

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 Section 1-119 and by
6 adding Sections 1-104.5 and 3-811.5 as follows:

7 (405 ILCS 5/1-104.5 new)

8 Sec. 1-104.5. "Dangerous conduct" means threatening
9 behavior or conduct that places another individual in
10 reasonable expectation of being harmed, or a person's inability
11 to provide, without the assistance of family or outside help,
12 for his or her basic physical needs so as to guard himself or
13 herself from serious harm.

14 (405 ILCS 5/1-119) (from Ch. 91 1/2, par. 1-119)

15 Sec. 1-119. "Person subject to involuntary admission"
16 means:

17 (1) A person with mental illness and who because of his
18 or her illness is reasonably expected to engage in
19 dangerous conduct ~~inflict serious physical harm upon~~
20 ~~himself or herself or another in the near future~~ which may
21 include threatening behavior or conduct that places that
22 person or another individual in reasonable expectation of
23 being harmed; ~~or~~

24 (2) A person with mental illness and who because of his
25 or her illness is unable to provide for his or her basic
26 physical needs so as to guard himself or herself from
27 serious harm without the assistance of family or outside
28 help; or ~~or~~

29 (3) A person with mental illness who, because of the
30 nature of his or her illness, is unable to understand his
31 or her need for treatment and who, if not treated, is

1 reasonably expected to suffer or continue to suffer mental
2 deterioration or emotional deterioration, or both, to the
3 point that the person is reasonably expected to engage in
4 dangerous conduct.

5 In determining whether a person meets the criteria
6 specified in paragraph (1) or (2), the court may consider
7 evidence of the person's repeated past pattern of specific
8 behavior and actions related to the person's illness.

9 (Source: P.A. 93-573, eff. 8-21-03.)

10 (405 ILCS 5/3-811.5 new)

11 Sec. 3-811.5. Agreed order for alternative treatment or
12 care and custody.

13 (a) At any time before the conclusion of the hearing and
14 the entry of the court's findings, a respondent may enter into
15 an agreement to be subject to an order for alternative
16 treatment or care and custody as provided in Sections 3-811,
17 3-812, 3-813, and 3-815, provided that:

18 (1) The court and the parties have been presented with
19 a written report under Section 3-810 containing a
20 recommendation for alternative treatment or care and
21 custody and setting forth in detail the conditions for such
22 an order, and the court is satisfied that the proposal for
23 alternative treatment or care and custody is in the best
24 interest of the respondent and of the public.

25 (2) The court advises the respondent of the conditions
26 of the proposed order in open court and is satisfied that
27 the respondent understands and agrees to the conditions of
28 the proposed order for alternative treatment or care and
29 custody.

30 (3) The proposed custodian is advised of the
31 recommendation for care and custody and agrees to abide by
32 the terms of the proposed order.

33 (4) No such order may require the respondent to be
34 hospitalized except as provided in subsection (b) of this
35 Section.

1 (5) No order may include as one of its conditions the
2 administration of psychotropic medication, unless the
3 court determines, based on the documented history of the
4 respondent's treatment or illness manifestations, that the
5 respondent is unlikely to continue to receive needed
6 psychotropic medication in the absence of such an order.

7 (b) An agreed order for care and custody entered under this
8 Section may grant the custodian the authority to admit a
9 respondent to a hospital if the respondent fails to comply with
10 the conditions of the agreed order. If necessary in order to
11 obtain the hospitalization of the respondent, the custodian may
12 apply to the court for an order authorizing a peace officer to
13 take the respondent into custody and transport the respondent
14 to the hospital specified in the agreed order. The provisions
15 of Section 3-605 shall govern the transportation of the
16 respondent to a mental health facility, except to the extent
17 that those provisions are inconsistent with this Section. A
18 person admitted to a hospital pursuant to powers granted under
19 an agreed order for care and custody shall be treated as a
20 voluntary recipient pursuant to Article IV of this Chapter and
21 shall be advised immediately of his or her right to request a
22 discharge under Section 3-403.

23 (c) If the court has appointed counsel for the respondent
24 under Section 3-805, that appointment shall continue for the
25 duration of any order entered under this Section, and the
26 respondent shall be represented by counsel in any proceeding
27 held under this Section.

28 (d) An order entered under this Section does not constitute
29 a finding that the respondent is subject to involuntary
30 admission.

31 (e) Nothing in this Section shall be deemed to create an
32 agency relationship between the respondent and any custodian
33 appointed under this Section.

34 (f) Notwithstanding any other provision of Illinois law to
35 the contrary, a respondent may not be cited for contempt for
36 violating the terms and conditions of his or her agreed order

1 of care and custody.