



1 court to order a continuance of the hearing for the  
2 production of additional evidence or for any other proper  
3 reason.

4 (4) When a hearing where a minor is alleged to be a  
5 delinquent is continued pursuant to this Section, the period  
6 of continuance under supervision may not exceed 24 months.  
7 The court may terminate a continuance under supervision at  
8 any time if warranted by the conduct of the minor and the  
9 ends of justice.

10 (5) When a hearing where a minor is alleged to be  
11 delinquent is continued pursuant to this Section, the court  
12 may, as conditions of the continuance under supervision,  
13 require the minor to do any of the following:

14 (a) not violate any criminal statute of any  
15 jurisdiction;

16 (b) make a report to and appear in person before  
17 any person or agency as directed by the court;

18 (c) work or pursue a course of study or vocational  
19 training;

20 (d) undergo medical or psychotherapeutic treatment  
21 rendered by a therapist licensed under the provisions of  
22 the Medical Practice Act of 1987, the Clinical  
23 Psychologist Licensing Act, or the Clinical Social Work  
24 and Social Work Practice Act, or an entity licensed by  
25 the Department of Human Services as a successor to the  
26 Department of Alcoholism and Substance Abuse, for the  
27 provision of drug addiction and alcoholism treatment;

28 (e) attend or reside in a facility established for  
29 the instruction or residence of persons on probation;

30 (f) support his or her dependents, if any;

31 (g) pay costs;

32 (h) refrain from possessing a firearm or other  
33 dangerous weapon, or an automobile;

34 (i) permit the probation officer to visit him or

1 her at his or her home or elsewhere;

2 (j) reside with his or her parents or in a foster  
3 home;

4 (k) attend school;

5 (k-5) with the consent of the superintendent of the  
6 facility, attend an educational program at a facility  
7 other than the school in which the offense was committed  
8 if he or she committed a crime of violence as defined in  
9 Section 2 of the Crime Victims Compensation Act in a  
10 school, on the real property comprising a school, or  
11 within 1,000 feet of the real property comprising a  
12 school;

13 (l) attend a non-residential program for youth;

14 (m) contribute to his or her own support at home or  
15 in a foster home;

16 (n) perform some reasonable public or community  
17 service;

18 (o) make restitution to the victim, in the same  
19 manner and under the same conditions as provided in  
20 subsection (4) of Section 5-710, except that the  
21 "sentencing hearing" referred to in that Section shall be  
22 the adjudicatory hearing for purposes of this Section;

23 (p) comply with curfew requirements as designated  
24 by the court;

25 (q) refrain from entering into a designated  
26 geographic area except upon terms as the court finds  
27 appropriate. The terms may include consideration of the  
28 purpose of the entry, the time of day, other persons  
29 accompanying the minor, and advance approval by a  
30 probation officer;

31 (r) refrain from having any contact, directly or  
32 indirectly, with certain specified persons or particular  
33 types of persons, including but not limited to members of  
34 street gangs and drug users or dealers;

1           (r-5) undergo a medical or other procedure to have  
2 a tattoo symbolizing allegiance to a street gang removed  
3 from his or her body;

4           (s) refrain from having in his or her body the  
5 presence of any illicit drug prohibited by the Cannabis  
6 Control Act or the Illinois Controlled Substances Act,  
7 unless prescribed by a physician, and submit samples of  
8 his or her blood or urine or both for tests to determine  
9 the presence of any illicit drug; or

10          (t) comply with any other conditions as may be  
11 ordered by the court.

12          (6) A minor whose case is continued under supervision  
13 under subsection (5) shall be given a certificate setting  
14 forth the conditions imposed by the court. Those conditions  
15 may be reduced, enlarged, or modified by the court on motion  
16 of the probation officer or on its own motion, or that of the  
17 State's Attorney, or, at the request of the minor after  
18 notice and hearing.

19          (7) If a petition is filed charging a violation of a  
20 condition of the continuance under supervision, the court  
21 shall conduct a hearing. If the court finds that a condition  
22 of supervision has not been fulfilled, the court may proceed  
23 to findings and adjudication and disposition. The filing of  
24 a petition for violation of a condition of the continuance  
25 under supervision shall toll the period of continuance under  
26 supervision until the final determination of the charge, and  
27 the term of the continuance under supervision shall not run  
28 until the hearing and disposition of the petition for  
29 violation; provided where the petition alleges conduct that  
30 does not constitute a criminal offense, the hearing must be  
31 held within 30 days of the filing of the petition unless a  
32 delay shall continue the tolling of the period of continuance  
33 under supervision for the period of the delay.

34          (8) When a hearing in which a minor is alleged to be a

1 delinquent for reasons that include a violation of Section  
2 21-1.3 of the Criminal Code of 1961 is continued under this  
3 Section, the court shall, as a condition of the continuance  
4 under supervision, require the minor to perform community  
5 service for not less than 30 and not more than 120 hours, if  
6 community service is available in the jurisdiction. The  
7 community service shall include, but need not be limited to,  
8 the cleanup and repair of the damage that was caused by the  
9 alleged violation or similar damage to property located in  
10 the municipality or county in which the alleged violation  
11 occurred. The condition may be in addition to any other  
12 condition.

13 (8.5) When a hearing in which a minor is alleged to be a  
14 delinquent for reasons that include a violation of Section  
15 3.02 or Section 3.03 of the Humane Care for Animals Act or  
16 paragraph (d) of subsection (1) of Section 21-1 of the  
17 Criminal Code of 1961 is continued under this Section, the  
18 court shall, as a condition of the continuance under  
19 supervision, require the minor to undergo medical or  
20 psychiatric treatment rendered by a psychiatrist or  
21 psychological treatment rendered by a clinical psychologist.  
22 The condition may be in addition to any other condition.

23 (9) When a hearing in which a minor is alleged to be a  
24 delinquent is continued under this Section, the court, before  
25 continuing the case, shall make a finding whether the offense  
26 alleged to have been committed either: (i) was related to or  
27 in furtherance of the activities of an organized gang or was  
28 motivated by the minor's membership in or allegiance to an  
29 organized gang, or (ii) is a violation of paragraph (13) of  
30 subsection (a) of Section 12-2 of the Criminal Code of 1961,  
31 a violation of any Section of Article 24 of the Criminal Code  
32 of 1961, or a violation of any statute that involved the  
33 unlawful use of a firearm. If the court determines the  
34 question in the affirmative the court shall, as a condition

1 of the continuance under supervision and as part of or in  
2 addition to any other condition of the supervision, require  
3 the minor to perform community service for not less than 30  
4 hours, provided that community service is available in the  
5 jurisdiction and is funded and approved by the county board  
6 of the county where the offense was committed. The community  
7 service shall include, but need not be limited to, the  
8 cleanup and repair of any damage caused by an alleged  
9 violation of Section 21-1.3 of the Criminal Code of 1961 and  
10 similar damage to property located in the municipality or  
11 county in which the alleged violation occurred. When  
12 possible and reasonable, the community service shall be  
13 performed in the minor's neighborhood. For the purposes of  
14 this Section, "organized gang" has the meaning ascribed to it  
15 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
16 Prevention Act.

17 (10) The court shall impose upon a minor placed on  
18 supervision, as a condition of the supervision, a fee of \$25  
19 for each month of supervision ordered by the court, unless  
20 after determining the inability of the minor placed on  
21 supervision to pay the fee, the court assesses a lesser  
22 amount. The court may not impose the fee on a minor who is  
23 made a ward of the State under this Act while the minor is in  
24 placement. The fee shall be imposed only upon a minor who is  
25 actively supervised by the probation and court services  
26 department. A court may order the parent, guardian, or legal  
27 custodian of the minor to pay some or all of the fee on the  
28 minor's behalf.

29 (11) If a minor is placed on supervision for a violation  
30 of subsection (b) of Section 1 of the Prevention of Tobacco  
31 Use by Minors Act, the court may, in its discretion, and upon  
32 recommendation by the State's Attorney, order that minor and  
33 his or her parents or legal guardian to attend a smoker's  
34 education or youth diversion program as defined in that Act

1 if that program is available in the jurisdiction where the  
 2 offender resides. Attendance at a smoker's education or  
 3 youth diversion program shall be time-credited against any  
 4 community service time imposed for any first violation of  
 5 subsection (b) of Section 1 of that Act. In addition to any  
 6 other penalty that the court may impose for a violation of  
 7 subsection (b) of Section 1 of that Act, the court, upon  
 8 request by the State's Attorney, may, in its discretion,  
 9 require the offender to remit a fee for his or her attendance  
 10 at a smoker's education or youth diversion program.

11 (Source: P.A. 91-98; eff. 1-1-00; 91-332, eff. 7-29-99;  
 12 92-16, eff. 6-28-01; 92-282, eff. 8-7-01; 92-454, eff.  
 13 1-1-02; 92-651, eff. 7-11-02.)

14 (705 ILCS 405/5-710)

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

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

18 (a) Except as provided in Sections 5-805, 5-810,  
 19 5-815, a minor who is found guilty under Section 5-620  
 20 may be:

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

29 (ii) placed in accordance with Section 5-740,  
 30 with or without also being put on probation or  
 31 conditional discharge;

32 (iii) required to undergo a substance abuse  
 33 assessment conducted by a licensed provider and

1 participate in the indicated clinical level of care;

2 (iv) placed in the guardianship of the  
3 Department of Children and Family Services, but only  
4 if the delinquent minor is under 13 years of age;

5 (v) placed in detention for a period not to  
6 exceed 30 days, either as the exclusive order of  
7 disposition or, where appropriate, in conjunction  
8 with any other order of disposition issued under  
9 this paragraph, provided that any such detention  
10 shall be in a juvenile detention home and the minor  
11 so detained shall be 10 years of age or older.  
12 However, the 30-day limitation may be extended by  
13 further order of the court for a minor under age 13  
14 committed to the Department of Children and Family  
15 Services if the court finds that the minor is a  
16 danger to himself or others. The minor shall be  
17 given credit on the sentencing order of detention  
18 for time spent in detention under Sections 5-501,  
19 5-601, 5-710, or 5-720 of this Article as a result  
20 of the offense for which the sentencing order was  
21 imposed. The court may grant credit on a sentencing  
22 order of detention entered under a violation of  
23 probation or violation of conditional discharge  
24 under Section 5-720 of this Article for time spent  
25 in detention before the filing of the petition  
26 alleging the violation. A minor shall not be  
27 deprived of credit for time spent in detention  
28 before the filing of a violation of probation or  
29 conditional discharge alleging the same or related  
30 act or acts;

31 (vi) ordered partially or completely  
32 emancipated in accordance with the provisions of the  
33 Emancipation of Mature Minors Act;

34 (vii) subject to having his or her driver's



1 license or driving privileges suspended for such  
2 time as determined by the court but only until he or  
3 she attains 18 years of age;

4 (viii) put on probation or conditional  
5 discharge and placed in detention under Section  
6 3-6039 of the Counties Code for a period not to  
7 exceed the period of incarceration permitted by law  
8 for adults found guilty of the same offense or  
9 offenses for which the minor was adjudicated  
10 delinquent, and in any event no longer than upon  
11 attainment of age 21; this subdivision (viii)  
12 notwithstanding any contrary provision of the law;  
13 or

14 (ix) ordered to undergo a medical or other  
15 procedure to have a tattoo symbolizing allegiance to  
16 a street gang removed from his or her body.

17 (b) A minor found to be guilty may be committed to  
18 the Department of Corrections, Juvenile Division, under  
19 Section 5-750 if the minor is 13 years of age or older,  
20 provided that the commitment to the Department of  
21 Corrections, Juvenile Division, shall be made only if a  
22 term of incarceration is permitted by law for adults  
23 found guilty of the offense for which the minor was  
24 adjudicated delinquent. The time during which a minor is  
25 in custody before being released upon the request of a  
26 parent, guardian or legal custodian shall be considered  
27 as time spent in detention.

28 (c) When a minor is found to be guilty for an  
29 offense which is a violation of the Illinois Controlled  
30 Substances Act or the Cannabis Control Act and made a  
31 ward of the court, the court may enter a disposition  
32 order requiring the minor to undergo assessment,  
33 counseling or treatment in a substance abuse program  
34 approved by the Department of Human Services.

1           (2) Any sentencing order other than commitment to the  
2 Department of Corrections, Juvenile Division, may provide for  
3 protective supervision under Section 5-725 and may include an  
4 order of protection under Section 5-730.

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

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

23           (5) Any sentencing order where the minor is committed or  
24 placed in accordance with Section 5-740 shall provide for the  
25 parents or guardian of the estate of the minor to pay to the  
26 legal custodian or guardian of the person of the minor such  
27 sums as are determined by the custodian or guardian of the  
28 person of the minor as necessary for the minor's needs. The  
29 payments may not exceed the maximum amounts provided for by  
30 Section 9.1 of the Children and Family Services Act.

31           (6) Whenever the sentencing order requires the minor to  
32 attend school or participate in a program of training, the  
33 truant officer or designated school official shall regularly  
34 report to the court if the minor is a chronic or habitual

1 truant under Section 26-2a of the School Code.

2 (7) In no event shall a guilty minor be committed to the  
3 Department of Corrections, Juvenile Division for a period of  
4 time in excess of that period for which an adult could be  
5 committed for the same act.

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

16 (8.5) A minor found to be guilty for reasons that  
17 include a violation of Section 3.02 or Section 3.03 of the  
18 Humane Care for Animals Act or paragraph (d) of subsection  
19 (1) of Section 21-1 of the Criminal Code of 1961 shall be  
20 ordered to undergo medical or psychiatric treatment rendered  
21 by a psychiatrist or psychological treatment rendered by a  
22 clinical psychologist. The order may be in addition to any  
23 other order authorized by this Section.

24 (9) In addition to any other sentencing order, the court  
25 shall order any minor found to be guilty for an act which  
26 would constitute, predatory criminal sexual assault of a  
27 child, aggravated criminal sexual assault, criminal sexual  
28 assault, aggravated criminal sexual abuse, or criminal sexual  
29 abuse if committed by an adult to undergo medical testing to  
30 determine whether the defendant has any sexually  
31 transmissible disease including a test for infection with  
32 human immunodeficiency virus (HIV) or any other identified  
33 causative agency of acquired immunodeficiency syndrome  
34 (AIDS). Any medical test shall be performed only by

1 appropriately licensed medical practitioners and may include  
2 an analysis of any bodily fluids as well as an examination of  
3 the minor's person. Except as otherwise provided by law, the  
4 results of the test shall be kept strictly confidential by  
5 all medical personnel involved in the testing and must be  
6 personally delivered in a sealed envelope to the judge of the  
7 court in which the sentencing order was entered for the  
8 judge's inspection in camera. Acting in accordance with the  
9 best interests of the victim and the public, the judge shall  
10 have the discretion to determine to whom the results of the  
11 testing may be revealed. The court shall notify the minor of  
12 the results of the test for infection with the human  
13 immunodeficiency virus (HIV). The court shall also notify  
14 the victim if requested by the victim, and if the victim is  
15 under the age of 15 and if requested by the victim's parents  
16 or legal guardian, the court shall notify the victim's  
17 parents or the legal guardian, of the results of the test for  
18 infection with the human immunodeficiency virus (HIV). The  
19 court shall provide information on the availability of HIV  
20 testing and counseling at the Department of Public Health  
21 facilities to all parties to whom the results of the testing  
22 are revealed. The court shall order that the cost of any  
23 test shall be paid by the county and may be taxed as costs  
24 against the minor.

25 (10) When a court finds a minor to be guilty the court  
26 shall, before entering a sentencing order under this Section,  
27 make a finding whether the offense committed either: (a) was  
28 related to or in furtherance of the criminal activities of an  
29 organized gang or was motivated by the minor's membership in  
30 or allegiance to an organized gang, or (b) involved a  
31 violation of subsection (a) of Section 12-7.1 of the Criminal  
32 Code of 1961, a violation of any Section of Article 24 of the  
33 Criminal Code of 1961, or a violation of any statute that  
34 involved the wrongful use of a firearm. If the court

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

20 (11) If a minor is found to be guilty of a violation of  
21 subsection (b) of Section 1 of the Prevention of Tobacco Use  
22 by Minors Act, the court may, in its discretion, and upon  
23 recommendation by the State's Attorney, order that minor and  
24 his or her parents or legal guardian to attend a smoker's  
25 education or youth diversion program as defined in that Act  
26 if that program is available in the jurisdiction where the  
27 offender resides. Attendance at a smoker's education or  
28 youth diversion program shall be time-credited against any  
29 community service time imposed for any first violation of  
30 subsection (b) of Section 1 of that Act. In addition to any  
31 other penalty that the court may impose for a violation of  
32 subsection (b) of Section 1 of that Act, the court, upon  
33 request by the State's Attorney, may, in its discretion,  
34 require the offender to remit a fee for his or her attendance

1 at a smoker's education or youth diversion program.  
2 (Source: P.A. 91-98, eff. 1-1-00; 92-454, eff. 1-1-02.)"; and

3 on page 1, line 5 by inserting "and adding Section 2.1" after  
4 "2"; and

5 on page 1, by replacing lines 8 through 12 with the  
6 following:

7 "An Act to prohibit minors from buying, ~~or~~ selling, or  
8 possessing tobacco in any of its forms, to prohibit selling,  
9 giving or furnishing tobacco, in any of its forms, to minors,  
10 and providing penalties therefor."; and

11 on page 2, line 26, after "2.", by inserting "(a)"; and

12 on page 2, line 26 by inserting "subsection (a) of" after  
13 "violates"; and

14 by replacing lines 30 through 33 on page 2 and lines 1  
15 through 8 on page 3 with the following:  
16 "offense in a 12-month period.

17 (b) If a minor violates subsection (b) of Section 1, the  
18 court may, upon recommendation by the State's Attorney,  
19 impose a sentence of 15 hours of community service or a fine  
20 of \$25 for a first violation. In addition, the court may,  
21 upon recommendation by the State's Attorney, order that minor  
22 to attend an anti-tobacco or youth diversion program, if  
23 locally available.

24 (c) A second violation by a minor of subsection (b) of  
25 Section 1 that occurs within 12 weeks after the first  
26 violation is punishable by a fine of \$50 and 25 hours of  
27 community service.

28 (d) A third or subsequent violation by a minor of  
29 subsection (b) of Section 1 that occurs within 12 weeks after  
30 the first violation is punishable by a \$100 fine and 30 hours  
31 of community service.

1 (e) Any second or subsequent violation not within the  
2 12-week time period after the first violation is punishable  
3 as provided for a first violation.

4 (f) If a minor is convicted of or placed on supervision  
5 for a violation of subsection (b) of Section 1, the court  
6 may, in its discretion, and upon recommendation by the  
7 State's Attorney, order that minor and his or her parents or  
8 legal guardian to attend a smoker's education or youth  
9 diversion program if that program is available in the  
10 jurisdiction where the offender resides. Attendance at a  
11 smoker's education or youth diversion program shall be  
12 time-credited against any community service time imposed for  
13 any first violation of subsection (b) of Section 1. In  
14 addition to any other penalty that the court may impose for a  
15 violation of subsection (b) of Section 1, the court, upon  
16 request by the State's Attorney, may, in its discretion,  
17 require the offender to remit a fee for his or her attendance  
18 at a smoker's education or youth diversion program.

19 (g) For purposes of this Section, "smoker's education  
20 program" or "youth diversion program" includes, but is not  
21 limited to, a seminar designed to educate a person on the  
22 physical and psychological effects of smoking tobacco  
23 products and the health consequences of smoking tobacco  
24 products that can be conducted with a locality's youth  
25 diversion program.

26 (h) All moneys collected as fines for violations of  
27 subsection (a) of Section 1 shall be distributed in the  
28 following manner:

29 (1) one-half of each fine shall be distributed to  
30 the unit of local government or other entity that  
31 successfully prosecuted the offender; and

32 (2) one-half shall be remitted to the State to be  
33 used for enforcing this Act.

34 ~~One-half--of--each--fine--collected--under--this--Section--shall--be~~

1 distributed-to-the-unit-of-local-government-or--other--entity  
2 that--successfully-prosecuted-the-offender-and-one-half-shall  
3 be-remitted-to-the-State-to-be-used-for-enforcing-this-Act-".