

AN ACT concerning criminal law.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Drug Court Treatment Act is amended by changing Sections 25 and 35 as follows:

(730 ILCS 166/25)

Sec. 25. Procedure.

(a) The court shall order an eligibility screening and an assessment of the defendant by an agent designated by the State of Illinois to provide assessment services for the Illinois Courts. An assessment need not be ordered if the court finds a valid assessment related to the present charge pending against the defendant has been completed within the previous 60 days.

(b) The judge shall inform the defendant that if the defendant fails to meet the conditions of the drug court program, eligibility to participate in the program may be revoked and the defendant may be sentenced or the prosecution continued as provided in the Unified Code of Corrections for the crime charged.

(c) The defendant shall execute a written agreement as to his or her participation in the program and shall agree to all of the terms and conditions of the program, including but not limited to the possibility of sanctions or incarceration for

failing to abide or comply with the terms of the program.

(d) In addition to any conditions authorized under the Pretrial Services Act and Section 5-6-3 of the Unified Code of Corrections, the court may order the defendant to complete substance abuse treatment in an outpatient, inpatient, residential, or jail-based custodial treatment program. Any period of time a defendant shall serve in a jail-based treatment program may not be reduced by the accumulation of good time or other credits and may be for a period of up to 120 days.

(e) The drug court program shall include a regimen of graduated requirements and rewards and sanctions, including but not limited to: fines, fees, costs, restitution, incarceration of up to 180 days, individual and group therapy, drug analysis testing, close monitoring by the court at a minimum of once every 30 days and supervision of progress, educational or vocational counseling as appropriate, and other requirements necessary to fulfill the drug court program. If the defendant needs treatment for opioid abuse or dependence, the court may not prohibit the defendant from participating in and receiving medication assisted treatment under the care of a physician licensed in this State to practice medicine in all of its branches. Drug court participants may not be required to refrain from using medication assisted treatment as a term or condition of successful completion of the drug court program.

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

(730 ILCS 166/35)

Sec. 35. Violation; termination; discharge.

(a) If the court finds from the evidence presented including but not limited to the reports or proffers of proof from the drug court professionals that:

(1) the defendant is not performing satisfactorily in the assigned program;

(2) the defendant is not benefitting from education, treatment, or rehabilitation;

(3) the defendant has engaged in criminal conduct rendering him or her unsuitable for the program; or

(4) the defendant has otherwise violated the terms and conditions of the program or his or her sentence or is for any reason unable to participate;

the court may impose reasonable sanctions under prior written agreement of the defendant, including but not limited to imprisonment or dismissal of the defendant from the program and the court may reinstate criminal proceedings against him or her or proceed under Section 5-6-4 of the Unified Code of Corrections for a violation of probation, conditional discharge, or supervision hearing.

(a-5) A defendant who is assigned to a substance abuse treatment program under this Act for opioid abuse or dependence is not in violation of the terms or conditions of the program on the basis of his or her participation in medication assisted

treatment under the care of a physician licensed in this State to practice medicine in all of its branches.

(b) Upon successful completion of the terms and conditions of the program, the court may dismiss the original charges against the defendant or successfully terminate the defendant's sentence or otherwise discharge him or her from any further proceedings against him or her in the original prosecution.

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