

# HB0087



## 97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0087

Introduced 1/12/2011, by Rep. Annazette Collins

### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-410  
705 ILCS 405/5-710  
705 ILCS 405/5-720

Amends the Juvenile Court Act of 1987. Increases the minimum age at which an alleged delinquent minor may be placed in a detention facility from 10 years of age to 13 years of age.

LRB097 05051 RLC 45091 b

A BILL FOR

1 AN ACT concerning courts.

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 5-410, 5-710, and 5-720 as follows:

6 (705 ILCS 405/5-410)

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

8 (1) Any minor arrested or taken into custody pursuant to  
9 this Act who requires care away from his or her home but who  
10 does not require physical restriction shall be given temporary  
11 care in a foster family home or other shelter facility  
12 designated by the court.

13 (2) (a) Any minor 13 ~~14~~ years of age or older arrested  
14 pursuant to this Act where there is probable cause to believe  
15 that the minor is a delinquent minor and that (i) secured  
16 custody is a matter of immediate and urgent necessity for the  
17 protection of the minor or of the person or property of  
18 another, (ii) the minor is likely to flee the jurisdiction of  
19 the court, or (iii) the minor was taken into custody under a  
20 warrant, may be kept or detained in an authorized detention  
21 facility. No minor under 12 years of age shall be detained in a  
22 county jail or a municipal lockup for more than 6 hours.

23 (b) The written authorization of the probation officer or

1 detention officer (or other public officer designated by the  
2 court in a county having 3,000,000 or more inhabitants)  
3 constitutes authority for the superintendent of any juvenile  
4 detention home to detain and keep a minor for up to 40 hours,  
5 excluding Saturdays, Sundays and court-designated holidays.  
6 These records shall be available to the same persons and  
7 pursuant to the same conditions as are law enforcement records  
8 as provided in Section 5-905.

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

20 (b-5) Subject to the provisions of subsection (b-4), if a  
21 probation officer or detention officer (or other public officer  
22 designated by the court in a county having 3,000,000 or more  
23 inhabitants) does not intend to detain a minor for an offense  
24 which constitutes one of the following offenses he or she shall  
25 consult with the State's Attorney's Office prior to the release  
26 of the minor: first degree murder, second degree murder,

1 involuntary manslaughter, criminal sexual assault, aggravated  
2 criminal sexual assault, aggravated battery with a firearm,  
3 aggravated or heinous battery involving permanent disability  
4 or disfigurement or great bodily harm, robbery, aggravated  
5 robbery, armed robbery, vehicular hijacking, aggravated  
6 vehicular hijacking, vehicular invasion, arson, aggravated  
7 arson, kidnapping, aggravated kidnapping, home invasion,  
8 burglary, or residential burglary.

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

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

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

25 (iii) Upon placement in secure custody in a jail or  
26 lockup, the minor shall be informed of the purpose of the

1 detention, the time it is expected to last and the fact  
2 that it cannot exceed the time specified under this Act.

3 (iv) A log shall be kept which shows the offense which  
4 is the basis for the detention, the reasons and  
5 circumstances for the decision to detain and the length of  
6 time the minor was in detention.

7 (v) Violation of the time limit on detention in a  
8 county jail or municipal lockup shall not, in and of  
9 itself, render inadmissible evidence obtained as a result  
10 of the violation of this time limit. Minors under 17 years  
11 of age shall be kept separate from confined adults and may  
12 not at any time be kept in the same cell, room or yard with  
13 adults confined pursuant to criminal law. Persons 17 years  
14 of age and older who have a petition of delinquency filed  
15 against them may be confined in an adult detention  
16 facility. In making a determination whether to confine a  
17 person 17 years of age or older who has a petition of  
18 delinquency filed against the person, these factors, among  
19 other matters, shall be considered:

20 (A) The age of the person;

21 (B) Any previous delinquent or criminal history of  
22 the person;

23 (C) Any previous abuse or neglect history of the  
24 person; and

25 (D) Any mental health or educational history of the  
26 person, or both.

1 (d) (i) If a minor 12 years of age or older is confined in a  
2 county jail in a county with a population below 3,000,000  
3 inhabitants, then the minor's confinement shall be implemented  
4 in such a manner that there will be no contact by sight, sound  
5 or otherwise between the minor and adult prisoners. Minors 12  
6 years of age or older must be kept separate from confined  
7 adults and may not at any time be kept in the same cell, room,  
8 or yard with confined adults. This paragraph (d) (i) shall only  
9 apply to confinement pending an adjudicatory hearing and shall  
10 not exceed 40 hours, excluding Saturdays, Sundays and court  
11 designated holidays. To accept or hold minors during this time  
12 period, county jails shall comply with all monitoring standards  
13 promulgated by the Department of Corrections and training  
14 standards approved by the Illinois Law Enforcement Training  
15 Standards Board.

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

24 (iii) To accept or hold minors 12 years of age or older,  
25 after the time period prescribed in paragraphs (d) (i) and  
26 (d) (ii) of this subsection (2) of this Section, county jails

1 shall comply with all programmatic and training standards for  
2 juvenile detention homes promulgated by the Department of  
3 Corrections.

4 (e) When a minor who is at least 15 years of age is  
5 prosecuted under the criminal laws of this State, the court may  
6 enter an order directing that the juvenile be confined in the  
7 county jail. However, any juvenile confined in the county jail  
8 under this provision shall be separated from adults who are  
9 confined in the county jail in such a manner that there will be  
10 no contact by sight, sound or otherwise between the juvenile  
11 and adult prisoners.

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

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

25 (3) If the probation officer or State's Attorney (or such  
26 other public officer designated by the court in a county having

1 3,000,000 or more inhabitants) determines that the minor may be  
2 a delinquent minor as described in subsection (3) of Section  
3 5-105, and should be retained in custody but does not require  
4 physical restriction, the minor may be placed in non-secure  
5 custody for up to 40 hours pending a detention hearing.

6 (4) Any minor taken into temporary custody, not requiring  
7 secure detention, may, however, be detained in the home of his  
8 or her parent or guardian subject to such conditions as the  
9 court may impose.

10 (Source: P.A. 93-255, eff. 1-1-04.)

11 (705 ILCS 405/5-710)

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

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

15 (a) Except as provided in Sections 5-805, 5-810, 5-815,  
16 a minor who is found guilty under Section 5-620 may 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) placed in the guardianship of the Department  
7 of Children and Family Services, but only if the  
8 delinquent minor is under 15 years of age or, pursuant  
9 to Article II of this Act, a minor for whom an  
10 independent basis of abuse, neglect, or dependency  
11 exists. An independent basis exists when the  
12 allegations or adjudication of abuse, neglect, or  
13 dependency do not arise from the same facts, incident,  
14 or circumstances which give rise to a charge or  
15 adjudication of delinquency;

16 (v) placed in detention for a period not to exceed  
17 30 days, either as the exclusive order of disposition  
18 or, where appropriate, in conjunction with any other  
19 order of disposition issued under this paragraph,  
20 provided that any such detention shall be in a juvenile  
21 detention home and the minor so detained shall be 13 ~~10~~  
22 years of age or older. However, the 30-day limitation  
23 may be extended by further order of the court for a  
24 minor under age 15 committed to the Department of  
25 Children and Family Services if the court finds that  
26 the minor is a danger to himself or others. The minor

1 shall be given credit on the sentencing order of  
2 detention for time spent in detention under Sections  
3 5-501, 5-601, 5-710, or 5-720 of this Article as a  
4 result of the offense for which the sentencing order  
5 was imposed. The court may grant credit on a sentencing  
6 order of detention entered under a violation of  
7 probation or violation of conditional discharge under  
8 Section 5-720 of this Article for time spent in  
9 detention before the filing of the petition alleging  
10 the violation. A minor shall not be deprived of credit  
11 for time spent in detention before the filing of a  
12 violation of probation or conditional discharge  
13 alleging the same or related act or acts;

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

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

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

1           upon attainment of age 21; this subdivision (viii)  
2           notwithstanding any contrary provision of the law;

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

6                   (x) placed in electronic home detention under Part  
7           7A of this Article.

8           (b) A minor found to be guilty may be committed to the  
9           Department of Juvenile Justice under Section 5-750 if the  
10          minor is 13 years of age or older, provided that the  
11          commitment to the Department of Juvenile Justice shall be  
12          made only if a term of incarceration is permitted by law  
13          for adults found guilty of the offense for which the minor  
14          was adjudicated delinquent. The time during which a minor  
15          is in custody before being released upon the request of a  
16          parent, guardian or legal custodian shall be considered as  
17          time spent in detention.

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.

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

1 authorized by this Section.

2 (8.5) A minor found to be guilty for reasons that include a  
3 violation of Section 3.02 or Section 3.03 of the Humane Care  
4 for Animals Act or paragraph (d) of subsection (1) of Section  
5 21-1 of the Criminal Code of 1961 shall be ordered to undergo  
6 medical or psychiatric treatment rendered by a psychiatrist or  
7 psychological treatment rendered by a clinical psychologist.  
8 The order may be in addition to any other order authorized by  
9 this Section.

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

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

18 (10) When a court finds a minor to be guilty the court  
19 shall, before entering a sentencing order under this Section,  
20 make a finding whether the offense committed either: (a) was  
21 related to or in furtherance of the criminal activities of an  
22 organized gang or was motivated by the minor's membership in or  
23 allegiance to an organized gang, or (b) involved a violation of  
24 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,  
25 a violation of any Section of Article 24 of the Criminal Code  
26 of 1961, or a violation of any statute that involved the

1 wrongful use of a firearm. If the court determines the question  
2 in the affirmative, and the court does not commit the minor to  
3 the Department of Juvenile Justice, the court shall order the  
4 minor to perform community service for not less than 30 hours  
5 nor more than 120 hours, provided that community service is  
6 available in the jurisdiction and is funded and approved by the  
7 county 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 damage  
11 to property located in the municipality or county in which the  
12 violation occurred. When possible and reasonable, the  
13 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 Juvenile Justice.  
17 For the purposes of this Section, "organized gang" has the  
18 meaning ascribed to it in Section 10 of the Illinois Streetgang  
19 Terrorism Omnibus Prevention Act.

20 (11) If the court determines that the offense was committed  
21 in furtherance of the criminal activities of an organized gang,  
22 as provided in subsection (10), and that the offense involved  
23 the operation or use of a motor vehicle or the use of a  
24 driver's license or permit, the court shall notify the  
25 Secretary of State of that determination and of the period for  
26 which the minor shall be denied driving privileges. If, at the



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

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

1 (a-7) of Section 1 of that Act, the court, upon request by the  
2 State's Attorney, may in its discretion require the offender to  
3 remit a fee for his or her attendance at a smoker's education  
4 or youth diversion program.

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

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

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

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

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

25 (d) Any second or subsequent violation not within the  
26 12-month time period after the first violation is

1 punishable as provided for a first violation.

2 (Source: P.A. 95-337, eff. 6-1-08; 95-642, eff. 6-1-08; 95-844,  
3 eff. 8-15-08; 95-876, eff. 8-21-08; 96-179, eff. 8-10-09;  
4 96-293, eff. 1-1-10; 96-1000, eff. 7-2-10.)

5 (705 ILCS 405/5-720)

6 Sec. 5-720. Probation revocation.

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

10 (a) order the minor to appear; or

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

18 (c) notify the persons named in the petition under  
19 Section 5-520, in accordance with the provisions of Section  
20 5-530.

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

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

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

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

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

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

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

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

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