



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB3449

Introduced 1/18/2022, by Sen. Karina Villa

#### SYNOPSIS AS INTRODUCED:

730 ILCS 166/10  
730 ILCS 166/55 new  
730 ILCS 167/10  
730 ILCS 167/95 new  
730 ILCS 168/10  
730 ILCS 168/45 new

Amends the Drug Court Treatment Act, the Veterans and Servicemembers Court Treatment Act, and the Mental Health Court Treatment Act. Provides that jurisdiction may be transferred from the sentencing court to the problem-solving court circuit in which the offender resides at the concurrence of both courts. Provides that the court to which jurisdiction has been transferred shall have the same powers as the sentencing court. Provides that the problem solving court department within the circuit to which jurisdiction has been transferred may impose problem solving court fees upon receiving the transferred offender. Provides that after the transfer all problem solving court fees shall be paid to the problem solving court department within the circuit to which jurisdiction has been transferred. Defines "problem-solving court" and "transferred".

LRB102 22846 RLC 31997 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 5. The Drug Court Treatment Act is amended by  
5 changing Section 10 and by adding Section 55 as follows:

6 (730 ILCS 166/10)

7 Sec. 10. Definitions. As used in this Act:

8 "Drug court", "drug court program", or "program" means an  
9 immediate and highly structured judicial intervention process  
10 for substance abuse treatment of eligible defendants that  
11 brings together substance abuse professionals, local social  
12 programs, and intensive judicial monitoring in accordance with  
13 the nationally recommended 10 key components of drug courts.

14 "Drug court professional" means a member of the drug court  
15 team, including but not limited to a judge, prosecutor,  
16 defense attorney, probation officer, coordinator, treatment  
17 provider, or peer recovery coach.

18 "Pre-adjudicatory drug court program" means a program that  
19 allows the defendant, with the consent of the prosecution, to  
20 expedite the defendant's criminal case before conviction or  
21 before filing of a criminal case and requires successful  
22 completion of the drug court program as part of the agreement.

23 "Post-adjudicatory drug court program" means a program in

1 which the defendant has admitted guilt or has been found  
2 guilty and agrees, along with the prosecution, to enter a drug  
3 court program as part of the defendant's sentence.

4 "Combination drug court program" means a drug court  
5 program that includes a pre-adjudicatory drug court program  
6 and a post-adjudicatory drug court program.

7 "Problem-solving court" means any and all mental health  
8 court treatment, Veterans and Servicemembers Court treatment,  
9 and drug court treatment departments in a judicial circuit.

10 "Transferred" means the transfer of any case in which an  
11 adult or juvenile offender seeks to have problem solving court  
12 treatment transferred from one county to the county in this  
13 State in which the offender resides, and the transfer is  
14 approved by a judge.

15

16 (Source: P.A. 97-946, eff. 8-13-12.)

17 (730 ILCS 166/55 new)

18 Sec. 55. Transfer. Jurisdiction may be transferred from  
19 the sentencing court to the problem-solving court circuit in  
20 which the offender resides at the concurrence of both courts.  
21 The court to which jurisdiction has been transferred shall  
22 have the same powers as the sentencing court. The problem  
23 solving court department within the circuit to which  
24 jurisdiction has been transferred may impose problem solving  
25 court fees upon receiving the transferred offender as defined

1 in Section 10. After the transfer all problem solving court  
2 fees shall be paid to the problem solving court department  
3 within the circuit to which jurisdiction has been transferred.

4 Section 10. The Veterans and Servicemembers Court  
5 Treatment Act is amended by changing Section 10 and by adding  
6 Section 95 as follows:

7 (730 ILCS 167/10)

8 Sec. 10. Definitions. In this Act:

9 "Combination Veterans and Servicemembers Court program"  
10 means a court program that includes a pre-adjudicatory and a  
11 post-adjudicatory Veterans and Servicemembers court program.

12 "Court" means Veterans and Servicemembers Court.

13 "IDVA" means the Illinois Department of Veterans' Affairs.

14 "Peer recovery coach" means a volunteer veteran mentor  
15 assigned to a veteran or servicemember during participation in  
16 a veteran treatment court program who has been trained and  
17 certified by the court to guide and mentor the participant to  
18 successfully complete the assigned requirements.

19 "Post-adjudicatory Veterans and Servicemembers Court  
20 Program" means a program in which the defendant has admitted  
21 guilt or has been found guilty and agrees, along with the  
22 prosecution, to enter a Veterans and Servicemembers Court  
23 program as part of the defendant's sentence.

24 "Pre-adjudicatory Veterans and Servicemembers Court

1 Program" means a program that allows the defendant with the  
2 consent of the prosecution, to expedite the defendant's  
3 criminal case before conviction or before filing of a criminal  
4 case and requires successful completion of the Veterans and  
5 Servicemembers Court programs as part of the agreement.

6 "Problem-solving court" means any and all mental health  
7 court treatment, Veterans and Servicemembers Court treatment,  
8 and drug court treatment departments in a judicial circuit.

9 "Servicemember" means a person who is currently serving in  
10 the Army, Air Force, Marines, Navy, or Coast Guard on active  
11 duty, reserve status or in the National Guard.

12 "Transferred" means the transfer of any case in which an  
13 adult or juvenile offender seeks to have problem solving court  
14 treatment transferred from one county to the county in this  
15 State in which the offender resides, and the transfer is  
16 approved by a judge.

17 "VA" means the United States Department of Veterans'  
18 Affairs.

19 "VAC" means a veterans assistance commission.

20 "Veteran" means a person who served in the active  
21 military, naval, or air service and who was discharged or  
22 released therefrom under conditions other than dishonorable.

23 "Veterans and Servicemembers Court professional" means a  
24 member of the Veterans and Servicemembers Court team,  
25 including but not limited to a judge, prosecutor, defense  
26 attorney, probation officer, coordinator, treatment provider,

1 or peer recovery coach.

2 "Veterans and Servicemembers Court" means a court or  
3 program with an immediate and highly structured judicial  
4 intervention process for substance abuse treatment, mental  
5 health, or other assessed treatment needs of eligible veteran  
6 and servicemember defendants that brings together substance  
7 abuse professionals, mental health professionals, VA  
8 professionals, local social programs and intensive judicial  
9 monitoring in accordance with the nationally recommended 10  
10 key components of drug courts.

11 (Source: P.A. 99-314, eff. 8-7-15; 99-819, eff. 8-15-16.)

12 (730 ILCS 167/95 new)

13 Sec. 95. Transfers. Jurisdiction may be transferred from  
14 the sentencing court to the problem-solving court circuit in  
15 which the offender resides at the concurrence of both courts.  
16 The court to which jurisdiction has been transferred shall  
17 have the same powers as the sentencing court. The problem  
18 solving court department within the circuit to which  
19 jurisdiction has been transferred may impose problem solving  
20 court fees upon receiving the transferred offender as defined  
21 in Section 10. After the transfer all problem solving court  
22 fees shall be paid to the problem solving court department  
23 within the circuit to which jurisdiction has been transferred.

24 Section 15. The Mental Health Court Treatment Act is

1 amended by changing Section 10 and by adding Section 45 as  
2 follows:

3 (730 ILCS 168/10)

4 Sec. 10. Definitions. As used in this Act:

5 "Mental health court", "mental health court program", or  
6 "program" means a structured judicial intervention process for  
7 mental health treatment of eligible defendants that brings  
8 together mental health professionals, local social programs,  
9 and intensive judicial monitoring.

10 "Mental health court professional" means a member of the  
11 mental health court team, including but not limited to a  
12 judge, prosecutor, defense attorney, probation officer,  
13 coordinator, treatment provider, or peer recovery coach.

14 "Pre-adjudicatory mental health court program" means a  
15 program that allows the defendant, with the consent of the  
16 prosecution, to expedite the defendant's criminal case before  
17 conviction or before filing of a criminal case and requires  
18 successful completion of the mental health court program as  
19 part of the agreement.

20 "Post-adjudicatory mental health court program" means a  
21 program in which the defendant has admitted guilt or has been  
22 found guilty and agrees, along with the prosecution, to enter  
23 a mental health court program as part of the defendant's  
24 sentence.

25 "Problem-solving court" means any and all mental health

1 court treatment, Veterans and Servicemembers Court treatment,  
2 and drug court treatment departments in a judicial circuit.

3 "Transferred" means the transfer of any case in which an  
4 adult or juvenile offender seeks to have problem solving court  
5 treatment transferred from one county to the county in this  
6 State in which the offender resides, and the transfer is  
7 approved by a judge.

8 "Combination mental health court program" means a mental  
9 health court program that includes a pre-adjudicatory mental  
10 health court program and a post-adjudicatory mental health  
11 court program.

12 "Co-occurring mental health and substance abuse court  
13 program" means a program that includes persons with  
14 co-occurring mental illness and substance abuse problems. Such  
15 programs shall include professionals with training and  
16 experience in treating persons with substance abuse problems  
17 and mental illness.

18 (Source: P.A. 97-946, eff. 8-13-12.)

19 (730 ILCS 168/45 new)

20 Sec. 45. Transfers. Jurisdiction may be transferred from  
21 the sentencing court to the problem-solving court circuit in  
22 which the offender resides at the concurrence of both courts.  
23 The court to which jurisdiction has been transferred shall  
24 have the same powers as the sentencing court. The problem  
25 solving court department within the circuit to which



1 jurisdiction has been transferred may impose problem solving  
2 court fees upon receiving the transferred offender as defined  
3 in Section 10. After the transfer all problem solving court  
4 fees shall be paid to the problem solving court department  
5 within the circuit to which jurisdiction has been transferred.