

Senate Bill No. 727
Sponsors: Senator Dick Klemm
Representative Jack Franks
Representative Rosemary Kurtz

Testimony by Ronald R. Baer, M.A.
Representing
McHenry County Board
Sub-Committee on
Alcohol and Substance Abuse

Illinois House Jud-Criminal Committee
April 26, 2001
9:00 A.M.

Illinois Senate Judiciary Committee
March 20, 2001
2:00 P.M.

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McHENRY COUNTY BOARD

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March 19, 2001

The Illinois State Senate
Judiciary Committee

Re: SB0727

On behalf of the citizens of McHenry County, this sub-committee has attempted to respond to our unsettling high number of recent D.U.I. related deaths. We have held a series of public hearings, and sought input from any and all governmental and private organizations able to participate in this endeavor

Our primary goal was to determine if we could develop legislative recommendations. The subject bill represents the first of several recommendations, which we have drafted. On behalf of the Committee, I respectfully request your consideration of this bill, and your help in responding to the tragedies we have experienced. Mr. Ronald Baer will be representing our sub-committee at your March 20th hearing. *Referring to the first Senate hearing!*

The bill's potential is to improve the outcome when D.U.I. offenders are sentenced to remedial programs. This should reduce the number of multiple offenders, thereby increasing public safety. We believe that holding both the offender and the licensed program provider more accountable under State Regulations will effect this potential.

Respectfully submitted,

Richard A. Meyers

Richard A. Meyers, Chairman
Sub-Committee for the Prevention of Drug and Alcohol Abuse

Office of the State's Attorney
McHENRY COUNTY
NINETEENTH JUDICIAL CIRCUIT OF ILLINOIS

GARY W. PACK
STATE'S ATTORNEY



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March 19, 2001

RE: Senate Bill 727

To Whom It May Concern:

I have reviewed the synopsis of Senate Bill 727 that amends the Illinois Vehicle Code by requiring that a DUI treatment program must be completed in accordance with the rules adopted by the Department of Human Services. It additionally requires the costs of such a treatment program be paid by the person undergoing the evaluation that led to the treatment program. The expectation is the reduction of the number of repeat DUI offenders thereby improving safety on the road.

My staff has been involved for several months with organizations in the County reviewing this and other ideas that will work to reduce DUI crimes. I believe that requiring compliance with Department of Human Services rules in conjunction with a DUI treatment program will work towards uniformity in treatment compliance and could potentially reduce system abuses.

Respectfully,

A handwritten signature in cursive script, appearing to read "Gary W. Pack".

Gary W. Pack
McHenry County State's Attorney

GWP/bgn



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April 23, 2001

The Illinois State Senate
Judiciary Committee

Re: SB0727

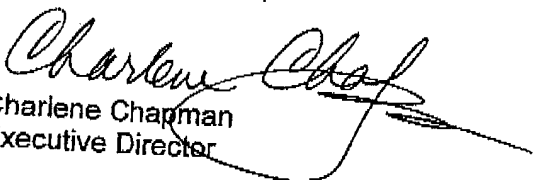
Dear Committee:

The recent focus on the seriousness of the repeat DUI offender problem in Illinois (the Daily Herald investigation report), and the increase in drunk driving deaths in McHenry County, has prompted a new round of suggested solutions from many concerned persons.

AAIM is a grass roots organization incorporated in 1982 by victims of drunk driving. We support measures to improve the outcome when DUI offenders are sentenced to remedial programs. We believe that DUI is a multi-faceted problem and requires multi-faceted solutions. Education has demonstrated it can change attitudes and behaviors and prevent recidivism.

We urge you to consider our comments and support the passage of this important bill.

Yours for safer roads,


Charlene Chapman
Executive Director

cc: Ronald Baer
The Counseling Center

...AAIM TO SAVE LIVES
DON'T DRINK AND DRIVE...

[Note: Recommended addition is in *bold and italics*]

Illinois Compiled Statutes

Vehicles

Illinois Vehicle Code

625 ILCS 5/

CHAPTER 10.

CIVIL LIABILITY ARTICLE I. LIABILITY OF COUNTIES,
MUNICIPALITIES AND OTHER PUBLIC CORPORATIONS

ARTICLE V.

DRIVING WHILE INTOXICATED,
TRANSPORTING ALCOHOLIC LIQUOR, AND RECKLESS DRIVING

(625 ILCS 5/11-501) Sec. 11-501.

Driving while under the influence of alcohol, other drug or drugs,
intoxicating compound or compounds or any combination thereof.

Sec 11-501 (e)

After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem. Programs conducting these evaluations shall be licensed by the Department of Human Services “, ***and if participation in the recommendations of these evaluations is a part of sentencing, individuals shall complete these recommendations in accordance with the regulations published by the Department of Human Services.***” The cost of any professional evaluation “***and their recommendations***” shall be paid for by the individual required to undergo the professional evaluation.

92ND GENERAL ASSEMBLY

State of Illinois

2001 and 2002

INTRODUCED _____, BY

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501 from Ch. 95 1/2, par. 11-501

Amends the Illinois Vehicle Code. Provides that a person convicted of or placed on supervision for DUI must as a part of final sentencing undergo the imposition of evaluation recommendations relating to the defendant's drug or alcohol abuse problem in accordance with rules adopted by the Department of Human Services (rather than undergo the imposition of treatment as appropriate). Provides that the defendant must pay the cost for the evaluation and treatment program, subject to Department rules governing indigents.

LRB9216115RCcd

FISCAL NOTE ACT
MAY BE APPLICABLE

A BILL FOR

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Ron Baer, DUI-Related Biography

The Counseling Center, Inc.

Director and owner of The Counseling Center, Inc. since 1982. The Center has operated a DUI program since that year. The Center itself was established in 1972.

The McHenry County DUI Programs Steering Committee

Founding Member and principal initiator of the McHenry County DUI Programs Steering Committee established in 1984. Chairman from its inception through its first eight years, and continuing active member in good standing.

The Illinois Association of Professional DUI Service Providers

This Association was established in 1994, and grew to approximately 67 member organizations. Ron has lead the Association as Chairman of its steering Task Force from its inception. The Association has authored two important documents related to the State's DUI effort:

"Critical Choice" which successfully offered the State an alternative to a State sponsored plan at that time to change, on a Statewide basis, the way DUI Services were delivered. A portion of this document presented the McHenry Steering Committee model, which model is now being followed in other counties.

"Code of Conduct and Standards of Practice" which is the first attempt in Illinois, and perhaps the nation, to formalize and professionalize a DUI Service Provider system.

Illinois Department of Alcoholism and Substance Abuse (D.A.S.A.)

As Chairman of the Illinois Association mentioned above, Ron and two other Association members currently sit on D.A.S.A.'s Advisory Council Sub-Committee on DUI. As a Sub-Committee member, he helped draft new State Regulations finalized and published in the fall of 1996, that govern the DUI Evaluations and Education Classes most DUI offenders must take. Such regulations also govern the alcohol abuse/alcoholism treatment which is court ordered for the vast majority of offenders.

McHenry County DUI Sheriff's Task Force

1995-1997 A member of the McHenry County DUI Sheriff's Task Force since inception, Ron Baer led the subcommittee on the recommendation for Improved Treatment Outcomes from its creation as one of the Plans of the Sheriff's Task Force.

McHenry County Board Sub-Committee on Alcohol Abuse

Ron previously served for several years on the McHenry County Board Sub-Committee on Alcohol Abuse, representing himself as a DUI Service provider, and representing the McHenry County DUI Programs Steering Committee.

Introductory Comments-----Brief

The heart of this bill is simply that it will enable more effective remedial treatment by closing a gap in the law and insuring that Department of Human Services regulations guide the DUI remedial process. These regulations are sound and clear in structure, and provide a more positive incentive for the offender.

The bill would fill a gap in the law which now mandates evaluations, allows Judges to order the evaluation recommendations, but then offers no guidelines as to the nature of the treatment involved, or when treatment should end.

The bill would give the Judiciary a clear understanding of the framework into which they are ordering offenders, and the understanding that such framework is systematically allowing for the identification and resolution of the offender's alcohol and or drug problem, thereby increasing public safety.

The bill replaces "attendance hours" [commonly chosen] as the prime criteria for compliance with sentencing. "Attendance hours" is not a positive incentive, but a disincentive to effective treatment. Through this bill, the full intent of the State Regulations governing treatment would be incorporated by law, and by their direction toward life enhancing goals would offer offenders a more positive incentive.

Introductory Comments-----Full

My name is Ron Baer. I am a life long resident of Illinois. I've lived in Crystal Lake for the last 30 years. For the past 21 years I have owned and directed a counseling center whose primary programs involve the fight against DUI. I also have a long history of volunteer activities attempting to improve my County's and the State's efforts. I'm here representing the McHenry County Board sub-committee on Alcohol and Drug Abuse, which recommended this legislation, and as a long time proponent of the inherent concepts.

Thank you for the opportunity to appear before you. Especially our County sub committee wants to thanks Senator Klemm, Representatives Franks and Kurtz for their consideration of our ideas and for their backing.

According to recent yearly publications of the Office of the Secretary of State, about 25% of those arrested for DUI are repeat offenders. Those of us who worked on this bill, as well as other^s, believe that in the interest of public safety, we must improve the outcome when an offender goes through a remedial program in conjunction with their first DUI. Given that perhaps 90% of all DUI offenders are sentenced to participate in some remedial treatment, I don't think anyone can argue with the wisdom of trying to exposed them to the most effective remedial treatment possible. Yet, in truth, such wisdom is not being carried out.

Introductory Comments [con't]

This bill primarily targets the needed improvement in remedial treatment, in the interest of public safety. But in addition, improved outcomes of the alcohol and drug abuse treatment portions of these remedial programs would result in many other human and economic benefits.

The heart of this bill is simply that it will enable more effective remedial treatment by closing a gap in the law and insuring that Department of Human Services regulations guide the DUI remedial process. These regulations are sound and clear in structure, and provide a more positive incentive for the offender. The bill would seem relatively simple to implement in the field, yet it's affect should be dynamic.

For the purpose of greater explanation, I ask you to consider the following 6 merits of the bill, to see how they support the heart of the bill.

- 1. The bill would fill ^{the} ~~a~~ gap in the law which now mandates evaluations, allows Judges to order the evaluation recommendations, but then offers no guidelines as to the nature of the treatment involved, or when treatment should end.**
- 2. The bill would give the Judiciary a clear understanding of the framework into which they are ordering offenders, and the understanding that such framework is systematically allowing for the identification and resolution of the offender's alcohol and or drug problem, thereby increasing public safety.**

Introductory Comments [con't]

3. The bill replaces “attendance hours” [commonly chosen] as the prime criteria for compliance with sentencing. “Attendance hours” is not a positive incentive, but a disincentive to effective treatment. Through this bill, the full intent of the State Regulations governing treatment would be incorporated by law, and by their direction toward life enhancing goals would offer offenders a more positive incentive.

4. The bill will re-enforce to licensed treatment providers that the State’s system of treatment, which they are required to use, applies fully to the highly resistant DUI offender.

5. The bill would provide more assurance of consistency among treatment providers and further dissuade the likelihood of abuses of the treatment system when treating the DUI offender.

6. The bill better deters DUI offenders from making a mockery of the plea bargain into which they entered in order to avoid harsher penalties which the court may otherwise have imposed; as offenders so often do with “Attendance Hours” as the sole completion criteria.

Introductory Comments [con't]

In addition, if you see fit to vote this bill along, and it becomes the law that every DUI offender who is sentenced to a remedial program shall complete the program in accordance with the regulations of the Department of Human Services, the following supplemental benefits are likely to occur.

1. The bill, having facilitated better treatment of offenders the first time through a remedial program, should contribute to unclogging the Secretary of State's Administrative Hearing Process. This process currently finds itself holding multiple hearings for a large number of its applicants, former DUI offenders, who have not fully identified and resolved their alcohol or drug problem.
2. The bill seems consistent with a past suggestion by the presiding judge of McHenry County, having reviewed with all judges a similar proposal:... "...the better approach was to have the standards improved on a state wide basis rather than to have the possibility of different treatment standards in each of the 102 counties in the State of Illinois." Other counties may be similarly reluctant to innovate, and may appreciate ^{this} ~~the~~ standardization.

**What follows is some insight into Pertinent Sections
of the Department of Human Services Regulations
to which I have referred**

What is required in the Treatment Plan Section is that,

Problems are listed primarily related to the identification of the nature of the offenders drinking and or drug problem, if any.

Goals are establish, designed as guides to resolve the problem.

Objectives are established as signposts to use on the way to achieving goals.

Methods of treatment to be provided are identified.

A Timetable is established to achieve the goals and objectives of treatment.

What is required in the Ongoing assessment Section is that,

Assessments are made of the patient's progress.

What is required in the Progress Notes Section is that,

Documentation is made of each service performed and its relevance to goals or objectives.

Documentation is made as to the patient's progress in treatment.

Documentation is made as to changes in the patient's behavior.

Documentation is made as to the patient response, e.g. to treatment, and to the outcome of treatment.

What is required in the Discharge Criteria Section is that,

Discharge criteria is established for each patient. In the case of DUI offenders, discharge would occur when those goals related to public safety have been met, i.e. the extent of the offender's drinking or drug problem has been determined and has been resolved.

**What follows is some insight into Pertinent Sections
of the Department of Human Services Regulations
to which I have referred [con't]**

What is stated in the
In the Initial Evaluation Section

In the evaluation section, regulations recognize the fallibility of the initial evaluation and its recommendations, whether caused by offender minimizations, lack of recall, or simply unknown information. Therefore, included in the regulations are provisions such as:

“All information obtained during the evaluation shall be analyzed and the offender’s risk to public safety shall be determined. However, such determination shall be considered an initial finding that may be subject to change when more comprehensive and definitive information is obtained from the offender during participation in any recommended intervention.”

And,

“After the determination of risk, a corresponding intervention shall be recommended. However, such recommendation shall be viewed as the minimum necessary and , as such, not the determinate intervention. Any subsequent information relevant to the offender’s substance use or arrest history discovered during the offender’s participation in risk education, early intervention or treatment shall be considered pertinent in formulating a recommendation for further services necessary to reduce the offender’s risk to public safety.”

It is encouraged that this legislation be enacted ^{3 months after its signing,} as soon as possible.
[End of Introductory Comments]