other changes.

LRB104 20620 KTG 34115 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Substance Use Disorder Act is amended by  
5 changing the heading of Article 40 and Sections 40-5, 40-10,  
6 and 40-15 and by adding Section 40-25 as follows:

7 (20 ILCS 301/Art. 40 heading)

8 ARTICLE 40. SUBSTANCE USE DISORDER SERVICES ~~TREATMENT~~  
9 FOR CRIMINAL JUSTICE CLIENTS

10 (Source: P.A. 100-759, eff. 1-1-19.)

11 (20 ILCS 301/40-5)

12 Sec. 40-5. Election of case management ~~treatment~~.

13 (a) An individual whose use of drugs or alcohol led to the  
14 individual being ~~with a substance use disorder who is~~ charged  
15 with, pleading guilty to, or being found guilty ~~or convicted~~  
16 of a crime or any other person charged with, pleading guilty  
17 to, or being found guilty ~~or convicted~~ of a misdemeanor  
18 violation of the Use of Intoxicating Compounds Act and who has  
19 not been previously convicted of a violation of that Act may  
20 elect case management services with ~~treatment under the~~  
21 ~~supervision of~~ a program holding a valid intervention license  
22 for designated program services issued by the Department,

1 referred to in this Article as "designated program", unless:

2 (1) the crime is a crime of violence;

3 (2) the crime is a violation of Section 401(a),  
4 401(b), 401(c) where the person electing case management  
5 ~~treatment~~ has been previously convicted of a  
6 non-probationable felony or the violation is  
7 non-probationable, 401(d) where the violation is  
8 non-probationable, 401.1, 402(a), 405 or 407 of the  
9 Illinois Controlled Substances Act, or Section 12-7.3 of  
10 the Criminal Code of 2012, or Section 4(d), 4(e), 4(f),  
11 4(g), 5(d), 5(e), 5(f), 5(g), 5.1, 7 or 9 of the Cannabis  
12 Control Act or Section 15, 20, 55, 60(b)(3), 60(b)(4),  
13 60(b)(5), 60(b)(6), or 65 of the Methamphetamine Control  
14 and Community Protection Act or is otherwise ineligible  
15 for probation under Section 70 of the Methamphetamine  
16 Control and Community Protection Act;

17 (3) the person has a record of 2 or more convictions of  
18 a crime of violence;

19 (4) other criminal proceedings alleging commission of  
20 a felony are pending against the person;

21 (5) the person is on probation or parole and the  
22 appropriate parole or probation authority does not consent  
23 to that election;

24 (6) the person elected and was admitted to a  
25 designated program on 2 prior occasions within any  
26 consecutive 2-year period;

1 (7) the person has been convicted of residential  
2 burglary and has a record of one or more felony  
3 convictions;

4 (8) the crime is a violation of Section 11-501 of the  
5 Illinois Vehicle Code or a similar provision of a local  
6 ordinance; or

7 (9) the crime is a reckless homicide or a reckless  
8 homicide of an unborn child, as defined in Section 9-3 or  
9 9-3.2 of the Criminal Code of 1961 or the Criminal Code of  
10 2012, in which the cause of death consists of the driving  
11 of a motor vehicle by a person under the influence of  
12 alcohol or any other drug or drugs at the time of the  
13 violation.

14 (b) Nothing in this Section shall preclude an individual  
15 who is charged with or convicted of a crime that is a violation  
16 of Section 60(b)(1) or 60(b)(2) of the Methamphetamine Control  
17 and Community Protection Act, and who is otherwise eligible to  
18 make the election provided for under this Section, from being  
19 eligible to make an election for case management ~~treatment~~ as  
20 a condition of probation as provided for under this Article.

21 (c) Nothing in this Section shall preclude any individual  
22 whose use of drugs or alcohol led to the individual being  
23 charged with or convicted of a crime from receiving case  
24 management services with a designated program if such services  
25 are ordered by the court.

26 (Source: P.A. 99-78, eff. 7-20-15; 100-759, eff. 1-1-19.)

1 (20 ILCS 301/40-10)

2 Sec. 40-10. Case management ~~Treatment~~ as a condition of  
3 probation.

4 (a) If a court has reason to believe that an individual who  
5 is charged with or convicted of a crime suffers from a  
6 substance use disorder and the court finds that he or she is  
7 eligible to make the election provided for under Section 40-5,  
8 the court shall advise the individual that he or she may be  
9 sentenced to probation and shall be subject to terms and  
10 conditions of probation under Section 5-6-3 of the Unified  
11 Code of Corrections if he or she elects to participate in case  
12 management ~~treatment~~ and is accepted for services by a  
13 designated program. The court shall further advise the  
14 individual that:

15 (1) If he or she elects to participate in case  
16 management ~~treatment~~ and is accepted he or she shall be  
17 sentenced to probation and placed into case management  
18 services with ~~under the supervision of~~ the designated  
19 program for a period not to exceed the maximum sentence  
20 that could be imposed for his or her conviction or 5 years,  
21 whichever is less.

22 (2) During probation he or she may be provided with  
23 services ~~treated~~ at the discretion of the designated  
24 program.

25 (3) If he or she adheres to the requirements of the

1 designated program and fulfills the other conditions of  
2 probation ordered by the court, he or she will be  
3 discharged, but any failure to adhere to the requirements  
4 of the designated program is a breach of probation.

5 The court may require an individual to obtain treatment  
6 while on probation under the supervision of a designated  
7 program and probation authorities regardless of the election  
8 of the individual if the assessment, as specified in  
9 subsection (b), indicates that such treatment is medically  
10 necessary.

11 (b) If the individual elects to undergo treatment or  
12 before the individual is required to obtain treatment, the  
13 court shall order an assessment by a designated program to  
14 determine whether he or she suffers from a substance use  
15 disorder and is likely to be rehabilitated through treatment.  
16 The designated program shall report to the court the results  
17 of the assessment and, if treatment is determined medically  
18 necessary, indicate the diagnosis and the recommended initial  
19 level of care. If the court, on the basis of the report and  
20 other information, finds that such an individual suffers from  
21 a substance use disorder and is likely to be rehabilitated  
22 through treatment, the individual shall be placed on probation  
23 and into case management services with ~~and under the~~  
24 ~~supervision of~~ a designated program ~~for treatment~~ and under  
25 the supervision of the proper probation authorities for  
26 probation supervision unless, giving consideration to the

1 nature and circumstances of the offense and to the history,  
2 character, and condition of the individual, the court is of  
3 the opinion that no significant relationship exists between  
4 the substance use disorder of the individual and the crime  
5 committed, or that his or her imprisonment or periodic  
6 imprisonment is necessary for the protection of the public,  
7 and the court specifies on the record the particular evidence,  
8 information, or other reasons that form the basis of such  
9 opinion. ~~However, under no circumstances shall the individual~~  
10 ~~be placed under the supervision of a designated program for~~  
11 ~~treatment before the entry of a judgment of conviction.~~

12 (c) If the court, on the basis of the report or other  
13 information, finds that the individual suffering from a  
14 substance use disorder is not likely to be rehabilitated  
15 through treatment, or that his or her substance use disorder  
16 and the crime committed are not significantly related, or that  
17 his or her imprisonment or periodic imprisonment is necessary  
18 for the protection of the public, the court shall impose  
19 sentence as in other cases. The court may require such  
20 progress reports on the individual from the probation officer  
21 and designated program as the court finds necessary. Case  
22 management services, as defined in this Act and as further  
23 described by rule, shall also be delivered by the designated  
24 program. No individual may be placed into case management  
25 services ~~under treatment supervision~~ unless a designated  
26 program accepts him or her for treatment.

1           (d) (Blank). ~~Failure of an individual placed on probation~~  
2 ~~and under the supervision of a designated program to observe~~  
3 ~~the requirements set down by the designated program shall be~~  
4 ~~considered a probation violation. Such failure shall be~~  
5 ~~reported by the designated program to the probation officer in~~  
6 ~~charge of the individual and treated in accordance with~~  
7 ~~probation regulations.~~

8           (e) (Blank). ~~Upon successful fulfillment of the terms and~~  
9 ~~conditions of probation the court shall discharge the person~~  
10 ~~from probation. If the person has not previously been~~  
11 ~~convicted of any felony offense and has not previously been~~  
12 ~~granted a vacation of judgment under this Section, upon~~  
13 ~~motion, the court shall vacate the judgment of conviction and~~  
14 ~~dismiss the criminal proceedings against him or her unless,~~  
15 ~~having considered the nature and circumstances of the offense~~  
16 ~~and the history, character and condition of the individual,~~  
17 ~~the court finds that the motion should not be granted. Unless~~  
18 ~~good cause is shown, such motion to vacate must be filed at any~~  
19 ~~time from the date of the entry of the judgment to a date that~~  
20 ~~is not more than 60 days after the discharge of the probation.~~

21           (f) The court, with the consent of the defendant, may,  
22 without entering a judgment, sentence the defendant to  
23 probation under this Section. A sentence under this Section  
24 shall not be considered a conviction under Illinois law unless  
25 and until judgment is entered under paragraph (2) of this  
26 subsection (f).

1           (1) When a defendant is placed on probation, the court  
2           shall enter an order specifying a period of probation and  
3           shall defer further proceedings in the case until the  
4           conclusion of the period or until the filing of a petition  
5           alleging violation of a term or condition of probation.

6           (2) Upon violation of a term or condition of  
7           probation, the court may enter a judgment on its original  
8           finding of guilt and proceed as otherwise provided by law.

9           (3) Upon fulfillment of the terms and conditions of  
10           probation, the court shall discharge the person and  
11           dismiss the proceedings against the person.

12           (4) A disposition of probation is considered to be a  
13           conviction for the purposes of imposing the conditions of  
14           probation and for appeal; however, a sentence under this  
15           Section is not a conviction for purposes of the Unified  
16           Code of Corrections or for purposes of disqualifications  
17           or disabilities imposed by law upon conviction of a crime  
18           unless and until judgment is entered.

19           (Source: P.A. 99-574, eff. 1-1-17; 100-759, eff. 1-1-19.)

20           (20 ILCS 301/40-15)

21           Sec. 40-15. Case management ~~Acceptance for treatment~~ as a  
22           parole or release condition. Case management services by  
23           ~~Acceptance for treatment for a substance use disorder under~~  
24           ~~the supervision of~~ a designated program may be made a  
25           condition of parole or release, and failure to comply with

1 such services may be treated as a violation of parole or  
2 release. A designated program shall establish the eligibility  
3 criteria ~~conditions~~ under which a parolee or releasee is  
4 accepted for services. No parolee or releasee may be placed  
5 into case management services with ~~under the supervision of a~~  
6 designated program for treatment unless the designated program  
7 accepts him or her for services ~~treatment~~. The designated  
8 program shall make periodic progress reports regarding each  
9 such parolee or releasee to the appropriate parole authority  
10 and shall report failures to comply with the requirements of  
11 the designated ~~prescribed treatment~~ program.

12 (Source: P.A. 100-759, eff. 1-1-19.)

13 (20 ILCS 301/40-25 new)

14 Sec. 40-25. Case management as a condition of pretrial  
15 release. Case management services by a designated program may  
16 be made a condition of pretrial release, and failure to comply  
17 with such services may be treated as a violation of a condition  
18 of pretrial release. A designated program shall establish the  
19 eligibility criteria under which a defendant is accepted for  
20 services. No individual may be placed into case management  
21 services with a designated program for treatment unless the  
22 designated program accepts him or her for services. The  
23 designated program shall make periodic progress reports  
24 regarding each such defendant to the appropriate pretrial  
25 services agency or Office of Statewide Pretrial Services and

1 shall report failures to comply with the requirements of the  
2 designated program.