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CORRECTIONS **(730 ILCS 166/) Drug Court Treatment Act.**

(730 ILCS 166/1)

Sec. 1. Short title. This Act may be cited as the Drug Court Treatment Act.

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

(730 ILCS 166/5)

Sec. 5. Purposes. The General Assembly recognizes that the use and abuse of drugs has a dramatic effect on the criminal justice system in the State of Illinois. There is a critical need for a criminal justice system program that will reduce the incidence of drug use, drug addiction, and crimes committed as a result of drug use and drug addiction. It is the intent of the General Assembly to create specialized drug courts with the necessary flexibility to meet the drug problems in the State of Illinois.

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

(730 ILCS 166/10)

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

"Drug court", "drug court program", or "program" means an immediate and highly structured judicial intervention process for substance abuse treatment of eligible defendants that brings together substance abuse professionals, local social programs, and intensive judicial monitoring in accordance with the nationally recommended 10 key components of drug courts.

"Drug court professional" means a member of the drug court team, including but not limited to a judge, prosecutor, defense attorney, probation officer, coordinator, treatment provider, or peer recovery coach.

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

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

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

(Source: P.A. 97-946, eff. 8-13-12.)

(730 ILCS 166/15)

Sec. 15. Authorization.

(a) The Chief Judge of each judicial circuit must establish

a drug court program including the format under which it operates under this Act.

(b) Whenever the county boards of 2 or more counties within the same judicial circuit shall determine that a single drug court program would best serve those counties, the county board of each such county shall adopt a resolution to the effect that there shall be a single drug court program serving those counties, and shall provide a copy of the resolution to the Chief Judge of the judicial circuit. Upon receipt of those resolutions, the Chief Judge shall establish or, in the case of an existing drug court program, re-organize a single drug court program to serve those counties.

(c) Upon petition of the county board by the State's Attorney, the court may, for good cause shown of financial hardship or lack of necessary resources, enter an order delaying the implementation of the requirements of subsection (a) of this Section for an individual county, for a period not to exceed 2 years.

(Source: P.A. 96-776, eff. 1-1-10.)

(730 ILCS 166/20)

Sec. 20. Eligibility.

(a) A defendant may be admitted into a drug court program only upon the agreement of the defendant and with the approval of the court.

(b) A defendant shall be excluded from a drug court program if any of one of the following apply:

(1) The crime is a crime of violence as set forth in clause (4) of this subsection (b).

(2) The defendant denies his or her use of or addiction to drugs.

(3) The defendant does not demonstrate a willingness to participate in a treatment program.

(4) The defendant has been convicted of a crime of violence within the past 10 years excluding incarceration time. As used in this Section, "crime of violence" means: first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability, stalking, aggravated stalking, or any offense involving the discharge of a firearm.

(c) Notwithstanding subsection (a), the defendant may be admitted into a drug court program only upon the agreement of the prosecutor if:

(1) the defendant is charged with a Class 2 or greater felony violation of:

(A) Section 401, 401.1, 405, or 405.2 of the Illinois Controlled Substances Act;

(B) Section 5, 5.1, or 5.2 of the Cannabis Control Act;

(C) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56, or 65 of the Methamphetamine Control and Community Protection Act; or

(2) the defendant has previously, on 3 or more occasions, either completed a drug court program, been discharged from a drug court program, or been terminated from a drug court program.

(Source: P.A. 99-480, eff. 9-9-15.)

(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. 99-554, eff. 1-1-17.)

(730 ILCS 166/30)

Sec. 30. Substance abuse treatment.

(a) The drug court program shall maintain a network of substance abuse treatment programs representing a continuum of graduated substance abuse treatment options commensurate with the needs of defendants.

(b) Any substance abuse treatment program to which defendants are referred must meet all of the rules and governing programs in Parts 2030 and 2060 of Title 77 of the Illinois Administrative Code.

(c) The drug court program may, at its discretion, employ additional services or interventions, as it deems necessary on a case by case basis.

(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. 99-554, eff. 1-1-17.)

(730 ILCS 166/40)

Sec. 40. Education seminars for judges. The Administrative Office of the Illinois Courts shall conduct education seminars for judges throughout the State on how to operate drug court programs with a specific emphasis on cases involving the illegal possession of methamphetamine.

(Source: P.A. 94-552, eff. 8-12-05.)

(730 ILCS 166/45)

Sec. 45. Education seminars for drug court prosecutors. Subject to appropriation, the Office of the State's Attorneys Appellate Prosecutor shall conduct mandatory education seminars on the subjects of substance abuse and addiction for all drug court prosecutors throughout the State.

(Source: P.A. 99-480, eff. 9-9-15.)

(730 ILCS 166/50)

Sec. 50. Education seminars for public defenders. Subject to appropriation, the Office of the State Appellate Defender shall conduct mandatory education seminars on the subjects of substance abuse and addiction for all public defenders and assistant public defenders practicing in drug courts throughout the State.

(Source: P.A. 99-480, eff. 9-9-15.)

