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CLIENT ADVISORY

Addiction Treatment and DUI

Adopted Legislation

October 2009

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Drug Court Program

The Illinois Drug Court Treatment Act is amended to allow the county boards of 2 or more counties within the same judicial circuit to determine if a single drug court program would best serve the counties. The Chief Judge will establish, or in the case of an existing drug court program, reorganize a single drug court program to serve such counties.

Effective January 1, 2010. *See Public Act 96-0776.*

Court Ordered Addiction Recovery Treatment

The Unified Code of Corrections is amended to require the chief administrative officer of each institution or facility of the Department of Human Services to make a room in the institution or facility available for addiction recovery services to be provided to committed persons on a voluntary basis. The services shall be provided for one hour once a week at a time specified by the chief administrative officer of the institution or facility if the following conditions are met:

(1) the addiction recovery service contacts the chief administrative officer to arrange the meeting; (2) the committed person may attend the meeting for addiction recovery services only if the committed person uses pre-existing free time already available to the committed person; (3) all disciplinary and other rules of the institution or facility remain in effect; (4) the committed person is not given any additional privileges to attend addiction recovery services; (5) if the addiction recovery service does not arrange for scheduling a meeting for that week, no addiction recovery services shall be provided to the committed person in the institution or facility for that week; (6) the number of committed persons who may attend an

addiction recovery meeting shall not exceed 40 during any session held at the correctional institution or facility; (7) a volunteer seeking to provide these addiction recovery services must submit an application to the Department of Corrections under existing Department rules and the Department must review the application within 60 days after submission of the application to the Department; and (8) each institution and facility of the Department shall manage the addiction recovery services program according to its own processes and procedures.

Effective January 1, 2010. *See Public Act 096-0284.*

The Alcoholism and Other Drug Abuse and Dependency Act

The Alcoholism and Other Drug Abuse and Dependency Act is amended to permit The Director of the Division of Alcoholism and Substance Abuse to publish annually a report on drug overdose trends statewide that reviews State death rates from available data to ascertain changes in the causes or rates of fatal and nonfatal drug overdose for the preceding period of not less than 5 years. In addition, the Act provides that the Director may establish a program to provide for the production and publication, in electronic and other formats, of drug overdose prevention, recognition, and response literature. Finally, the Act contains a provision which provides immunity to a health care professional who, acting in good faith, directly or by standing order, prescribes or dispenses an opioid antidote to a patient who, in the judgment of the health care professional, is capable of administering the drug in an emergency, shall not, as a result of his or her acts or omissions, from disciplinary or other adverse action under the Medical Practice Act of 1987, the Physician Assistant Practice Act of 1987, the Nurse Practice Act, the Pharmacy Practice Act.

Effective January 1, 2010. *See Public Act 096-0361.*

Alcohol Consumption Warning Messages

The Liquor Control Act of 1934 is amended to require that alcohol consumption warning messages include the following statement: "IF YOU NEED ASSISTANCE FOR SUBSTANCE ABUSE, PLEASE CALL THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE (OASA) AT 1-800-843-6154."

Effective January 1, 2010. *See Public Act 096-0387.*

DUI Memorial Markers

This public act allows a DUI Memorial Marker fee to be paid from the Roadside Memorial Fund if funds are made available by the Department of Transportation. Alternatively, fees may be charged to the qualified relative if funds are not available. A person who is convicted or receives a disposition of court supervision under the Illinois Vehicle Code in addition to other penalties or fines shall pay a fee of \$50 which shall be deposited into the Roadside Memorial Fund.

Effective August 25, 2009. *See Public Act 96-0667.*

Breath Alcohol Ignition Interlock Device (BAIID) Requirements.

The Illinois Vehicle Code is amended to require that a person whose driving privileges have been suspended for driving under the influence and who had a monitoring device driving permit (MDDP) that was cancelled, are not eligible for driving privilege reinstatement when the summary suspension is scheduled to terminate. Instead, the person's driving privileges shall be suspended for a period of not less

than twice the original summary suspension period, or for the length of any extensions entered, whichever is longer. During the period of suspension, the person shall be eligible only to apply for a restricted driving permit. If a restricted driving permit is granted, the offender may only operate vehicles equipped with a Breath Alcohol Ignition Interlock Device (BAIID).

Effective August 10, 2009. *See Public Act 096-0184.*

Admissibility of Chemical Tests as Evidence

The Illinois Vehicle Code is amended by including allowing urine test results conducted in the regular course of providing emergency medical treatment to be admissible in court. Previously, only blood tests performed for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds of an individual's blood or urine conducted upon persons receiving medical treatment in a hospital emergency room are admissible in evidence in prosecutions for any violation of the Illinois Criminal Code or in prosecutions for reckless homicide.

Effective August 11, 2009. *See Public Act 096-0289.*

Restitution for Damage from Driving Under the Influence

The Unified Code of Corrections is amended to authorize the Court to order DUI offenders to make restitution of property damaged while driving. The Court may order the defendant to order the property to be restored in kind to the possession of the owner or require the defendant to make restitution in cash.

Effective August 11, 2009. *See Public Act 096-0290.*