



Rep. Annazette Collins

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LRB097 05047 RLC 52585 a

1 AMENDMENT TO HOUSE BILL 83

2 AMENDMENT NO. _____. Amend House Bill 83 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-750 as follows:

6 (705 ILCS 405/5-750)

7 Sec. 5-750. Commitment to the Department of Juvenile
8 Justice.

9 (1) Except as provided in subsection (2) of this Section,
10 when any delinquent has been adjudged a ward of the court under
11 this Act, the court may commit him or her to the Department of
12 Juvenile Justice, if it finds that (a) his or her parents,
13 guardian or legal custodian are unfit or are unable, for some
14 reason other than financial circumstances alone, to care for,
15 protect, train or discipline the minor, or are unwilling to do
16 so, and the best interests of the minor and the public will not

1 be served by placement under Section 5-740, ~~or, (b)~~ it is
2 necessary to ensure the protection of the public from the
3 consequences of criminal activity of the delinquent; and (b)
4 commitment to the Department of Juvenile Justice is the least
5 restrictive alternative based on evidence that efforts were
6 made to locate less restrictive alternatives to secure
7 confinement and the reasons why efforts were unsuccessful in
8 locating a less restrictive alternative to secure confinement.

9 (1.5) It is the policy of the State of Illinois that secure
10 confinement be the sentencing option of last resort, be
11 utilized for as short a time as possible, and be reserved
12 primarily as a last resort for minors adjudged delinquent for
13 felony offenses involving great bodily harm. When a minor of
14 the age of at least 13 years is adjudged delinquent for an
15 offense classified as a misdemeanor or a non-violent felony,
16 there is a presumption in favor of community based treatment
17 rather than secure confinement. The court shall document the
18 individualized reasons why secure confinement is necessary,
19 following a review of the following factors:

20 (a) Age of the minor.

21 (b) Criminal background of the minor.

22 (c) Review of results of assessments of the minor,
23 including child centered assessments such as the CANS.

24 (d) Educational background of the minor, indicating
25 whether the minor has ever been assessed for a learning
26 disability, and if so what services were provided.

1 (e) Physical, mental and emotional health of the minor,
2 indicating whether the minor has ever been diagnosed with a
3 health issue and if so what services were provided.

4 (f) Community based services that have been provided to
5 the minor.

6 (g) A review of community based services available to
7 the minor.

8 (h) Services within the Department of Juvenile Justice
9 that will meet the individualized needs of the minor.

10 (1.6) In addition, the order of the court shall require the
11 preparation and filing with the court of an individualized case
12 plan. The case plan shall include documentation of less
13 restrictive alternatives to secure confinement and shall
14 include an individualized reentry plan to return the minor to
15 his or her home as soon as possible with supportive services to
16 ensure his or her successful reentry. This plan shall be
17 completed and presented to the sentencing court for review
18 prior to the Department of Juvenile Justice conveying the minor
19 to a the Department of Juvenile Justice facility.

20 (2) When a minor of the age of at least 13 years is
21 adjudged delinquent for the offense of first degree murder, the
22 court shall declare the minor a ward of the court and order the
23 minor committed to the Department of Juvenile Justice until the
24 minor's 21st birthday, without the possibility of parole,
25 furlough, or non-emergency authorized absence for a period of 5
26 years from the date the minor was committed to the Department

1 of Juvenile Justice, except that the time that a minor spent in
2 custody for the instant offense before being committed to the
3 Department of Juvenile Justice shall be considered as time
4 credited towards that 5 year period. Nothing in this subsection
5 (2) shall preclude the State's Attorney from seeking to
6 prosecute a minor as an adult as an alternative to proceeding
7 under this Act.

8 (3) Except as provided in subsection (2), the commitment of
9 a delinquent to the Department of Juvenile Justice shall be for
10 an indeterminate term which shall automatically terminate upon
11 the delinquent attaining the age of 21 years unless the
12 delinquent is sooner discharged from parole or custodianship is
13 otherwise terminated in accordance with this Act or as
14 otherwise provided for by law.

15 (4) When the court commits a minor to the Department of
16 Juvenile Justice, it shall order him or her conveyed forthwith
17 to the appropriate reception station or other place designated
18 by the Department of Juvenile Justice, and shall appoint the
19 Director of Juvenile Justice legal custodian of the minor. The
20 clerk of the court shall issue to the Director of Juvenile
21 Justice a certified copy of the order, which constitutes proof
22 of the Director's authority. No other process need issue to
23 warrant the keeping of the minor.

24 (5) If a minor is committed to the Department of Juvenile
25 Justice, the clerk of the court shall forward to the
26 Department:

1 (a) the disposition ordered;

2 (b) all reports;

3 (c) the court's statement of the basis for ordering the
4 disposition; and

5 (d) all additional matters which the court directs the
6 clerk to transmit.

7 (6) Whenever the Department of Juvenile Justice lawfully
8 discharges from its custody and control a minor committed to
9 it, the Director of Juvenile Justice shall petition the court
10 for an order terminating his or her custodianship. The
11 custodianship shall terminate automatically 30 days after
12 receipt of the petition unless the court orders otherwise.
13 (Source: P.A. 94-696, eff. 6-1-06.)".