



Rep. Justin Slaughter

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10200HB3617ham001

LRB102 11830 RLC 25579 a

1 AMENDMENT TO HOUSE BILL 3617

2 AMENDMENT NO. _____. Amend House Bill 3617 by replacing
3 everything after the enacting clause with the following:

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. Circuit court jurisdiction. The circuit court
9 has jurisdiction under this Chapter over persons not charged
10 with a felony who are subject to involuntary admission on an
11 inpatient or outpatient basis subject to the following:-

12 (a) Inmates of penal institutions shall not be considered
13 as charged with a felony within the meaning of this Chapter.
14 Court proceedings under Article VIII of this Chapter may be
15 instituted as to any such inmate at any time within 90 days
16 prior to discharge of such inmate by expiration of sentence or

1 otherwise, and if such inmate is found to be subject to
2 involuntary admission, the order of the court ordering
3 hospitalization or other disposition shall become effective at
4 the time of discharge of the inmate from penal custody.

5 (b) The circuit court has jurisdiction over persons
6 charged with a felony who have been released on bond or on
7 their own recognizance during the pendency of the felony
8 charges.

9 (c) The circuit court has jurisdiction over all persons
10 alleged to be in need of treatment under Section 2-107.1 of
11 this Code, whether or not they are charged with a felony.

12 (Source: P.A. 99-179, eff. 7-29-15.)

13 (405 ILCS 5/3-811) (from Ch. 91 1/2, par. 3-811)

14 Sec. 3-811. Involuntary admission; alternative mental
15 health facilities.

16 (a) If any person is found subject to involuntary
17 admission on an inpatient basis, the court shall consider
18 alternative mental health facilities which are appropriate for
19 and available to the respondent, including but not limited to
20 hospitalization. The court may order the respondent to undergo
21 a program of hospitalization in a mental health facility
22 designated by the Department, in a licensed private hospital
23 or private mental health facility if it agrees, or in a
24 facility of the United States Veterans Administration if it
25 agrees. If any person is found subject to involuntary

1 admission on an outpatient basis, the court may order the
2 respondent to undergo a program of alternative treatment; or
3 the court may place the respondent in the care and custody of a
4 relative or other person willing and able to properly care for
5 him or her. The court shall order the least restrictive
6 alternative for treatment which is appropriate. Except as
7 provided in Section 104-10 of the Code of Criminal Procedure
8 of 1963, no respondent who has pending felony charges, may be
9 ordered to undergo a program of hospitalization in a mental
10 health facility operated by the Department unless the
11 Department agrees.

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

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

24 (Source: P.A. 96-570, eff. 1-1-10; 96-1399, eff. 7-29-10;
25 96-1453, eff. 8-20-10; 97-130, eff. 7-14-11.)".