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CRIMINAL LAW and PROCEDURE

2000 EDITION

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March, 2000

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CHAPTER 20

EXECUTIVE BRANCH

DEPARTMENT OF HUMAN SERVICES (FORMERLY ALCOHOLISM AND SUBSTANCE ABUSE)

Act

301. Alcoholism and Other Drug Abuse and Dependency Act.

DEPARTMENT OF HUMAN SERVICES

1310. Domestic Violence Shelters Act.

DEPARTMENT OF STATE POLICE

2630. Criminal Identification Act.
2635. Illinois Uniform Conviction Information Act.
2640. Statewide Organized Gang Database Act.

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3910. Anti-Crime Advisory Council Act.
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DEPARTMENT OF HUMAN SERVICES (formerly ALCOHOLISM AND SUBSTANCE ABUSE)

ACT 301. ALCOHOLISM AND OTHER DRUG ABUSE AND DEPENDENCY ACT

Article

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ARTICLE 1. GENERAL PROVISIONS

Section

- 301/1-1. Short title.
301/1-5. Legislative Declaration.
301/1-10. Definitions.

301/1-1. Short title

§ 1-1. Short Title. This Act may be cited as the Alcoholism and Other Drug Abuse and Dependency Act. P.A. 88-80, Art. 1, § 1-1, eff. July 13, 1993.

Title of Act:

An Act in relation to alcoholism, other drug abuse and dependency, and compulsive gambling, and amending and repealing named Acts. P.A. 88-80, approved and eff. July 13, 1993. Title amended by P.A. 89-374, approved Aug. 18, 1995, eff. Jan. 1, 1996.

301/1-5. Legislative Declaration

§ 1-5. Legislative Declaration. The abuse and misuse of alcohol and other drugs constitutes a serious public health problem the effects of which on public safety and the criminal justice system cause serious social and economic losses, as well as great human suffering. It is imperative that a comprehensive and coordinated strategy be developed under the leadership of a State agency and implemented through the facilities of federal and local government and community-based agencies (which may be public or private, volunteer or professional) to empower individuals and communities through local prevention efforts and to provide intervention, treatment, rehabilitation and other services to those who misuse alcohol or other drugs (and, when appropriate, the families of those persons) to lead healthy and drug-free lives and become productive citizens in the community.

The human, social, and economic benefits of preventing alcohol and other drug abuse and dependence are great, and it is imperative that there be interagency cooperation in the planning and delivery of alcohol and other drug abuse prevention, intervention, and treatment efforts in Illinois.

The provisions of this Act shall be liberally construed to enable the Department to carry out these objectives and purposes.

P.A. 88-80, Art. 1, § 1-5, eff. July 13, 1993.

301/1-10. Definitions

§ 1-10. Definitions. As used in this Act, unless the context clearly indicates otherwise, the following words and terms have the following meanings:

"Act" means the Alcoholism and Other Drug Abuse and Dependency Act.¹

"Addict" means a person who exhibits the disease known as "addiction".

"Addiction" means a disease process characterized by the continued use of a specific psycho-active substance despite physical, psychological or social harm. The term also describes the advanced stages of chemical dependency.

"Administrator" means a person responsible for administration of a program.

"Alcoholic" means a person who exhibits the disease known as "alcoholism".

"Alcoholism" means a chronic and progressive disease or illness characterized by preoccupation with and loss of control over the consumption of alcohol, and the use of alcohol despite adverse consequences. Typically, combinations of

the following tendencies are also present: periodic or chronic intoxication; physical disability; impaired emotional, occupational or social adjustment; tendency toward relapse; a detrimental effect on the individual, his family and society; psychological dependence; and physical dependence. Alcoholism is also known as addiction to alcohol. Alcoholism is described and further categorized in clinical detail in the DSM and the ICD.

“Array of services” means assistance to individuals, families and communities in response to alcohol or other drug abuse or dependency. The array of services includes, but is not limited to: prevention assistance for communities and schools; case finding, assessment and intervention to help individuals stop abusing alcohol or other drugs; case management; detoxification to aid individuals in physically withdrawing from alcohol or other drugs; short-term and long-term treatment and support services to help individuals and family members begin the process of recovery; prescription and dispensing of the drug methadone or other medications as an adjunct to treatment; relapse prevention services; education and counseling for children or other co-dependents of alcoholics or other drug abusers or addicts.

“Case management” means those services which will assist individuals in gaining access to needed social, educational, medical, treatment and other services.

“Children of alcoholics or drug addicts or abusers of alcohol and other drugs” means the minor or adult children of individuals who have abused or been dependent upon alcohol or other drugs. These children may or may not become dependent upon alcohol or other drugs themselves; however, they are physically, psychologically, and behaviorally at high risk of developing the illness. Children of alcoholics and other drug abusers experience emotional and other problems, and benefit from prevention and treatment services provided by funded and non-funded agencies licensed by the Department.

“Co-dependents” means individuals who are involved in the lives of and are affected by people who are dependent upon alcohol and other drugs. Co-dependents compulsively engage in behaviors that cause them to suffer adverse physical, emotional, familial, social, behavioral, vocational, and legal consequences as they attempt to cope with the alcohol or drug dependent person. People who become co-dependents include spouses, parents, siblings, and friends of alcohol or drug dependent people. Co-dependents benefit from prevention and treatment services provided by agencies licensed by the Department.

“Controlled substance” means any substance or immediate precursor which is enumerated in the schedules of Article II of the Illinois Controlled Substances Act² or the Cannabis Control Act.³

“Crime of violence” means any of the following crimes: murder, voluntary manslaughter, criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, armed robbery, robbery, arson, kidnapping, aggravated battery, aggravated arson, or any other felony which involves the use or threat of physical force or violence against another individual.

“Department” means the Illinois Department of Human Services as successor to the former Department of Alcoholism and Substance Abuse.

“Designated program” means a program designated by the Department to provide services described in subsection (c) or (d) of Section 15-10 of this Act. A designated program’s primary function is screening, assessing, referring and tracking clients identified by the criminal justice system, and the

program agrees to apply statewide the standards, uniform criteria and procedures established by the Department pursuant to such designation.

“Detoxification” means the process of allowing an individual to safely withdraw from a drug in a controlled environment.

“DSM” means the most current edition of the Diagnostic and Statistical Manual of Mental Disorders.

“D.U.I.” means driving under the influence of alcohol or other substances which may cause impairment of driving ability.

“Facility” means the building or premises which are used for the provision of licensable program services, including support services, as set forth by rule.

“ICD” means the most current edition of the International Classification of Diseases.

“Incapacitated” means that a person is unconscious or otherwise exhibits, by overt behavior or by extreme physical debilitation, an inability to care for his own needs or to recognize the obvious danger of his situation or to make rational decisions with respect to his need for treatment.

“Intermediary person” means a person with expertise relative to addiction, alcoholism, and the abuse of alcohol or other drugs who may be called on to assist the police in carrying out enforcement or other activities with respect to persons who abuse or are dependent on alcohol or other drugs.

“Intervention” means readily accessible activities which assist individuals and their partners or family members in coping with the immediate problems of alcohol and other drug abuse or dependency, and in reducing their alcohol and other drug use. Intervention can facilitate emotional and social stability, and involves referring people for further treatment as needed.

“Intoxicated person” means a person whose mental or physical functioning is substantially impaired as a result of the current effects of alcohol or other drugs within the body.

“Local advisory council” means an alcohol and substance abuse body established in a county, township or community area, which represents public and private entities having an interest in the prevention and treatment of alcoholism or other drug abuse.

“Off-site services” means licensable program services or activities which are conducted at a location separate from the primary service location of the provider, and which services are operated by a program or entity licensed under this Act.

“Person” means any individual, firm, group, association, partnership, corporation, trust, government or governmental subdivision or agency.

“Prevention” means an interactive process of individuals, families, schools, religious organizations, communities and regional, state and national organizations to reduce alcoholism, prevent the use of illegal drugs and the abuse of legal drugs by persons of all ages, prevent the use of alcohol by minors, build the capacities of individuals and systems, and promote healthy environments, lifestyles and behaviors.

“Program” means a licensable or fundable activity or service, or a coordinated range of such activities or services, as the Department may establish by rule.

“Recovery” means the long-term, often life-long, process in which an addicted person changes the way in which he makes decisions and establishes personal and life priorities. The evolution of this decision-making and priority-setting process is generally manifested by an obvious improvement in the individual’s life and lifestyle and by his overcoming the abuse

of or dependence on alcohol or other drugs. Recovery is also generally manifested by prolonged periods of abstinence from addictive chemicals which are not medically supervised. Recovery is the goal of treatment.

"Rehabilitation" means a process whereby those clinical services necessary and appropriate for improving an individual's life and lifestyle and for overcoming his or her abuse of or dependency upon alcohol or other drugs, or both, are delivered in an appropriate setting and manner as defined in rules established by the Department.

"Relapse" means a process which is manifested by a progressive pattern of behavior that reactivates the symptoms of a disease or creates debilitating conditions in an individual who has experienced remission from addiction or alcoholism.

"Secretary" means the Secretary of Human Services or his or her designee.

"Substance abuse" or "abuse" means a pattern of use of alcohol or other drugs with the potential of leading to immediate functional problems or to alcoholism or other drug dependency, or to the use of alcohol and/or other drugs solely for purposes of intoxication. The term also means the use of illegal drugs by persons of any age, and the use of alcohol by persons under the age of 21.

"Treatment" means the broad range of emergency, outpatient, intermediate and residential services and care (including assessment, diagnosis, medical, psychiatric, psychological and social services, care and counseling, and aftercare) which may be extended to individuals who abuse or are dependent on alcohol or other drugs or families of those persons. P.A. 88-80, Art. 1, § 1-10, eff. July 13, 1993. Amended by P.A. 89-202, § 5, eff. July 21, 1995; P.A. 89-428, Art. 2, § 205, eff. Dec. 13, 1995; P.A. 89-462, Art. 2, § 205, eff. May 29, 1996; P.A. 89-507, Art. 90, § 90C-3, eff. July 1, 1997; P.A. 90-14, Art. 2, § 2-25, eff. July 1, 1997; P.A. 90-135, § 5, eff. July 22, 1997.

1 20 ILCS 301/1-1 et seq.

2 720 ILCS 570/201 et seq.

3 720 ILCS 550/1 et seq.

P.A. 89-428 was held by the Illinois Supreme Court to be in violation of the single subject requirement of subsection (d) of Section 8 of Article IV of the Illinois Constitution in the case of *Johnson v. Edgar*, 1997, 176 Ill.2d 499, 680 N.E.2d 1372, 224 Ill.Dec. 1. Public Act 89-462 reenacted the amendment of this text by P.A. 89-428.

P.A. 90-14, Article 2, of the First 1997 General Revisory Act, resolved multiple actions in the 89th General Assembly and made certain technical corrections in P.A. 89-443 through P.A. 89-707.

ARTICLE 5. CREATION OF DEPARTMENT

Section

301/5-5. Successor department; home rule.

301/5-10. Functions of the Department.

301/5-15. Repealed.

301/5-20. Compulsive gambling program.

301/5-25. Eligibility for consideration for participation.

301/5-5. Successor department; home rule

§ 5-5. Successor department; home rule

(a) The Department of Human Services, as successor to the Department of Alcoholism and Substance Abuse, shall assume the various rights, powers, duties, and functions provided for in this Act

(b) It is declared to be the public policy of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution of 1970, that the powers and

functions set forth in this Act and expressly delegated to the Department are exclusive State powers and functions. Nothing herein prohibits the exercise of any power or the performance of any function, including the power to regulate, for the protection of the public health, safety, morals and welfare, by any unit of local government, other than the powers and functions set forth in this Act and expressly delegated to the Department to be exclusive State powers and functions.

(c) The Department shall, through accountable and efficient leadership, example and commitment to excellence, strive to reduce the incidence and consequences of the abuse of alcohol and other drugs by:

(1) fostering public understanding of alcoholism and addiction as illnesses which affect individuals, co-dependents, families and communities.

(2) promoting healthy lifestyles.

(3) promoting understanding and support for sound public policies.

(4) ensuring quality prevention, intervention and treatment programs and services which are accessible and responsive to the diverse needs of individuals, families and communities.

P.A. 88-80, Art. 5, § 5-5, eff. July 13, 1993. Amended by P.A. 89-202, § 5, eff. July 21, 1995; P.A. 89-507, Art. 90, § 90C-3, eff. July 1, 1997.

P.A. 89-507 incorporated the amendment by P.A. 89-202.

301/5-10. Functions of the Department

§ 5-10. Functions of the Department.

(a) In addition to the powers, duties and functions vested in the Department by this Act, or by other laws of this State, the Department shall carry out the following activities:

(1) Design, coordinate and fund a comprehensive and coordinated community-based and culturally and gender-appropriate array of services throughout the State for the prevention, intervention, treatment and rehabilitation of alcohol and other drug abuse and dependency that is accessible and addresses the needs of at-risk or addicted individuals and their families.

(2) Act as the exclusive State agency to accept, receive and expend, pursuant to appropriation, any public or private monies, grants or services, including those received from the federal government or from other State agencies, for the purpose of providing an array of services for the prevention, intervention, treatment and rehabilitation of alcoholism or other drug abuse or dependency. Monies received by the Department shall be deposited into appropriate funds as may be created by State law or administrative action.

(3) Coordinate a statewide strategy among State agencies for the prevention, intervention, treatment and rehabilitation of alcohol and other drug abuse and dependency. This strategy shall include the development of an annual comprehensive State plan for the provision of an array of services for education, prevention, intervention, treatment, relapse prevention and other services and activities to alleviate alcoholism and other drug abuse and dependency. The plan shall be based on local community-based needs and upon data including, but not limited to, that which defines the prevalence of and costs associated with the abuse of and dependency upon alcohol and other drugs. This comprehensive State plan shall include identification of problems, needs, priorities, services and other pertinent information, including the needs of minorities and other specific populations in the State, and shall describe how