



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3617

Introduced 2/22/2021, by Rep. Justin Slaughter

#### 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 under the Admission, Transfer and Discharge Procedures for the Mentally Ill Chapter of the Code over persons who are: (1) subject to involuntary admission on an inpatient basis; (2) subject to involuntary admission on an outpatient basis; or (3) in need of treatment involving the administration of psychotropic medication and electroconvulsive therapy. Deletes provision that limits jurisdiction to persons not charged with a felony. Provides that except as provided in the Fitness for Trial, to Plead or to be Sentenced Article of the Code of Criminal Procedure of 1963, 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.

LRB102 11830 RLC 17165 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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. The circuit court has jurisdiction under this  
9 Chapter over persons ~~not charged with a felony~~ who are:

10 (1) subject to involuntary admission on an inpatient basis  
11 as defined in Section 1-119 of this Code;

12 (2) subject to involuntary admission on an outpatient  
13 basis as defined in Section 1-119.1 of this Code; or

14 (3) in need of treatment under Section 2-107.1 of this  
15 Code. ~~Inmates of penal institutions shall not be considered as~~  
16 ~~charged with a felony within the meaning of this Chapter.~~  
17 ~~Court proceedings under Article VIII of this Chapter may be~~  
18 ~~instituted as to any such inmate at any time within 90 days~~  
19 ~~prior to discharge of such inmate by expiration of sentence or~~  
20 ~~otherwise, and if such inmate is found to be subject to~~  
21 ~~involuntary admission, the order of the court ordering~~  
22 ~~hospitalization or other disposition shall become effective at~~  
23 ~~the time of discharge of the inmate from penal custody. The~~

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

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

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

6 Sec. 3-811. Involuntary admission; alternative mental  
7 health facilities.

8 (a) If any person is found subject to involuntary  
9 admission on an inpatient basis, the court shall consider  
10 alternative mental health facilities which are appropriate for  
11 and available to the respondent, including but not limited to  
12 hospitalization. The court may order the respondent to undergo  
13 a program of hospitalization in a mental health facility  
14 designated by the Department, in a licensed private hospital  
15 or private mental health facility if it agrees, or in a  
16 facility of the United States Veterans Administration if it  
17 agrees. If any person is found subject to involuntary  
18 admission on an outpatient basis, the court may order the  
19 respondent to undergo a program of alternative treatment; or  
20 the court may place the respondent in the care and custody of a  
21 relative or other person willing and able to properly care for  
22 him or her. The court shall order the least restrictive  
23 alternative for treatment which is appropriate. Except as  
24 provided in Section 104-10 of the Code of Criminal Procedure  
25 of 1963, no respondent who has pending felony charges, may be

1 ordered to undergo a program of hospitalization in a mental  
2 health facility operated by the Department unless the  
3 Department agrees.

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

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

16 (Source: P.A. 96-570, eff. 1-1-10; 96-1399, eff. 7-29-10;  
17 96-1453, eff. 8-20-10; 97-130, eff. 7-14-11.)