



Sen. Paul Faraci

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1 AMENDMENT TO HOUSE BILL 3819

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3819 by replacing  
3 everything after the enacting clause with the following:

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

1 that opioid use disorders, overdoses, and deaths in Illinois  
2 are persistent and growing concerns for Illinois communities.  
3 These concerns compound existing challenges to adequately  
4 address and manage substance use and mental health disorders.  
5 Local government agencies, law ~~law~~ enforcement officers, other  
6 first responders, and co-responders have a unique opportunity  
7 to facilitate connections to community-based services,  
8 including case management, and mental and behavioral health  
9 interventions that provide harm reduction or substance use  
10 treatment and can help save and restore lives; help reduce  
11 drug use, overdose incidence, criminal offending, and  
12 recidivism; and help prevent arrest and conviction records  
13 that destabilize health, families, and opportunities for  
14 community citizenship and self-sufficiency. These efforts are  
15 bolstered when pursued in partnership with licensed behavioral  
16 health treatment providers and community members or  
17 organizations. It is the intent of the General Assembly to  
18 authorize law enforcement, ~~and~~ other first responders, and  
19 local government agencies to develop and implement  
20 collaborative deflection programs in Illinois that offer  
21 immediate pathways to substance use treatment and other  
22 services as an alternative to traditional case processing and  
23 involvement in the criminal justice system, and to unnecessary  
24 admission to emergency departments.

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

1 (5 ILCS 820/10)

2 Sec. 10. Definitions. In this Act:

3 "Case management" means those services which use  
4 evidence-based practices, including harm reduction and  
5 motivational interviewing, to ~~will~~ assist persons in gaining  
6 access to needed social, educational, medical, substance use  
7 and mental health treatment, and other services.

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

16 "Other first responder" means and includes emergency  
17 medical services providers that are public units of  
18 government, fire departments and districts, and officials and  
19 responders representing and employed by these entities.

20 "Deflection program" means a program in which a peace  
21 officer or member of a law enforcement agency, ~~or~~ other first  
22 responder, or local government agency facilitates contact  
23 between an individual and a licensed substance use treatment  
24 provider, ~~or~~ or case management agency for  
25 assessment and coordination of treatment planning, including  
26 co-responder approaches that incorporate behavioral health,

1 peer, or social work professionals with law enforcement or  
2 other first responders at the scene. This facilitation  
3 includes defined criteria for eligibility and communication  
4 protocols agreed to by the law enforcement agency or other  
5 first responder entity and the licensed treatment provider or  
6 case management agency for the purpose of providing substance  
7 use treatment or care collaboration to those persons in lieu  
8 of arrest or further justice system involvement, or  
9 unnecessary admissions to the emergency department. Deflection  
10 programs may include, but are not limited to, the following  
11 types of responses:

12 (1) a post-overdose deflection response initiated by a  
13 peace officer or law enforcement agency subsequent to  
14 emergency administration of medication to reverse an  
15 overdose, or in cases of severe substance use disorder  
16 with acute risk for overdose;

17 (2) a self-referral deflection response initiated by  
18 an individual by contacting a peace officer, ~~or~~ law  
19 enforcement agency, ~~or~~ other first responder, or local  
20 government agency in the acknowledgment of their substance  
21 use or disorder;

22 (3) an active outreach deflection response initiated  
23 by a peace officer, ~~or~~ law enforcement agency, ~~or~~ other  
24 first responder, or local government agency as a result of  
25 proactive identification of persons thought likely to have  
26 a substance use disorder or untreated or undiagnosed

1       mental illness;

2           (4) an officer, ~~or~~ other first responder, or local  
3       government agency prevention deflection response initiated  
4       by a peace officer, ~~or~~ law enforcement agency, or local  
5       government agency in response to a community call when no  
6       criminal charges are present; ~~and~~

7           (5) an officer intervention during routine activities,  
8       such as patrol or deflection response to a service call  
9       during which a referral to treatment, to services, or to a  
10       case manager is made in lieu of arrest ~~when criminal~~  
11       ~~charges are present but held in abeyance pending~~  
12       ~~engagement with treatment.~~

13       "Harm reduction" means a reduction of, or attempt to  
14       reduce, the adverse consequences of substance use, including,  
15       but not limited to, by addressing the substance use and  
16       conditions that give rise to the substance use. "Harm  
17       reduction" includes, but is not limited to, syringe service  
18       programs, naloxone distribution, and public awareness  
19       campaigns about the Good Samaritan Act.

20       "Law enforcement agency" means a municipal police  
21       department or county sheriff's office of this State, the  
22       Illinois State Police, or other law enforcement agency whose  
23       officers, by statute, are granted and authorized to exercise  
24       powers similar to those conferred upon any peace officer  
25       employed by a law enforcement agency of this State.

26       "Licensed treatment provider" means an organization

1 licensed by the Department of Human Services to perform an  
2 activity or service, or a coordinated range of those  
3 activities or services, as the Department of Human Services  
4 may establish by rule, such as the broad range of emergency,  
5 outpatient, intensive outpatient, and residential services and  
6 care, including assessment, diagnosis, case management,  
7 medical, psychiatric, psychological and social services,  
8 medication-assisted treatment, care and counseling, and  
9 recovery support, which may be extended to persons to assess  
10 or treat substance use disorder or to families of those  
11 persons.

12 "Local government agency" means a county, municipality, or  
13 township office, a State's Attorney's Office, a Public  
14 Defender's Office, or a local health department.

15 "Peace officer" means any peace officer or member of any  
16 duly organized State, county, or municipal peace officer unit,  
17 any police force of another State, or any police force whose  
18 members, by statute, are granted and authorized to exercise  
19 powers similar to those conferred upon any peace officer  
20 employed by a law enforcement agency of this State.

21 "Substance use disorder" means a pattern of use of alcohol  
22 or other drugs leading to clinical or functional impairment,  
23 in accordance with the definition in the Diagnostic and  
24 Statistical Manual of Mental Disorders (DSM-5), or in any  
25 subsequent editions.

26 "Treatment" means the broad range of emergency,

1 outpatient, intensive outpatient, and residential services and  
2 care (including assessment, diagnosis, case management,  
3 medical, psychiatric, psychological and social services,  
4 medication-assisted treatment, care and counseling, and  
5 recovery support) which may be extended to persons who have  
6 substance use disorders, persons with mental illness, or  
7 families of those persons.

8 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;  
9 102-813, eff. 5-13-22.)

10 (5 ILCS 820/15)

11 Sec. 15. Authorization.

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

20 (b) The deflection program may involve a post-overdose  
21 deflection response, a self-referral deflection response, a  
22 pre-arrest diversion response, an active outreach deflection  
23 response, an officer or other first responder prevention  
24 deflection response, or an officer intervention deflection  
25 response, or any combination of those.

1 (c) Nothing shall preclude the General Assembly from  
2 adding other responses to a deflection program, or preclude a  
3 law enforcement agency, ~~or~~ other first responder entity, or  
4 local government agency from developing a deflection program  
5 response based on a model unique and responsive to local  
6 issues, substance use or mental health needs, and  
7 partnerships, using sound and promising or evidence-based  
8 practices.

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

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

16 (1) the involvement of one or more licensed treatment  
17 programs and one or more community members or  
18 organizations; and

19 (2) an agreement with the Illinois Criminal Justice  
20 Information Authority to collect and evaluate relevant  
21 statistical data related to the program, as established by  
22 the Illinois Criminal Justice Information Authority in  
23 paragraph (2) of subsection (a) of Section 25 of this Act.

24 (3) an agreement with participating licensed treatment  
25 providers authorizing the release of statistical data to  
26 the Illinois Criminal Justice Information Authority, in



1 compliance with State and Federal law, as established by  
2 the Illinois Criminal Justice Information Authority in  
3 paragraph (2) of subsection (a) of Section 25 of this Act.  
4 (Source: P.A. 100-1025, eff. 1-1-19; 101-81, eff. 7-12-19;  
5 101-652, eff. 7-1-21.)

6 (5 ILCS 820/20)

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

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

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

2 (5 ILCS 820/21)

3 Sec. 21. Training. Employees of the ~~The~~ law enforcement  
4 agency, ~~or~~ other first responder entity, or local government  
5 agency who are participating in programs that receive funding  
6 for services under Section 35 of this Act ~~shall~~ and that  
7 receive training under subsection (a.1) of Section 35 shall be  
8 trained in:

9 (a) Neuroscience of Addiction for Law Enforcement;

10 (b) Medication-Assisted Treatment;

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

12 (d) Why Drug Treatment Works?;

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

15 (f) Avoiding Racial Bias in Deflection Program;

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

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

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

19 (j) Harm Reduction.

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

21 (5 ILCS 820/30)

22 Sec. 30. Exemption from civil liability. The law  
23 enforcement agency, ~~or~~ peace officer, ~~or~~ other first  
24 responder, or local government agency or employee of the

1 agency acting in good faith shall not, as the result of acts or  
2 omissions in providing services under Section 15 of this Act,  
3 be liable for civil damages, unless the acts or omissions  
4 constitute willful and wanton misconduct.

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

6 (5 ILCS 820/35)

7 Sec. 35. Funding.

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

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

22 (b) For all appropriated funds not distributed under  
23 subsection (a.1), the Illinois Criminal Justice Information  
24 Authority may adopt guidelines and requirements to direct the  
25 distribution of funds for expenses related to deflection

1 programs. Funding shall be made available to support both new  
2 and existing deflection programs in a broad spectrum of  
3 geographic regions in this State, including urban, suburban,  
4 and rural communities. Funding for deflection programs shall  
5 be prioritized for communities that have been impacted by the  
6 war on drugs, communities that have a police/community  
7 relations issue, and communities that have a disproportionate  
8 lack of access to mental health and drug treatment. Activities  
9 eligible for funding under this Act may include, but are not  
10 limited to, the following:

11 (1) activities related to program administration,  
12 coordination, or management, including, but not limited  
13 to, the development of collaborative partnerships with  
14 licensed treatment providers and community members or  
15 organizations; collection of program data; or monitoring  
16 of compliance with a local deflection program plan;

17 (2) case management including case management provided  
18 prior to assessment, diagnosis, and engagement in  
19 treatment, as well as assistance navigating and gaining  
20 access to various treatment modalities and support  
21 services;

22 (3) peer recovery or recovery support services that  
23 include the perspectives of persons with the experience of  
24 recovering from a substance use disorder, either  
25 themselves or as family members;

26 (4) transportation to a licensed treatment provider or

1 other program partner location;

2 (5) program evaluation activities;

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

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

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

21 (c) Specific linkage agreements with recovery support  
22 services or self-help entities may be a requirement of the  
23 program services protocols. All deflection programs shall  
24 encourage the involvement of key family members and  
25 significant others as a part of a family-based approach to  
26 treatment. All deflection programs are encouraged to use

1 evidence-based practices and outcome measures in the provision  
2 of case management, substance use disorder treatment, and  
3 medication-assisted treatment for persons with opioid use  
4 disorders.

5 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 7-1-21;  
6 102-813, eff. 5-13-22.)

7 Section 95. Illinois Compiled Statutes reassignment. The  
8 Legislative Reference Bureau shall reassign the following Act  
9 to the specified location in the Illinois Compiled Statutes  
10 and file appropriate documents with the Index Division of the  
11 Office of the Secretary of State in accordance with subsection  
12 (c) of Section 5.04 of the Legislative Reference Bureau Act:

13 Community Partnership for Deflection and Substance Use  
14 Disorder Treatment Act, reassigned from 5 ILCS 820/ to 50 ILCS  
15 71/.".