

1 AN ACT concerning minors.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 5-615 and 5-710 as follows:

6 (705 ILCS 405/5-615)

7 Sec. 5-615. Continuance under supervision.

8 (1) The court may enter an order of continuance under
9 supervision for an offense other than first degree murder, a
10 Class X felony or a forcible felony (a) upon an admission or
11 stipulation by the appropriate respondent or minor respondent
12 of the facts supporting the petition and before proceeding to
13 adjudication, or after hearing the evidence at the trial, and
14 (b) in the absence of objection made in open court by the
15 minor, his or her parent, guardian, or legal custodian, the
16 minor's attorney or the State's Attorney.

17 (2) If the minor, his or her parent, guardian, or legal
18 custodian, the minor's attorney or State's Attorney objects
19 in open court to any continuance and insists upon proceeding
20 to findings and adjudication, the court shall so proceed.

21 (3) Nothing in this Section limits the power of the
22 court to order a continuance of the hearing for the
23 production of additional evidence or for any other proper
24 reason.

25 (4) When a hearing where a minor is alleged to be a
26 delinquent is continued pursuant to this Section, the period
27 of continuance under supervision may not exceed 24 months.
28 The court may terminate a continuance under supervision at
29 any time if warranted by the conduct of the minor and the
30 ends of justice.

31 (5) When a hearing where a minor is alleged to be

1 delinquent is continued pursuant to this Section, the court
2 may, as conditions of the continuance under supervision,
3 require the minor to do any of the following:

4 (a) not violate any criminal statute of any
5 jurisdiction;

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

8 (c) work or pursue a course of study or vocational
9 training;

10 (d) undergo medical or psychotherapeutic treatment
11 rendered by a therapist licensed under the provisions of
12 the Medical Practice Act of 1987, the Clinical
13 Psychologist Licensing Act, or the Clinical Social Work
14 and Social Work Practice Act, or an entity licensed by
15 the Department of Human Services as a successor to the
16 Department of Alcoholism and Substance Abuse, for the
17 provision of drug addiction and alcoholism treatment;

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

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

21 (g) pay costs;

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

24 (i) permit the probation officer to visit him or
25 her at his or her home or elsewhere;

26 (j) reside with his or her parents or in a foster
27 home;

28 (k) attend school;

29 (k-5) with the consent of the superintendent of the
30 facility, attend an educational program at a facility
31 other than the school in which the offense was committed
32 if he or she committed a crime of violence as defined in
33 Section 2 of the Crime Victims Compensation Act in a
34 school, on the real property comprising a school, or

1 within 1,000 feet of the real property comprising a
2 school;

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

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

6 (n) perform some reasonable public or community
7 service;

8 (o) make restitution to the victim, in the same
9 manner and under the same conditions as provided in
10 subsection (4) of Section 5-710, except that the
11 "sentencing hearing" referred to in that Section shall be
12 the adjudicatory hearing for purposes of this Section;

13 (p) comply with curfew requirements as designated
14 by the court;

15 (q) refrain from entering into a designated
16 geographic area except upon terms as the court finds
17 appropriate. The terms may include consideration of the
18 purpose of the entry, the time of day, other persons
19 accompanying the minor, and advance approval by a
20 probation officer;

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

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

28 (s) refrain from having in his or her body the
29 presence of any illicit drug prohibited by the Cannabis
30 Control Act or the Illinois Controlled Substances Act,
31 unless prescribed by a physician, and submit samples of
32 his or her blood or urine or both for tests to determine
33 the presence of any illicit drug; or

34 (t) comply with any other conditions as may be

1 ordered by the court.

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

9 (7) If a petition is filed charging a violation of a
10 condition of the continuance under supervision, the court
11 shall conduct a hearing. If the court finds that a condition
12 of supervision has not been fulfilled, the court may proceed
13 to findings and adjudication and disposition. The filing of
14 a petition for violation of a condition of the continuance
15 under supervision shall toll the period of continuance under
16 supervision until the final determination of the charge, and
17 the term of the continuance under supervision shall not run
18 until the hearing and disposition of the petition for
19 violation; provided where the petition alleges conduct that
20 does not constitute a criminal offense, the hearing must be
21 held within 30 days of the filing of the petition unless a
22 delay shall continue the tolling of the period of continuance
23 under supervision for the period of the delay.

24 (8) When a hearing in which a minor is alleged to be a
25 delinquent for reasons that include a violation of Section
26 21-1.3 of the Criminal Code of 1961 is continued under this
27 Section, the court shall, as a condition of the continuance
28 under supervision, require the minor to perform community
29 service for not less than 30 and not more than 120 hours, if
30 community service is available in the jurisdiction. The
31 community service shall include, but need not be limited to,
32 the cleanup and repair of the damage that was caused by the
33 alleged violation or similar damage to property located in
34 the municipality or county in which the alleged violation

1 occurred. The condition may be in addition to any other
2 condition.

3 (8.5) When a hearing in which a minor is alleged to be a
4 delinquent for reasons that include a violation of Section
5 3.02 or Section 3.03 of the Humane Care for Animals Act or
6 paragraph (d) of subsection (1) of Section 21-1 of the
7 Criminal Code of 1961 is continued under this Section, the
8 court shall, as a condition of the continuance under
9 supervision, require the minor to undergo medical or
10 psychiatric treatment rendered by a psychiatrist or
11 psychological treatment rendered by a clinical psychologist.
12 The condition may be in addition to any other condition.

13 (9) When a hearing in which a minor is alleged to be a
14 delinquent is continued under this Section, the court, before
15 continuing the case, shall make a finding whether the offense
16 alleged to have been committed either: (i) was related to or
17 in furtherance of the activities of an organized gang or was
18 motivated by the minor's membership in or allegiance to an
19 organized gang, or (ii) is a violation of paragraph (13) of
20 subsection (a) of Section 12-2 of the Criminal Code of 1961,
21 a violation of any Section of Article 24 of the Criminal Code
22 of 1961, or a violation of any statute that involved the
23 unlawful use of a firearm. If the court determines the
24 question in the affirmative the court shall, as a condition
25 of the continuance under supervision and as part of or in
26 addition to any other condition of the supervision, require
27 the minor to perform community service for not less than 30
28 hours, provided that community service is available in the
29 jurisdiction and is funded and approved by the county board
30 of the county where the offense was committed. The community
31 service shall include, but need not be limited to, the
32 cleanup and repair of any damage caused by an alleged
33 violation of Section 21-1.3 of the Criminal Code of 1961 and
34 similar damage to property located in the municipality or

1 county in which the alleged violation occurred. When
2 possible and reasonable, the community service shall be
3 performed in the minor's neighborhood. For the purposes of
4 this Section, "organized gang" has the meaning ascribed to it
5 in Section 10 of the Illinois Streetgang Terrorism Omnibus
6 Prevention Act.

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

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

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

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

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

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

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

22 (d) Any second or subsequent violation not within the
 23 12-month time period after the first violation is punishable
 24 as provided for a first violation.

25 (Source: P.A. 91-98; eff. 1-1-00; 91-332, eff. 7-29-99;
 26 92-16, eff. 6-28-01; 92-282, eff. 8-7-01; 92-454, eff.
 27 1-1-02; 92-651, eff. 7-11-02.)

28 (705 ILCS 405/5-710)

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

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

32 (a) Except as provided in Sections 5-805, 5-810,
 33 5-815, a minor who is found guilty under Section 5-620

1 may be:

2 (i) put on probation or conditional discharge
3 and released to his or her parents, guardian or
4 legal custodian, provided, however, that any such
5 minor who is not committed to the Department of
6 Corrections, Juvenile Division under this subsection
7 and who is found to be a delinquent for an offense
8 which is first degree murder, a Class X felony, or a
9 forcible felony shall be placed on probation;

10 (ii) placed in accordance with Section 5-740,
11 with or without also being put on probation or
12 conditional discharge;

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

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

19 (v) placed in detention for a period not to
20 exceed 30 days, either as the exclusive order of
21 disposition or, where appropriate, in conjunction
22 with any other order of disposition issued under
23 this paragraph, provided that any such detention
24 shall be in a juvenile detention home and the minor
25 so detained shall be 10 years of age or older.
26 However, the 30-day limitation may be extended by
27 further order of the court for a minor under age 13
28 committed to the Department of Children and Family
29 Services if the court finds that the minor is a
30 danger to himself or others. The minor shall be
31 given credit on the sentencing order of detention
32 for time spent in detention under Sections 5-501,
33 5-601, 5-710, or 5-720 of this Article as a result
34 of the offense for which the sentencing order was

1 imposed. The court may grant credit on a sentencing
 2 order of detention entered under a violation of
 3 probation or violation of conditional discharge
 4 under Section 5-720 of this Article for time spent
 5 in detention before the filing of the petition
 6 alleging the violation. A minor shall not be
 7 deprived of credit for time spent in detention
 8 before the filing of a violation of probation or
 9 conditional discharge alleging the same or related
 10 act or acts;

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

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

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

28 (ix) ordered to undergo a medical or other
 29 procedure to have a tattoo symbolizing allegiance to
 30 a street gang removed from his or her body.

31 (b) A minor found to be guilty may be committed to
 32 the Department of Corrections, Juvenile Division, under
 33 Section 5-750 if the minor is 13 years of age or older,
 34 provided that the commitment to the Department of

1 Corrections, Juvenile Division, shall be made only if a
2 term of incarceration is permitted by law for adults
3 found guilty of the offense for which the minor was
4 adjudicated delinquent. The time during which a minor is
5 in custody before being released upon the request of a
6 parent, guardian or legal custodian shall be considered
7 as time spent in detention.

8 (c) When a minor is found to be guilty for an
9 offense which is a violation of the Illinois Controlled
10 Substances Act or the Cannabis Control Act and made a
11 ward of the court, the court may enter a disposition
12 order requiring the minor to undergo assessment,
13 counseling or treatment in a substance abuse program
14 approved by the Department of Human Services.

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

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

23 (4) In addition to any other sentence, the court may
24 order any minor found to be delinquent to make restitution,
25 in monetary or non-monetary form, under the terms and
26 conditions of Section 5-5-6 of the Unified Code of
27 Corrections, except that the "presentencing hearing" referred
28 to in that Section shall be the sentencing hearing for
29 purposes of this Section. The parent, guardian or legal
30 custodian of the minor may be ordered by the court to pay
31 some or all of the restitution on the minor's behalf,
32 pursuant to the Parental Responsibility Law. The State's
33 Attorney is authorized to act on behalf of any victim in
34 seeking restitution in proceedings under this Section, up to

1 the maximum amount allowed in Section 5 of the Parental
2 Responsibility Law.

3 (5) Any sentencing order where the minor is committed or
4 placed in accordance with Section 5-740 shall provide for the
5 parents or guardian of the estate of the minor to pay to the
6 legal custodian or guardian of the person of the minor such
7 sums as are determined by the custodian or guardian of the
8 person of the minor as necessary for the minor's needs. The
9 payments may not exceed the maximum amounts provided for by
10 Section 9.1 of the Children and Family Services Act.

11 (6) Whenever the sentencing order requires the minor to
12 attend school or participate in a program of training, the
13 truant officer or designated school official shall regularly
14 report to the court if the minor is a chronic or habitual
15 truant under Section 26-2a of the School Code.

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

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

30 (8.5) A minor found to be guilty for reasons that
31 include a violation of Section 3.02 or Section 3.03 of the
32 Humane Care for Animals Act or paragraph (d) of subsection
33 (1) of Section 21-1 of the Criminal Code of 1961 shall be
34 ordered to undergo medical or psychiatric treatment rendered

1 by a psychiatrist or psychological treatment rendered by a
2 clinical psychologist. The order may be in addition to any
3 other order authorized by this Section.

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

1 facilities to all parties to whom the results of the testing
2 are revealed. The court shall order that the cost of any
3 test shall be paid by the county and may be taxed as costs
4 against the minor.

5 (10) When a court finds a minor to be guilty the court
6 shall, before entering a sentencing order under this Section,
7 make a finding whether the offense committed either: (a) was
8 related to or in furtherance of the criminal activities of an
9 organized gang or was motivated by the minor's membership in
10 or allegiance to an organized gang, or (b) involved a
11 violation of subsection (a) of Section 12-7.1 of the Criminal
12 Code of 1961, a violation of any Section of Article 24 of the
13 Criminal Code of 1961, or a violation of any statute that
14 involved the wrongful use of a firearm. If the court
15 determines the question in the affirmative, and the court
16 does not commit the minor to the Department of Corrections,
17 Juvenile Division, the court shall order the minor to perform
18 community service for not less than 30 hours nor more than
19 120 hours, provided that community service is available in
20 the jurisdiction and is funded and approved by the county
21 board of the county where the offense was committed. The
22 community service shall include, but need not be limited to,
23 the cleanup and repair of any damage caused by a violation of
24 Section 21-1.3 of the Criminal Code of 1961 and similar
25 damage to property located in the municipality or county in
26 which the violation occurred. When possible and reasonable,
27 the community service shall be performed in the minor's
28 neighborhood. This order shall be in addition to any other
29 order authorized by this Section except for an order to place
30 the minor in the custody of the Department of Corrections,
31 Juvenile Division. For the purposes of this Section,
32 "organized gang" has the meaning ascribed to it in Section 10
33 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

34 (11) If a minor is found to be guilty of a violation of

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

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

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

25 (a) If a minor violates subsection (b) of Section 1 of
26 the Prevention of Tobacco Use by Minors Act, the court may
27 impose a sentence of 15 hours of community service or a fine
28 of \$25 for a first violation.

29 (b) A second violation by a minor of subsection (b) of
30 Section 1 of that Act that occurs within 12 months after the
31 first violation is punishable by a fine of \$50 and 25 hours
32 of community service.

33 (c) A third or subsequent violation by a minor of
34 subsection (b) of Section 1 of that Act that occurs within 12

1 months after the first violation is punishable by a \$100 fine
2 and 30 hours of community service.

3 (d) Any second or subsequent violation not within the
4 12-month time period after the first violation is punishable
5 as provided for a first violation.

6 (Source: P.A. 91-98, eff. 1-1-00; 92-454, eff. 1-1-02.)

7 Section 10. The Sale of Tobacco to Minors Act is amended
8 by changing the title of the Act and Sections 0.01, 1, and 2
9 as follows:

10 (720 ILCS 675/Act title)

11 "An Act to prohibit minors from buying, ~~or~~ selling, or
12 possessing tobacco in any of its forms, to prohibit selling,
13 giving or furnishing tobacco, in any of its forms, to minors,
14 and providing penalties therefor.

15 (720 ILCS 675/0.01) (from Ch. 23, par. 2356.9)

16 Sec. 0.01. Short title. This Act may be cited as the
17 Prevention of Tobacco Use by Sale-of-Tobacco-to Minors Act.

18 (Source: P.A. 86-1324.)

19 (720 ILCS 675/1) (from Ch. 23, par. 2357)

20 Sec. 1. Sale to and possession by minors of tobacco
21 prohibited.

22 (a) No minor under 18 years of age shall buy any cigar,
23 cigarette, smokeless tobacco or tobacco in any of its forms.
24 No person shall sell, buy for, distribute samples of or
25 furnish any cigar, cigarette, smokeless tobacco or tobacco in
26 any of its forms, to any minor under 18 years of age.

27 (b) No minor under 18 years of age shall possess any
28 cigar, cigarette, smokeless tobacco, or tobacco in any of its
29 forms.

30 (c) For the purpose of this Section, "smokeless tobacco"

1 means any tobacco products that are suitable for dipping or
2 chewing.

3 (d) Tobacco products listed in this Section above may be
4 sold through a vending machine only in the following
5 locations:

6 (1) Factories, businesses, offices, private clubs,
7 and other places not open to the general public.

8 (2) Places to which minors under 18 years of age
9 are not permitted access.

10 (3) Places where alcoholic beverages are sold and
11 consumed on the premises.

12 (4) Places where the vending machine is under the
13 direct supervision of the owner of the establishment or
14 an employee over 18 years of age. The sale of tobacco
15 products from a vending machine under direct supervision
16 of the owner or an employee of the establishment is
17 considered a sale of tobacco products by that person. As
18 used in this subdivision, "direct supervision" means that
19 the owner or employee has an unimpeded line of sight to
20 the vending machine.

21 (5) Places where the vending machine can only be
22 operated by the owner or an employee over age 18 either
23 directly or through a remote control device if the device
24 is inaccessible to all customers.

25 (Source: P.A. 89-181, eff. 7-19-95.)

26 (720 ILCS 675/2) (from Ch. 23, par. 2358)

27 Sec. 2. (a) Any person who violates subsection (a) of
28 Section 1 ~~any--provision~~ of this Act is guilty of a petty
29 offense and for the first offense shall be fined \$200, \$400
30 for the second offense in a 12-month period, and \$600 for the
31 third or any subsequent offense in a 12-month period.

32 (b) If a minor violates subsection (b) of Section 1, the
33 court may impose a sentence of 15 hours of community service

1 or a fine of \$25 for a first violation.

2 (c) A second violation by a minor of subsection (b) of
3 Section 1 that occurs within 12 months after the first
4 violation is punishable by a fine of \$50 and 25 hours of
5 community service.

6 (d) A third or subsequent violation by a minor of
7 subsection (b) of Section 1 that occurs within 12 months
8 after the first violation is punishable by a \$100 fine and 30
9 hours of community service.

10 (e) Any second or subsequent violation not within the
11 12-month time period after the first violation is punishable
12 as provided for a first violation.

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

28 (g) For purposes of this Section, "smoker's education
29 program" or "youth diversion program" includes, but is not
30 limited to, a seminar designed to educate a person on the
31 physical and psychological effects of smoking tobacco
32 products and the health consequences of smoking tobacco
33 products that can be conducted with a locality's youth
34 diversion program.

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

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

7 (2) one-half shall be remitted to the State to be
 8 used for enforcing this Act. One-half--of--each--fine
 9 collected--under--this--Section--shall--be--distributed--to--the
 10 unit--of--local---government---or---other---entity---that
 11 successfully--prosecuted--the--offender--and--one-half--shall
 12 be--remitted--to--the--State--to--be--used--for--enforeing--this
 13 Act.

14 (Source: P.A. 88-418.)