

1 AN ACT concerning government.

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

4 Section 5. The Community-Law Enforcement and Other First
5 Responder Partnership for Deflection and Substance Use
6 Disorder Treatment Act is amended by changing Sections 1, 5,
7 10, 15, 20, 21, 30, and 35 as follows:

8 (5 ILCS 820/1)

9 Sec. 1. Short title. This Act may be cited as the Community
10 ~~Community Law Enforcement and Other First Responder~~
11 Partnership for Deflection and Substance Use Disorder
12 Treatment Act.

13 (Source: P.A. 100-1025, eff. 1-1-19; 101-652, eff. 7-1-21.)

14 (5 ILCS 820/5)

15 Sec. 5. Purposes. The General Assembly hereby acknowledges
16 that opioid use disorders, overdoses, and deaths in Illinois
17 are persistent and growing concerns for Illinois communities.
18 These concerns compound existing challenges to adequately
19 address and manage substance use and mental health disorders.
20 Local government agencies, law ~~law~~ enforcement officers, other
21 first responders, and co-responders have a unique opportunity
22 to facilitate connections to community-based services,

1 including case management, and mental and behavioral health
2 interventions that provide harm reduction or substance use
3 treatment and can help save and restore lives; help reduce
4 drug use, overdose incidence, criminal offending, and
5 recidivism; and help prevent arrest and conviction records
6 that destabilize health, families, and opportunities for
7 community citizenship and self-sufficiency. These efforts are
8 bolstered when pursued in partnership with licensed behavioral
9 health treatment providers and community members or
10 organizations. It is the intent of the General Assembly to
11 authorize law enforcement, and other first responders, and
12 local government agencies to develop and implement
13 collaborative deflection programs in Illinois that offer
14 immediate pathways to substance use treatment and other
15 services as an alternative to traditional case processing and
16 involvement in the criminal justice system, and to unnecessary
17 admission to emergency departments.

18 (Source: P.A. 100-1025, eff. 1-1-19; 101-652, eff. 7-1-21.)

19 (5 ILCS 820/10)

20 Sec. 10. Definitions. In this Act:

21 "Case management" means those services which use
22 evidence-based practices, including harm reduction and
23 motivational interviewing, to ~~will~~ assist persons in gaining
24 access to needed social, educational, medical, substance use
25 and mental health treatment, and other services.

1 "Community member or organization" means an individual
2 volunteer, resident, public office, or a not-for-profit
3 organization, religious institution, charitable organization,
4 or other public body committed to the improvement of
5 individual and family mental and physical well-being and the
6 overall social welfare of the community, and may include
7 persons with lived experience in recovery from substance use
8 disorder, either themselves or as family members.

9 "Other first responder" means and includes emergency
10 medical services providers that are public units of
11 government, fire departments and districts, and officials and
12 responders representing and employed by these entities.

13 "Deflection program" means a program in which a peace
14 officer or member of a law enforcement agency, ~~or~~ other first
15 responder, or local government agency facilitates contact
16 between an individual and a licensed substance use treatment
17 provider, ~~or~~ clinician, or case management agency for
18 assessment and coordination of treatment planning, including
19 co-responder approaches that incorporate behavioral health,
20 peer, or social work professionals with law enforcement or
21 other first responders at the scene. This facilitation
22 includes defined criteria for eligibility and communication
23 protocols agreed to by the law enforcement agency or other
24 first responder entity and the licensed treatment provider or
25 case management agency for the purpose of providing substance
26 use treatment or care collaboration to those persons in lieu

1 of arrest or further justice system involvement, or
2 unnecessary admissions to the emergency department. Deflection
3 programs may include, but are not limited to, the following
4 types of responses:

5 (1) a post-overdose deflection response initiated by a
6 peace officer or law enforcement agency subsequent to
7 emergency administration of medication to reverse an
8 overdose, or in cases of severe substance use disorder
9 with acute risk for overdose;

10 (2) a self-referral deflection response initiated by
11 an individual by contacting a peace officer, ~~or~~ law
12 enforcement agency, ~~or~~ other first responder, or local
13 government agency in the acknowledgment of their substance
14 use or disorder;

15 (3) an active outreach deflection response initiated
16 by a peace officer, ~~or~~ law enforcement agency, ~~or~~ other
17 first responder, or local government agency as a result of
18 proactive identification of persons thought likely to have
19 a substance use disorder or untreated or undiagnosed
20 mental illness;

21 (4) an officer, ~~or~~ other first responder, or local
22 government agency prevention deflection response initiated
23 by a peace officer, ~~or~~ law enforcement agency, or local
24 government agency in response to a community call when no
25 criminal charges are present; ~~and~~

26 (5) an officer intervention during routine activities,

1 such as patrol or deflection response to a service call
2 during which a referral to treatment, to services, or to a
3 case manager is made in lieu of arrest when criminal
4 charges are present but held in abeyance pending
5 engagement with treatment.

6 "Harm reduction" means a reduction of, or attempt to
7 reduce, the adverse consequences of substance use, including,
8 but not limited to, by addressing the substance use and
9 conditions that give rise to the substance use. "Harm
10 reduction" includes, but is not limited to, syringe service
11 programs, naloxone distribution, and public awareness
12 campaigns about the Good Samaritan Act.

13 "Law enforcement agency" means a municipal police
14 department or county sheriff's office of this State, the
15 Illinois State Police, or other law enforcement agency whose
16 officers, by statute, are granted and authorized to exercise
17 powers similar to those conferred upon any peace officer
18 employed by a law enforcement agency of this State.

19 "Licensed treatment provider" means an organization
20 licensed by the Department of Human Services to perform an
21 activity or service, or a coordinated range of those
22 activities or services, as the Department of Human Services
23 may establish by rule, such as the broad range of emergency,
24 outpatient, intensive outpatient, and residential services and
25 care, including assessment, diagnosis, case management,
26 medical, psychiatric, psychological and social services,

1 medication-assisted treatment, care and counseling, and
2 recovery support, which may be extended to persons to assess
3 or treat substance use disorder or to families of those
4 persons.

5 "Local government agency" means a county, municipality, or
6 township office, a State's Attorney's Office, a Public
7 Defender's Office, or a local health department.

8 "Peace officer" means any peace officer or member of any
9 duly organized State, county, or municipal peace officer unit,
10 any police force of another State, or any police force whose
11 members, by statute, are granted and authorized to exercise
12 powers similar to those conferred upon any peace officer
13 employed by a law enforcement agency of this State.

14 "Substance use disorder" means a pattern of use of alcohol
15 or other drugs leading to clinical or functional impairment,
16 in accordance with the definition in the Diagnostic and
17 Statistical Manual of Mental Disorders (DSM-5), or in any
18 subsequent editions.

19 "Treatment" means the broad range of emergency,
20 outpatient, intensive outpatient, and residential services and
21 care (including assessment, diagnosis, case management,
22 medical, psychiatric, psychological and social services,
23 medication-assisted treatment, care and counseling, and
24 recovery support) which may be extended to persons who have
25 substance use disorders, persons with mental illness, or
26 families of those persons.

1 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;
2 102-813, eff. 5-13-22.)

3 (5 ILCS 820/15)

4 Sec. 15. Authorization.

5 (a) Any law enforcement agency, ~~or~~ other first responder
6 entity, or local government agency may establish a deflection
7 program subject to the provisions of this Act in partnership
8 with one or more licensed providers of substance use disorder
9 treatment services and one or more community members or
10 organizations. Programs established by another first responder
11 entity or a local government agency shall also include a law
12 enforcement agency.

13 (b) The deflection program may involve a post-overdose
14 deflection response, a self-referral deflection response, a
15 pre-arrest diversion response, an active outreach deflection
16 response, an officer or other first responder prevention
17 deflection response, or an officer intervention deflection
18 response, or any combination of those.

19 (c) Nothing shall preclude the General Assembly from
20 adding other responses to a deflection program, or preclude a
21 law enforcement agency, ~~or~~ other first responder entity, or
22 local government agency from developing a deflection program
23 response based on a model unique and responsive to local
24 issues, substance use or mental health needs, and
25 partnerships, using sound and promising or evidence-based

1 practices.

2 (c-5) Whenever appropriate and available, case management
3 should be provided by a licensed treatment provider or other
4 appropriate provider and may include peer recovery support
5 approaches.

6 (d) To receive funding for activities as described in
7 Section 35 of this Act, planning for the deflection program
8 shall include:

9 (1) the involvement of one or more licensed treatment
10 programs and one or more community members or
11 organizations; and

12 (2) an agreement with the Illinois Criminal Justice
13 Information Authority to collect and evaluate relevant
14 statistical data related to the program, as established by
15 the Illinois Criminal Justice Information Authority in
16 paragraph (2) of subsection (a) of Section 25 of this Act.

17 (3) an agreement with participating licensed treatment
18 providers authorizing the release of statistical data to
19 the Illinois Criminal Justice Information Authority, in
20 compliance with State and Federal law, as established by
21 the Illinois Criminal Justice Information Authority in
22 paragraph (2) of subsection (a) of Section 25 of this Act.

23 (Source: P.A. 100-1025, eff. 1-1-19; 101-81, eff. 7-12-19;
24 101-652, eff. 7-1-21.)

25 (5 ILCS 820/20)

1 Sec. 20. Procedure. The law enforcement agency, ~~or~~ other
2 first responder entity, local government agency, licensed
3 treatment providers, and community members or organizations
4 shall establish a local deflection program plan that includes
5 protocols and procedures for participant identification,
6 screening or assessment, case management, treatment
7 facilitation, reporting, restorative justice, and ongoing
8 involvement of the law enforcement agency. Licensed substance
9 use disorder treatment organizations shall adhere to 42 CFR
10 Part 2 regarding confidentiality regulations for information
11 exchange or release. Substance use disorder treatment services
12 shall adhere to all regulations specified in Department of
13 Human Services Administrative Rules, Parts 2060 and 2090.

14 A deflection program organized and operating under this
15 Act may accept, receive, and disburse, in furtherance of its
16 duties and functions, any funds, grants, and services made
17 available by the State and its agencies, the federal
18 government and its agencies, units of local government, and
19 private or civic sources.

20 (Source: P.A. 100-1025, eff. 1-1-19; 101-652, eff. 7-1-21.)

21 (5 ILCS 820/21)

22 Sec. 21. Training. Employees of the ~~The~~ law enforcement
23 agency, ~~or~~ other first responder entity, or local government
24 agency who are participating in programs that receive funding
25 for services under Section 35 of this Act ~~shall~~ and that

1 receive training under subsection (a.1) of Section 35 shall be
2 trained in:

3 (a) Neuroscience of Addiction for Law Enforcement;

4 (b) Medication-Assisted Treatment;

5 (c) Criminogenic Risk-Need for Health and Safety;

6 (d) Why Drug Treatment Works?;

7 (e) Eliminating Stigma for People with Substance-Use
8 Disorders and Mental Health;

9 (f) Avoiding Racial Bias in Deflection Program;

10 (g) Promotion Racial and Gender Equity in Deflection;

11 (h) Working With Community Partnerships; ~~and~~

12 (i) Deflection in Rural Communities; ~~and-~~

13 (j) Harm Reduction.

14 (Source: P.A. 101-652, eff. 7-1-21.)

15 (5 ILCS 820/30)

16 Sec. 30. Exemption from civil liability. The law
17 enforcement agency, ~~or~~ peace officer, ~~or~~ other first
18 responder, or local government agency or employee of the
19 agency acting in good faith shall not, as the result of acts or
20 omissions in providing services under Section 15 of this Act,
21 be liable for civil damages, unless the acts or omissions
22 constitute willful and wanton misconduct.

23 (Source: P.A. 100-1025, eff. 1-1-19; 101-652, eff. 7-1-21.)

24 (5 ILCS 820/35)

1 Sec. 35. Funding.

2 (a) The General Assembly may appropriate funds to the
3 Illinois Criminal Justice Information Authority for the
4 purpose of funding law enforcement agencies, ~~or~~ other first
5 responder entities, or local government agencies for services
6 provided by deflection program partners as part of deflection
7 programs subject to subsection (d) of Section 15 of this Act.

8 (a.1) Up to 10 percent of appropriated funds may be
9 expended on activities related to knowledge dissemination,
10 training, technical assistance, or other similar activities
11 intended to increase practitioner and public awareness of
12 deflection and/or to support its implementation. The Illinois
13 Criminal Justice Information Authority may adopt guidelines
14 and requirements to direct the distribution of funds for these
15 activities.

16 (b) For all appropriated funds not distributed under
17 subsection (a.1), the Illinois Criminal Justice Information
18 Authority may adopt guidelines and requirements to direct the
19 distribution of funds for expenses related to deflection
20 programs. Funding shall be made available to support both new
21 and existing deflection programs in a broad spectrum of
22 geographic regions in this State, including urban, suburban,
23 and rural communities. Funding for deflection programs shall
24 be prioritized for communities that have been impacted by the
25 war on drugs, communities that have a police/community
26 relations issue, and communities that have a disproportionate

1 lack of access to mental health and drug treatment. Activities
2 eligible for funding under this Act may include, but are not
3 limited to, the following:

4 (1) activities related to program administration,
5 coordination, or management, including, but not limited
6 to, the development of collaborative partnerships with
7 licensed treatment providers and community members or
8 organizations; collection of program data; or monitoring
9 of compliance with a local deflection program plan;

10 (2) case management including case management provided
11 prior to assessment, diagnosis, and engagement in
12 treatment, as well as assistance navigating and gaining
13 access to various treatment modalities and support
14 services;

15 (3) peer recovery or recovery support services that
16 include the perspectives of persons with the experience of
17 recovering from a substance use disorder, either
18 themselves or as family members;

19 (4) transportation to a licensed treatment provider or
20 other program partner location;

21 (5) program evaluation activities;

22 (6) naloxone and related harm reduction supplies
23 necessary for carrying out overdose prevention and
24 reversal for purposes of distribution to program
25 participants or for use by law enforcement, ~~or~~ other first
26 responders, or local government agencies; and

1 (7) treatment necessary to prevent gaps in service
2 delivery between linkage and coverage by other funding
3 sources when otherwise non-reimbursable; and.

4 (8) wraparound participant funds to be used to
5 incentivize participation and meet participant needs.
6 Eligible items include, but are not limited to, clothing,
7 transportation, application fees, emergency shelter,
8 utilities, toiletries, medical supplies, haircuts, and
9 snacks. Food and drink is allowed if it is necessary for
10 the program's success where it incentivizes participation
11 in case management or addresses an emergency need as a
12 bridge to self-sufficiency when other sources of emergency
13 food are not available.

14 (c) Specific linkage agreements with recovery support
15 services or self-help entities may be a requirement of the
16 program services protocols. All deflection programs shall
17 encourage the involvement of key family members and
18 significant others as a part of a family-based approach to
19 treatment. All deflection programs are encouraged to use
20 evidence-based practices and outcome measures in the provision
21 of case management, substance use disorder treatment, and
22 medication-assisted treatment for persons with opioid use
23 disorders.

24 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 7-1-21;
25 102-813, eff. 5-13-22.)

1 Section 95. Illinois Compiled Statutes reassignment. The
2 Legislative Reference Bureau shall reassign the following Act
3 to the specified location in the Illinois Compiled Statutes
4 and file appropriate documents with the Index Division of the
5 Office of the Secretary of State in accordance with subsection
6 (c) of Section 5.04 of the Legislative Reference Bureau Act:

7 Community Partnership for Deflection and Substance Use
8 Disorder Treatment Act, reassigned from 5 ILCS 820/ to 50 ILCS
9 71/.