



Sen. William R. Haine

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09700SB2559sam001

LRB097 14462 RLC 67880 a

1 AMENDMENT TO SENATE BILL 2559

2 AMENDMENT NO. _____. Amend Senate Bill 2559 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Human Services Act is amended
5 by adding Section 1-60 as follows:

6 (20 ILCS 1305/1-60 new)

7 Sec. 1-60. Pilot study. The Department of Human Services
8 shall prepare 2 reports on the impact of the provisions of
9 subsection (c) of Section 104-18 of the Code of Criminal
10 Procedure of 1963. A preliminary report shall be prepared and
11 submitted to the Governor and the General Assembly by November
12 1, 2012. A final report shall be prepared and submitted to the
13 Governor and the General Assembly by October 1, 2013. Each
14 report shall be posted on the Department's website within a
15 week of its submission. Each report shall discuss the number of
16 admissions during the reporting period, any delay in

1 admissions, the number of persons returned to the county under
2 the provisions of subsection (c) of Section 104-18 of the Code
3 of Criminal Procedure of 1963, and any issues the county
4 sheriffs or other county officials are having with the returns.
5 Each report shall include a recommendation from the Department
6 of Human Services and one from an association representing
7 Illinois sheriffs whether to continue the pilot study. If
8 either report indicates that there are serious deleterious
9 effects from the provisions of subsection (c) of Section 104-18
10 of the Code of Criminal Procedure of 1963 or that the
11 provisions of subsection (c) of Section 104-18 of the Code of
12 Criminal Procedure of 1963 are not producing adequate results,
13 the General Assembly may take necessary steps to eliminate the
14 provisions of subsection (c) of Section 104-18 of the Code of
15 Criminal Procedure of 1963 prior to January 1, 2014.

16 Section 10. The Code of Criminal Procedure of 1963 is
17 amended by changing Section 104-18 as follows:

18 (725 ILCS 5/104-18) (from Ch. 38, par. 104-18)

19 Sec. 104-18. Progress Reports.) (a) The treatment
20 supervisor shall submit a written progress report to the court,
21 the State, and the defense:

22 (1) At least 7 days prior to the date for any hearing on
23 the issue of the defendant's fitness;

24 (2) Whenever he believes that the defendant has attained

1 fitness;

2 (3) Whenever he believes that there is not a substantial
3 probability that the defendant will attain fitness, with
4 treatment, within one year from the date of the original
5 finding of unfitness.

6 (b) The progress report shall contain:

7 (1) The clinical findings of the treatment supervisor and
8 the facts upon which the findings are based;

9 (2) The opinion of the treatment supervisor as to whether
10 the defendant has attained fitness or as to whether the
11 defendant is making progress, under treatment, toward
12 attaining fitness within one year from the date of the original
13 finding of unfitness;

14 (3) If the defendant is receiving medication, information
15 from the prescribing physician indicating the type, the dosage
16 and the effect of the medication on the defendant's appearance,
17 actions and demeanor.

18 (c) Whenever the court is sent a report from the supervisor
19 of the defendant's treatment under paragraph (2) of subsection
20 (a) of this Section, the treatment provider shall arrange with
21 the court for the return of the defendant to the county jail
22 before the time frame specified in subsection (a) of Section
23 104-20. This subsection (c) is inoperative on and after January
24 1, 2014.

25 (Source: P.A. 81-1217.)

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