

1 AN ACT concerning juveniles.

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

4 Section 5. The Children and Family Services Act is amended
5 by changing Section 17a-9 as follows:

6 (20 ILCS 505/17a-9) (from Ch. 23, par. 5017a-9)

7 Sec. 17a-9. Illinois Juvenile Justice Commission.

8 (a) There is hereby created the Illinois Juvenile Justice
9 Commission which shall consist of 25 persons appointed by the
10 Governor. The Chairperson of the Commission shall be appointed
11 by the Governor. Of the initial appointees, 8 shall serve a
12 one-year term, 8 shall serve a two-year term and 9 shall serve
13 a three-year term. Thereafter, each successor shall serve a
14 three-year term. Vacancies shall be filled in the same manner
15 as original appointments. Once appointed, members shall serve
16 until their successors are appointed and qualified. Members
17 shall serve without compensation, except they shall be
18 reimbursed for their actual expenses in the performance of
19 their duties. The Commission shall carry out the rights, powers
20 and duties established in subparagraph (3) of paragraph (a) of
21 Section 223 of the Federal "Juvenile Justice and Delinquency
22 Prevention Act of 1974", as now or hereafter amended. The
23 Commission shall determine the priorities for expenditure of

1 funds made available to the State by the Federal Government
2 pursuant to that Act. The Commission shall have the following
3 powers and duties:

4 (1) Development, review and final approval of the
5 State's juvenile justice plan for funds under the Federal
6 "Juvenile Justice and Delinquency Prevention Act of 1974";

7 (2) Review and approve or disapprove juvenile justice
8 and delinquency prevention grant applications to the
9 Department for federal funds under that Act;

10 (3) Annual submission of recommendations to the
11 Governor and the General Assembly concerning matters
12 relative to its function, including recommendations
13 regarding the availability of youth services to reduce the
14 use of detention and prevent deeper criminal involvement;

15 (4) Responsibility for the review of funds allocated to
16 Illinois under the "Juvenile Justice and Delinquency
17 Prevention Act of 1974" to ensure compliance with all
18 relevant federal laws and regulations;

19 (5) Function as the advisory committee for the State
20 Youth and Community Services Program as authorized under
21 Section 17 of this Act, and in that capacity be authorized
22 and empowered to assist and advise the Secretary of Human
23 Services on matters related to juvenile justice and
24 delinquency prevention programs and services; and

25 (6) Study the impact of, develop timelines, and propose
26 a funding structure to accommodate the expansion of the

1 jurisdiction of the Illinois Juvenile Court to include
2 youth age 17 under the jurisdiction of the Juvenile Court
3 Act of 1987. The Commission shall submit a report by
4 December 31, 2011 to the General Assembly with
5 recommendations on extending juvenile court jurisdiction
6 to youth age 17 charged with felony offenses.

7 (b) On the effective date of this amendatory Act of the
8 96th General Assembly, the Illinois Juvenile Jurisdiction Task
9 Force created by Public Act 95-1031 is abolished and its duties
10 are transferred to the Illinois Juvenile Justice Commission as
11 provided in paragraph (6) of subsection (a) of this Section.

12 (Source: P.A. 96-1199, eff. 1-1-11.)

13 Section 10. The Juvenile Court Act of 1987 is amended by
14 changing Sections 5-410, 5-710, and 5-720 as follows:

15 (705 ILCS 405/5-410)

16 Sec. 5-410. Non-secure custody or detention.

17 (1) Placement of a minor away from his or her home must be
18 the last resort and be the least restrictive alternative
19 available. Any minor arrested or taken into custody pursuant to
20 this Act who requires care away from his or her home but who
21 does not require physical restriction shall be given temporary
22 care in a foster family home or other shelter facility
23 designated by the court.

24 (2) (a) On and after July 1, 2019, any ~~Any~~ minor 13 ~~10~~

1 years of age or older arrested pursuant to this Act where there
2 is probable cause to believe that the minor is a delinquent
3 minor and that (i) secured custody is a matter of immediate and
4 urgent necessity for the protection of the minor or of the
5 person or property of another, (ii) the minor is likely to flee
6 the jurisdiction of the court, or (iii) the minor was taken
7 into custody under a warrant, may be kept or detained in an
8 authorized detention facility. Prior to July 1, 2019, a ~~A~~ minor
9 under 13 years of age shall not be admitted, kept, or detained
10 in a detention facility unless a local youth service provider,
11 ~~including a provider through the Comprehensive Community Based~~
12 ~~Youth Services network,~~ has been contacted and has not been
13 able to accept the minor. No minor under 12 years of age shall
14 be detained in a county jail or a municipal lockup for more
15 than 6 hours.

16 (b) The written authorization of the probation officer or
17 detention officer (or other public officer designated by the
18 court in a county having 3,000,000 or more inhabitants)
19 constitutes authority for the superintendent of any juvenile
20 detention home to detain and keep a minor for up to 40 hours,
21 excluding Saturdays, Sundays and court-designated holidays.
22 These records shall be available to the same persons and
23 pursuant to the same conditions as are law enforcement records
24 as provided in Section 5-905.

25 It is the goal of this Act to ensure that detention is the
26 last resort and for as short of a time as possible. Studies

1 reveal that detention can be traumatic, especially for young
2 children, and can lead to deeper criminal involvement.

3 (b-4) The consultation required by subsection (b-5) shall
4 not be applicable if the probation officer or detention officer
5 (or other public officer designated by the court in a county
6 having 3,000,000 or more inhabitants) utilizes a scorable
7 detention screening instrument, which has been developed with
8 input by the State's Attorney, to determine whether a minor
9 should be detained, however, subsection (b-5) shall still be
10 applicable where no such screening instrument is used or where
11 the probation officer, detention officer (or other public
12 officer designated by the court in a county having 3,000,000 or
13 more inhabitants) deviates from the screening instrument.

14 (b-5) Subject to the provisions of subsection (b-4), if a
15 probation officer or detention officer (or other public officer
16 designated by the court in a county having 3,000,000 or more
17 inhabitants) does not intend to detain a minor for an offense
18 which constitutes one of the following offenses he or she shall
19 consult with the State's Attorney's Office prior to the release
20 of the minor: first degree murder, second degree murder,
21 involuntary manslaughter, criminal sexual assault, aggravated
22 criminal sexual assault, aggravated battery with a firearm as
23 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
24 (e)(3), or (e)(4) of Section 12-3.05, aggravated or heinous
25 battery involving permanent disability or disfigurement or
26 great bodily harm, robbery, aggravated robbery, armed robbery,

1 vehicular hijacking, aggravated vehicular hijacking, vehicular
2 invasion, arson, aggravated arson, kidnapping, aggravated
3 kidnapping, home invasion, burglary, or residential burglary.

4 (c) Except as otherwise provided in paragraph (a), (d), or
5 (e), no minor shall be detained in a county jail or municipal
6 lockup for more than 12 hours, unless the offense is a crime of
7 violence in which case the minor may be detained up to 24
8 hours. For the purpose of this paragraph, "crime of violence"
9 has the meaning ascribed to it in Section 1-10 of the
10 Alcoholism and Other Drug Abuse and Dependency Act.

11 (i) The period of detention is deemed to have begun
12 once the minor has been placed in a locked room or cell or
13 handcuffed to a stationary object in a building housing a
14 county jail or municipal lockup. Time spent transporting a
15 minor is not considered to be time in detention or secure
16 custody.

17 (ii) Any minor so confined shall be under periodic
18 supervision and shall not be permitted to come into or
19 remain in contact with adults in custody in the building.

20 (iii) Upon placement in secure custody in a jail or
21 lockup, the minor shall be informed of the purpose of the
22 detention, the time it is expected to last and the fact
23 that it cannot exceed the time specified under this Act.

24 (iv) A log shall be kept which shows the offense which
25 is the basis for the detention, the reasons and
26 circumstances for the decision to detain and the length of

1 time the minor was in detention.

2 (v) Violation of the time limit on detention in a
3 county jail or municipal lockup shall not, in and of
4 itself, render inadmissible evidence obtained as a result
5 of the violation of this time limit. Minors under 18 years
6 of age shall be kept separate from confined adults and may
7 not at any time be kept in the same cell, room or yard with
8 adults confined pursuant to criminal law. Persons 18 years
9 of age and older who have a petition of delinquency filed
10 against them may be confined in an adult detention
11 facility. In making a determination whether to confine a
12 person 18 years of age or older who has a petition of
13 delinquency filed against the person, these factors, among
14 other matters, shall be considered:

15 (A) The age of the person;

16 (B) Any previous delinquent or criminal history of
17 the person;

18 (C) Any previous abuse or neglect history of the
19 person; and

20 (D) Any mental health or educational history of the
21 person, or both.

22 (d) (i) If a minor 12 years of age or older is confined in a
23 county jail in a county with a population below 3,000,000
24 inhabitants, then the minor's confinement shall be implemented
25 in such a manner that there will be no contact by sight, sound
26 or otherwise between the minor and adult prisoners. Minors 12

1 years of age or older must be kept separate from confined
2 adults and may not at any time be kept in the same cell, room,
3 or yard with confined adults. This paragraph (d)(i) shall only
4 apply to confinement pending an adjudicatory hearing and shall
5 not exceed 40 hours, excluding Saturdays, Sundays and court
6 designated holidays. To accept or hold minors during this time
7 period, county jails shall comply with all monitoring standards
8 adopted by the Department of Corrections and training standards
9 approved by the Illinois Law Enforcement Training Standards
10 Board.

11 (ii) To accept or hold minors, 12 years of age or older,
12 after the time period prescribed in paragraph (d)(i) of this
13 subsection (2) of this Section but not exceeding 7 days
14 including Saturdays, Sundays and holidays pending an
15 adjudicatory hearing, county jails shall comply with all
16 temporary detention standards adopted by the Department of
17 Corrections and training standards approved by the Illinois Law
18 Enforcement Training Standards Board.

19 (iii) To accept or hold minors 12 years of age or older,
20 after the time period prescribed in paragraphs (d)(i) and
21 (d)(ii) of this subsection (2) of this Section, county jails
22 shall comply with all county juvenile detention standards
23 adopted by the Department of Juvenile Justice.

24 (e) When a minor who is at least 15 years of age is
25 prosecuted under the criminal laws of this State, the court may
26 enter an order directing that the juvenile be confined in the

1 county jail. However, any juvenile confined in the county jail
2 under this provision shall be separated from adults who are
3 confined in the county jail in such a manner that there will be
4 no contact by sight, sound or otherwise between the juvenile
5 and adult prisoners.

6 (f) For purposes of appearing in a physical lineup, the
7 minor may be taken to a county jail or municipal lockup under
8 the direct and constant supervision of a juvenile police
9 officer. During such time as is necessary to conduct a lineup,
10 and while supervised by a juvenile police officer, the sight
11 and sound separation provisions shall not apply.

12 (g) For purposes of processing a minor, the minor may be
13 taken to a County Jail or municipal lockup under the direct and
14 constant supervision of a law enforcement officer or
15 correctional officer. During such time as is necessary to
16 process the minor, and while supervised by a law enforcement
17 officer or correctional officer, the sight and sound separation
18 provisions shall not apply.

19 (3) If the probation officer or State's Attorney (or such
20 other public officer designated by the court in a county having
21 3,000,000 or more inhabitants) determines that the minor may be
22 a delinquent minor as described in subsection (3) of Section
23 5-105, and should be retained in custody but does not require
24 physical restriction, the minor may be placed in non-secure
25 custody for up to 40 hours pending a detention hearing.

26 (4) Any minor taken into temporary custody, not requiring

1 secure detention, may, however, be detained in the home of his
2 or her parent or guardian subject to such conditions as the
3 court may impose.

4 (5) The changes made to this Section by Public Act 98-61
5 apply to a minor who has been arrested or taken into custody on
6 or after January 1, 2014 (the effective date of Public Act
7 98-61).

8 (Source: P.A. 98-61, eff. 1-1-14; 98-685, eff. 1-1-15; 98-756,
9 eff. 7-16-14; 99-254, eff. 1-1-16.)

10 (705 ILCS 405/5-710)

11 Sec. 5-710. Kinds of sentencing orders.

12 (1) The following kinds of sentencing orders may be made in
13 respect of wards of the court:

14 (a) Except as provided in Sections 5-805, 5-810, and
15 5-815, a minor who is found guilty under Section 5-620 may
16 be:

17 (i) put on probation or conditional discharge and
18 released to his or her parents, guardian or legal
19 custodian, provided, however, that any such minor who
20 is not committed to the Department of Juvenile Justice
21 under this subsection and who is found to be a
22 delinquent for an offense which is first degree murder,
23 a Class X felony, or a forcible felony shall be placed
24 on probation;

25 (ii) placed in accordance with Section 5-740, with

1 or without also being put on probation or conditional
2 discharge;

3 (iii) required to undergo a substance abuse
4 assessment conducted by a licensed provider and
5 participate in the indicated clinical level of care;

6 (iv) on and after the effective date of this
7 amendatory Act of the 98th General Assembly and before
8 January 1, 2017, placed in the guardianship of the
9 Department of Children and Family Services, but only if
10 the delinquent minor is under 16 years of age or,
11 pursuant to Article II of this Act, a minor for whom an
12 independent basis of abuse, neglect, or dependency
13 exists. On and after January 1, 2017, placed in the
14 guardianship of the Department of Children and Family
15 Services, but only if the delinquent minor is under 15
16 years of age or, pursuant to Article II of this Act, a
17 minor for whom an independent basis of abuse, neglect,
18 or dependency exists. An independent basis exists when
19 the allegations or adjudication of abuse, neglect, or
20 dependency do not arise from the same facts, incident,
21 or circumstances which give rise to a charge or
22 adjudication of delinquency;

23 (v) placed in detention for a period not to exceed
24 30 days, either as the exclusive order of disposition
25 or, where appropriate, in conjunction with any other
26 order of disposition issued under this paragraph,

1 provided that any such detention shall be in a juvenile
2 detention home and the minor so detained shall be 13 ~~14~~
3 years of age or older. However, the 30-day limitation
4 may be extended by further order of the court for a
5 minor under age 15 committed to the Department of
6 Children and Family Services if the court finds that
7 the minor is a danger to himself or others. The minor
8 shall be given credit on the sentencing order of
9 detention for time spent in detention under Sections
10 5-501, 5-601, 5-710, or 5-720 of this Article as a
11 result of the offense for which the sentencing order
12 was imposed. The court may grant credit on a sentencing
13 order of detention entered under a violation of
14 probation or violation of conditional discharge under
15 Section 5-720 of this Article for time spent in
16 detention before the filing of the petition alleging
17 the violation. A minor shall not be deprived of credit
18 for time spent in detention before the filing of a
19 violation of probation or conditional discharge
20 alleging the same or related act or acts. The
21 limitation that the minor shall only be placed in a
22 juvenile detention home does not apply as follows:

23 Persons 18 years of age and older who have a
24 petition of delinquency filed against them may be
25 confined in an adult detention facility. In making a
26 determination whether to confine a person 18 years of

1 age or older who has a petition of delinquency filed
2 against the person, these factors, among other
3 matters, shall be considered:

4 (A) the age of the person;

5 (B) any previous delinquent or criminal
6 history of the person;

7 (C) any previous abuse or neglect history of
8 the person;

9 (D) any mental health history of the person;
10 and

11 (E) any educational history of the person;

12 (vi) ordered partially or completely emancipated
13 in accordance with the provisions of the Emancipation
14 of Minors Act;

15 (vii) subject to having his or her driver's license
16 or driving privileges suspended for such time as
17 determined by the court but only until he or she
18 attains 18 years of age;

19 (viii) put on probation or conditional discharge
20 and placed in detention under Section 3-6039 of the
21 Counties Code for a period not to exceed the period of
22 incarceration permitted by law for adults found guilty
23 of the same offense or offenses for which the minor was
24 adjudicated delinquent, and in any event no longer than
25 upon attainment of age 21; this subdivision (viii)
26 notwithstanding any contrary provision of the law;

1 (ix) ordered to undergo a medical or other
2 procedure to have a tattoo symbolizing allegiance to a
3 street gang removed from his or her body; or

4 (x) placed in electronic monitoring or home
5 detention under Part 7A of this Article.

6 (b) A minor found to be guilty may be committed to the
7 Department of Juvenile Justice under Section 5-750 if the
8 minor is at least 13 years and under 20 years of age,
9 provided that the commitment to the Department of Juvenile
10 Justice shall be made only if the minor was found guilty of
11 a felony offense or first degree murder. The court shall
12 include in the sentencing order any pre-custody credits the
13 minor is entitled to under Section 5-4.5-100 of the Unified
14 Code of Corrections. The time during which a minor is in
15 custody before being released upon the request of a parent,
16 guardian or legal custodian shall also be considered as
17 time spent in custody.

18 (c) When a minor is found to be guilty for an offense
19 which is a violation of the Illinois Controlled Substances
20 Act, the Cannabis Control Act, or the Methamphetamine
21 Control and Community Protection Act and made a ward of the
22 court, the court may enter a disposition order requiring
23 the minor to undergo assessment, counseling or treatment in
24 a substance abuse program approved by the Department of
25 Human Services.

26 (2) Any sentencing order other than commitment to the

1 Department of Juvenile Justice may provide for protective
2 supervision under Section 5-725 and may include an order of
3 protection under Section 5-730.

4 (3) Unless the sentencing order expressly so provides, it
5 does not operate to close proceedings on the pending petition,
6 but is subject to modification until final closing and
7 discharge of the proceedings under Section 5-750.

8 (4) In addition to any other sentence, the court may order
9 any minor found to be delinquent to make restitution, in
10 monetary or non-monetary form, under the terms and conditions
11 of Section 5-5-6 of the Unified Code of Corrections, except
12 that the "presentencing hearing" referred to in that Section
13 shall be the sentencing hearing for purposes of this Section.
14 The parent, guardian or legal custodian of the minor may be
15 ordered by the court to pay some or all of the restitution on
16 the minor's behalf, pursuant to the Parental Responsibility
17 Law. The State's Attorney is authorized to act on behalf of any
18 victim in seeking restitution in proceedings under this
19 Section, up to the maximum amount allowed in Section 5 of the
20 Parental Responsibility Law.

21 (5) Any sentencing order where the minor is committed or
22 placed in accordance with Section 5-740 shall provide for the
23 parents or guardian of the estate of the minor to pay to the
24 legal custodian or guardian of the person of the minor such
25 sums as are determined by the custodian or guardian of the
26 person of the minor as necessary for the minor's needs. The

1 payments may not exceed the maximum amounts provided for by
2 Section 9.1 of the Children and Family Services Act.

3 (6) Whenever the sentencing order requires the minor to
4 attend school or participate in a program of training, the
5 truant officer or designated school official shall regularly
6 report to the court if the minor is a chronic or habitual
7 truant under Section 26-2a of the School Code. Notwithstanding
8 any other provision of this Act, in instances in which
9 educational services are to be provided to a minor in a
10 residential facility where the minor has been placed by the
11 court, costs incurred in the provision of those educational
12 services must be allocated based on the requirements of the
13 School Code.

14 (7) In no event shall a guilty minor be committed to the
15 Department of Juvenile Justice for a period of time in excess
16 of that period for which an adult could be committed for the
17 same act. The court shall include in the sentencing order a
18 limitation on the period of confinement not to exceed the
19 maximum period of imprisonment the court could impose under
20 Article V of the Unified Code of Corrections.

21 (7.5) In no event shall a guilty minor be committed to the
22 Department of Juvenile Justice or placed in detention when the
23 act for which the minor was adjudicated delinquent would not be
24 illegal if committed by an adult.

25 (7.6) In no event shall a guilty minor be committed to the
26 Department of Juvenile Justice for an offense which is a Class

1 4 felony under Section 19-4 (criminal trespass to a residence),
2 21-1 (criminal damage to property), 21-1.01 (criminal damage to
3 government supported property), 21-1.3 (criminal defacement of
4 property), 26-1 (disorderly conduct), or 31-4 (obstructing
5 justice) of the Criminal Code of 2012.

6 (7.75) In no event shall a guilty minor be committed to the
7 Department of Juvenile Justice for an offense that is a Class 3
8 or Class 4 felony violation of the Illinois Controlled
9 Substances Act unless the commitment occurs upon a third or
10 subsequent judicial finding of a violation of probation for
11 substantial noncompliance with court-ordered treatment or
12 programming.

13 (8) A minor found to be guilty for reasons that include a
14 violation of Section 21-1.3 of the Criminal Code of 1961 or the
15 Criminal Code of 2012 shall be ordered to perform community
16 service for not less than 30 and not more than 120 hours, if
17 community service is available in the jurisdiction. The
18 community service shall include, but need not be limited to,
19 the cleanup and repair of the damage that was caused by the
20 violation or similar damage to property located in the
21 municipality or county in which the violation occurred. The
22 order may be in addition to any other order authorized by this
23 Section.

24 (8.5) A minor found to be guilty for reasons that include a
25 violation of Section 3.02 or Section 3.03 of the Humane Care
26 for Animals Act or paragraph (d) of subsection (1) of Section

1 21-1 of the Criminal Code of 1961 or paragraph (4) of
2 subsection (a) of Section 21-1 of the Criminal Code of 2012
3 shall be ordered to undergo medical or psychiatric treatment
4 rendered by a psychiatrist or psychological treatment rendered
5 by a clinical psychologist. The order may be in addition to any
6 other order authorized by this Section.

7 (9) In addition to any other sentencing order, the court
8 shall order any minor found to be guilty for an act which would
9 constitute, predatory criminal sexual assault of a child,
10 aggravated criminal sexual assault, criminal sexual assault,
11 aggravated criminal sexual abuse, or criminal sexual abuse if
12 committed by an adult to undergo medical testing to determine
13 whether the defendant has any sexually transmissible disease
14 including a test for infection with human immunodeficiency
15 virus (HIV) or any other identified causative agency of
16 acquired immunodeficiency syndrome (AIDS). Any medical test
17 shall be performed only by appropriately licensed medical
18 practitioners and may include an analysis of any bodily fluids
19 as well as an examination of the minor's person. Except as
20 otherwise provided by law, the results of the test shall be
21 kept strictly confidential by all medical personnel involved in
22 the testing and must be personally delivered in a sealed
23 envelope to the judge of the court in which the sentencing
24 order was entered for the judge's inspection in camera. Acting
25 in accordance with the best interests of the victim and the
26 public, the judge shall have the discretion to determine to

1 whom the results of the testing may be revealed. The court
2 shall notify the minor of the results of the test for infection
3 with the human immunodeficiency virus (HIV). The court shall
4 also notify the victim if requested by the victim, and if the
5 victim is under the age of 15 and if requested by the victim's
6 parents or legal guardian, the court shall notify the victim's
7 parents or the legal guardian, of the results of the test for
8 infection with the human immunodeficiency virus (HIV). The
9 court shall provide information on the availability of HIV
10 testing and counseling at the Department of Public Health
11 facilities to all parties to whom the results of the testing
12 are revealed. The court shall order that the cost of any test
13 shall be paid by the county and may be taxed as costs against
14 the minor.

15 (10) When a court finds a minor to be guilty the court
16 shall, before entering a sentencing order under this Section,
17 make a finding whether the offense committed either: (a) was
18 related to or in furtherance of the criminal activities of an
19 organized gang or was motivated by the minor's membership in or
20 allegiance to an organized gang, or (b) involved a violation of
21 subsection (a) of Section 12-7.1 of the Criminal Code of 1961
22 or the Criminal Code of 2012, a violation of any Section of
23 Article 24 of the Criminal Code of 1961 or the Criminal Code of
24 2012, or a violation of any statute that involved the wrongful
25 use of a firearm. If the court determines the question in the
26 affirmative, and the court does not commit the minor to the

1 Department of Juvenile Justice, the court shall order the minor
2 to perform community service for not less than 30 hours nor
3 more than 120 hours, provided that community service is
4 available in the jurisdiction and is funded and approved by the
5 county board of the county where the offense was committed. The
6 community service shall include, but need not be limited to,
7 the cleanup and repair of any damage caused by a violation of
8 Section 21-1.3 of the Criminal Code of 1961 or the Criminal
9 Code of 2012 and similar damage to property located in the
10 municipality or county in which the violation occurred. When
11 possible and reasonable, the community service shall be
12 performed in the minor's neighborhood. This order shall be in
13 addition to any other order authorized by this Section except
14 for an order to place the minor in the custody of the
15 Department of Juvenile Justice. For the purposes of this
16 Section, "organized gang" has the meaning ascribed to it in
17 Section 10 of the Illinois Streetgang Terrorism Omnibus
18 Prevention Act.

19 (11) If the court determines that the offense was committed
20 in furtherance of the criminal activities of an organized gang,
21 as provided in subsection (10), and that the offense involved
22 the operation or use of a motor vehicle or the use of a
23 driver's license or permit, the court shall notify the
24 Secretary of State of that determination and of the period for
25 which the minor shall be denied driving privileges. If, at the
26 time of the determination, the minor does not hold a driver's

1 license or permit, the court shall provide that the minor shall
2 not be issued a driver's license or permit until his or her
3 18th birthday. If the minor holds a driver's license or permit
4 at the time of the determination, the court shall provide that
5 the minor's driver's license or permit shall be revoked until
6 his or her 21st birthday, or until a later date or occurrence
7 determined by the court. If the minor holds a driver's license
8 at the time of the determination, the court may direct the
9 Secretary of State to issue the minor a judicial driving
10 permit, also known as a JDP. The JDP shall be subject to the
11 same terms as a JDP issued under Section 6-206.1 of the
12 Illinois Vehicle Code, except that the court may direct that
13 the JDP be effective immediately.

14 (12) If a minor is found to be guilty of a violation of
15 subsection (a-7) of Section 1 of the Prevention of Tobacco Use
16 by Minors Act, the court may, in its discretion, and upon
17 recommendation by the State's Attorney, order that minor and
18 his or her parents or legal guardian to attend a smoker's
19 education or youth diversion program as defined in that Act if
20 that program is available in the jurisdiction where the
21 offender resides. Attendance at a smoker's education or youth
22 diversion program shall be time-credited against any community
23 service time imposed for any first violation of subsection
24 (a-7) of Section 1 of that Act. In addition to any other
25 penalty that the court may impose for a violation of subsection
26 (a-7) of Section 1 of that Act, the court, upon request by the

1 State's Attorney, may in its discretion require the offender to
2 remit a fee for his or her attendance at a smoker's education
3 or youth diversion program.

4 For purposes of this Section, "smoker's education program"
5 or "youth diversion program" includes, but is not limited to, a
6 seminar designed to educate a person on the physical and
7 psychological effects of smoking tobacco products and the
8 health consequences of smoking tobacco products that can be
9 conducted with a locality's youth diversion program.

10 In addition to any other penalty that the court may impose
11 under this subsection (12):

12 (a) If a minor violates subsection (a-7) of Section 1
13 of the Prevention of Tobacco Use by Minors Act, the court
14 may impose a sentence of 15 hours of community service or a
15 fine of \$25 for a first violation.

16 (b) A second violation by a minor of subsection (a-7)
17 of Section 1 of that Act that occurs within 12 months after
18 the first violation is punishable by a fine of \$50 and 25
19 hours of community service.

20 (c) A third or subsequent violation by a minor of
21 subsection (a-7) of Section 1 of that Act that occurs
22 within 12 months after the first violation is punishable by
23 a \$100 fine and 30 hours of community service.

24 (d) Any second or subsequent violation not within the
25 12-month time period after the first violation is
26 punishable as provided for a first violation.

1 (Source: P.A. 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 99-879,
2 eff. 1-1-17; 100-201, eff. 8-18-17; 100-431, eff. 8-25-17.)

3 (705 ILCS 405/5-720)

4 Sec. 5-720. Probation revocation.

5 (1) If a petition is filed charging a violation of a
6 condition of probation or of conditional discharge, the court
7 shall:

8 (a) order the minor to appear; or

9 (b) order the minor's detention if the court finds that
10 the detention is a matter of immediate and urgent necessity
11 for the protection of the minor or of the person or
12 property of another or that the minor is likely to flee the
13 jurisdiction of the court, provided that any such detention
14 shall be in a juvenile detention home and the minor so
15 detained shall be 13 ~~10~~ years of age or older; and

16 (c) notify the persons named in the petition under
17 Section 5-520, in accordance with the provisions of Section
18 5-530.

19 In making its detention determination under paragraph (b)
20 of this subsection (1) of this Section, the court may use
21 information in its findings offered at such a hearing by way of
22 proffer based upon reliable information presented by the State,
23 probation officer, or the minor. The filing of a petition for
24 violation of a condition of probation or of conditional
25 discharge shall toll the period of probation or of conditional

1 discharge until the final determination of the charge, and the
2 term of probation or conditional discharge shall not run until
3 the hearing and disposition of the petition for violation.

4 (2) The court shall conduct a hearing of the alleged
5 violation of probation or of conditional discharge. The minor
6 shall not be held in detention longer than 15 days pending the
7 determination of the alleged violation.

8 (3) At the hearing, the State shall have the burden of
9 going forward with the evidence and proving the violation by a
10 preponderance of the evidence. The evidence shall be presented
11 in court with the right of confrontation, cross-examination,
12 and representation by counsel.

13 (4) If the court finds that the minor has violated a
14 condition at any time prior to the expiration or termination of
15 the period of probation or conditional discharge, it may
16 continue him or her on the existing sentence, with or without
17 modifying or enlarging the conditions, or may revoke probation
18 or conditional discharge and impose any other sentence that was
19 available under Section 5-710 at the time of the initial
20 sentence.

21 (5) The conditions of probation and of conditional
22 discharge may be reduced or enlarged by the court on motion of
23 the probation officer or on its own motion or at the request of
24 the minor after notice and hearing under this Section.

25 (6) Sentencing after revocation of probation or of
26 conditional discharge shall be under Section 5-705.

1 (7) Instead of filing a violation of probation or of
2 conditional discharge, the probation officer, with the
3 concurrence of his or her supervisor, may serve on the minor a
4 notice of intermediate sanctions. The notice shall contain the
5 technical violation or violations involved, the date or dates
6 of the violation or violations, and the intermediate sanctions
7 to be imposed. Upon receipt of the notice, the minor shall
8 immediately accept or reject the intermediate sanctions. If the
9 sanctions are accepted, they shall be imposed immediately. If
10 the intermediate sanctions are rejected or the minor does not
11 respond to the notice, a violation of probation or of
12 conditional discharge shall be immediately filed with the
13 court. The State's Attorney and the sentencing court shall be
14 notified of the notice of sanctions. Upon successful completion
15 of the intermediate sanctions, a court may not revoke probation
16 or conditional discharge or impose additional sanctions for the
17 same violation. A notice of intermediate sanctions may not be
18 issued for any violation of probation or conditional discharge
19 which could warrant an additional, separate felony charge.

20 (Source: P.A. 90-590, eff. 1-1-99.)