



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3819

Introduced 2/17/2023, by Rep. Matt Hanson

SYNOPSIS AS INTRODUCED:

- 5 ILCS 820/1
- 5 ILCS 820/5
- 5 ILCS 820/10
- 5 ILCS 820/15
- 5 ILCS 820/20
- 5 ILCS 820/21
- 5 ILCS 820/30
- 5 ILCS 820/35

Amends the Community-Law Enforcement and Other First Responder Partnership for Deflection and Substance Use Disorder Treatment Act. Changes the Act name to the Community Partnership for Deflection and Substance Use Disorder Treatment Act. Modifies and adds definitions. Provides that A law enforcement agency, other first responder entity, or local government agency (rather than only a law enforcement agency or other first responder entity) may establish a deflection program in partnership with one or more licensed providers of substance use disorder treatment services and one or more community members or organizations. Provides that a deflection program may involve a pre-arrest diversion response and proactive identification of persons thought likely to have an untreated or undiagnosed mental illness. Provides that a local deflection program shall also include case management and restorative justice aspects. Provides that a deflection program may accept, receive, and disburse, in furtherance of its duties and functions, any funds, grants, and services made available by the State and its agencies, the federal government and its agencies, units of local government, and private or civic sources. Provides that activities eligible for funding under the Act include naloxone and related harm reduction supplies (rather than related supplies) necessary for carrying out overdose prevention and reversal (rather than overdose reversal) for purposes of distribution to program participants or for use by law enforcement, other first responders, or local governmental agencies and wraparound participant funds to be used to incentivize participation and meet participant needs. Provides that the Legislative Reference Bureau shall reassign the Act in the Illinois Compiled Statutes (to reflect the addition of local government agencies to the Act).

LRB103 29980 AWJ 56399 b

A BILL FOR

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 deflection response when

1 criminal charges are present but held in abeyance pending
2 engagement with treatment; ~~and~~.

3 (6) pre-booking diversion response initiated by law
4 enforcement when criminal charges are possible, but the
5 individual is diverted to case management services in lieu
6 of charges.

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

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

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

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

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

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

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

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

1 families of those persons.

2 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;
3 102-813, eff. 5-13-22.)

4 (5 ILCS 820/15)

5 Sec. 15. Authorization.

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

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

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

1 partnerships, using sound and promising or evidence-based
2 practices.

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

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

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

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

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

24 (Source: P.A. 100-1025, eff. 1-1-19; 101-81, eff. 7-12-19;
25 101-652, eff. 7-1-21.)

1 (5 ILCS 820/20)

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

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

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

22 (5 ILCS 820/21)

23 Sec. 21. Training. Employees of the ~~The~~ law enforcement
24 agency, ~~or~~ other first responder entity, or local government
25 agency who are participating in programs that receive funding

1 for services under Section 35 of this Act ~~shall~~ and that
2 receive training under subsection (a.1) of Section 35 shall be
3 trained in:

4 (a) Neuroscience of Addiction for Law Enforcement;

5 (b) Medication-Assisted Treatment;

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

7 (d) Why Drug Treatment Works?;

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

10 (f) Avoiding Racial Bias in Deflection Program;

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

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

13 (i) Deflection in Rural Communities; and-

14 (j) Harm Reduction.

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

16 (5 ILCS 820/30)

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

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

1 (5 ILCS 820/35)

2 Sec. 35. Funding.

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

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

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

1 relations issue, and communities that have a disproportionate
2 lack of access to mental health and drug treatment. Activities
3 eligible for funding under this Act may include, but are not
4 limited to, the following:

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

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

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

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

22 (5) program evaluation activities;

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

1 responders, or local government agencies; and

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

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

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

25 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 7-1-21;
26 102-813, 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/.