



Rep. Michael G. Connelly

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09700HB4926ham001

LRB097 19212 RLC 66790 a

1 AMENDMENT TO HOUSE BILL 4926

2 AMENDMENT NO. _____. Amend House Bill 4926 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Drug Court Treatment Act is amended by
5 changing Section 10 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, defense
16 attorney, probation officer, coordinator, ~~or~~ treatment

1 provider, or peer recovery coach ~~involved with the drug court~~
2 ~~program.~~

3 "Pre-adjudicatory drug court program" means a program that
4 allows the defendant, with the consent of the prosecution, to
5 expedite the defendant's criminal case before conviction or
6 before filing of a criminal case and requires successful
7 completion of the drug court program as part of the agreement.

8 "Post-adjudicatory drug court program" means a program in
9 which the defendant has admitted guilt or has been found guilty
10 and agrees, along with the prosecution, to enter a drug court
11 program as part of the defendant's sentence.

12 "Combination drug court program" means a drug court program
13 that includes a pre-adjudicatory drug court program and a
14 post-adjudicatory drug court program.

15 (Source: P.A. 92-58, eff. 1-1-02.)

16 Section 10. The Veterans and Servicemembers Court
17 Treatment Act is amended by changing Sections 10, 15, and 20 as
18 follows:

19 (730 ILCS 167/10)

20 Sec. 10. Definitions. In this Act:

21 "Combination Veterans and Servicemembers Court program"
22 means a court program that includes a pre-adjudicatory and a
23 post-adjudicatory Veterans and Servicemembers court program.

24 "Court" means Veterans and Servicemembers Court.

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

2 "Post-adjudicatory Veterans and Servicemembers Court
3 Program" means a program in which the defendant has admitted
4 guilt or has been found guilty and agrees, along with the
5 prosecution, to enter a Veterans and Servicemembers Court
6 program as part of the defendant's sentence.

7 "Pre-adjudicatory Veterans and Servicemembers Court
8 Program" means a program that allows the defendant with the
9 consent of the prosecution, to expedite the defendant's
10 criminal case before conviction or before filing of a criminal
11 case and requires successful completion of the Veterans and
12 Servicemembers Court programs as part of the agreement.

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

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

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

21 "Veterans and Servicemembers Court professional" means a
22 member of the Veterans and Servicemembers Court team, including
23 but not limited to a judge, prosecutor, defense attorney,
24 probation officer, coordinator, ~~or~~ treatment provider, or peer
25 recovery coach ~~involved with the Court program.~~

26 "Veterans and Servicemembers Court" means a court or

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

9 (Source: P.A. 96-924, eff. 6-14-10.)

10 (730 ILCS 167/15)

11 Sec. 15. Authorization. The Chief Judge of each judicial
12 circuit may establish a Veterans and Servicemembers Court
13 program including a format under which it operates under this
14 Act. The Veterans and Servicemembers Court may, at the
15 discretion of the Chief Judge, be a separate court or a program
16 of a problem-solving court, including but not limited to a drug
17 court or mental health court ~~within the Circuit~~. At the
18 discretion of the Chief Judge, the Veterans and Servicemembers
19 Court program may be operated in one county in the Circuit, and
20 allow veteran and servicemember defendants from all counties
21 within the Circuit to participate.

22 (Source: P.A. 96-924, eff. 6-14-10.)

23 (730 ILCS 167/20)

24 Sec. 20. Eligibility. Veterans and Servicemembers are

1 eligible for Veterans and Servicemembers Courts, provided the
2 following:

3 (a) A defendant may be admitted into a Veterans and
4 Servicemembers Court program only upon the agreement of the
5 prosecutor and the defendant and with the approval of the
6 Court.

7 (b) A defendant shall be excluded from Veterans and
8 Servicemembers Court program if any of one of the following
9 applies:

10 (1) The crime is a crime of violence as set forth in
11 clause (3) of this subsection (b).

12 (2) The defendant does not demonstrate a willingness to
13 participate in a treatment program.

14 (3) The defendant has been convicted of a crime of
15 violence within the past 10 years excluding incarceration
16 time, including but not limited to: first degree murder,
17 second degree murder, predatory criminal sexual assault of
18 a child, aggravated criminal sexual assault, criminal
19 sexual assault, armed robbery, aggravated arson, arson,
20 aggravated kidnapping and kidnapping, aggravated battery
21 resulting in great bodily harm or permanent disability,
22 stalking, aggravated stalking, or any offense involving
23 the discharge of a firearm or where occurred serious bodily
24 injury or death to any person.

25 (4) (Blank). ~~The defendant has previously completed or~~
26 ~~has been discharged from a Veterans and Servicemembers~~

1 ~~Court program within three years of that completion or~~
2 ~~discharge.~~

3 (Source: P.A. 96-924, eff. 6-14-10.)

4 Section 15. The Mental Health Court Treatment Act is
5 amended by changing Sections 10 and 20 as follows:

6 (730 ILCS 168/10)

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

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

13 "Mental health court professional" means a member of the
14 mental health court team, including but not limited to a judge,
15 prosecutor, defense attorney, probation officer, coordinator,
16 or treatment provider, or peer recovery coach ~~involved with the~~
17 ~~mental health court program.~~

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

24 "Post-adjudicatory mental health court program" means a

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

5 "Combination mental health court program" means a mental
6 health court program that includes a pre-adjudicatory mental
7 health court program and a post-adjudicatory mental health
8 court program.

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

15 (Source: P.A. 95-606, eff. 6-1-08.)

16 (730 ILCS 168/20)

17 Sec. 20. Eligibility.

18 (a) A defendant may be admitted into a mental health court
19 program only upon the agreement of the prosecutor and the
20 defendant and with the approval of the court.

21 (b) A defendant shall be excluded from a mental health
22 court program if any one of the following applies:

23 (1) The crime is a crime of violence as set forth in
24 clause (3) of this subsection (b).

25 (2) The defendant does not demonstrate a willingness to

1 participate in a treatment program.

2 (3) The defendant has been convicted of a crime of
3 violence within the past 10 years excluding incarceration
4 time, specifically first degree murder, second degree
5 murder, predatory criminal sexual assault of a child,
6 aggravated criminal sexual assault, criminal sexual
7 assault, armed robbery, aggravated arson, arson,
8 aggravated kidnapping, kidnapping, stalking, aggravated
9 stalking, or any offense involving the discharge of a
10 firearm.

11 (4) (Blank). ~~The defendant has previously completed or~~
12 ~~has been discharged from a mental health court program~~
13 ~~within 3 years of completion or discharge.~~

14 (Source: P.A. 95-606, eff. 6-1-08.)

15 Section 20. The Mental Health and Developmental
16 Disabilities Confidentiality Act is amended by changing
17 Section 9.2 as follows:

18 (740 ILCS 110/9.2)

19 Sec. 9.2. Interagency disclosure of recipient information.
20 For the purposes of continuity of care, the Department of Human
21 Services (as successor to the Department of Mental Health and
22 Developmental Disabilities), community agencies funded by the
23 Department of Human Services in that capacity, licensed private
24 hospitals receiving payments from the Department of Human

1 Services or the Department of Healthcare and Family Services,
2 State correctional facilities, mental health facilities
3 operated by a county, mental health court professionals as
4 defined in Section 10 of the Mental Health Court Treatment Act,
5 Veterans and Servicemembers Court professionals as defined in
6 Section 10 of the Veterans and Servicemembers Court Treatment
7 Act and jails and juvenile detention facilities ~~and jails~~
8 operated by any county of this State may disclose a recipient's
9 record or communications, without consent, to each other, but
10 only for the purpose of admission, treatment, planning, or
11 discharge. Entities shall not redisclose any personally
12 identifiable information, unless necessary for admission,
13 treatment, planning, or discharge of the identified recipient
14 to another setting. No records or communications may be
15 disclosed to a county jail or State correctional facility
16 pursuant to this Section unless the Department has entered into
17 a written agreement with the county jail or State correctional
18 facility requiring that the county jail or State correctional
19 facility adopt written policies and procedures designed to
20 ensure that the records and communications are disclosed only
21 to those persons employed by or under contract to the county
22 jail or State correctional facility who are involved in the
23 provision of mental health services to inmates and that the
24 records and communications are protected from further
25 disclosure.

26 (Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".