



Rep. Robert F. Martwick

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LRB098 15640 RLC 58406 a

1 AMENDMENT TO HOUSE BILL 4082

2 AMENDMENT NO. _____. Amend House Bill 4082 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 Sections 5-305 and 6-1 as follows:

6 (705 ILCS 405/5-305)

7 Sec. 5-305. Probation adjustment.

8 (1) The court may authorize the probation officer to confer
9 in a preliminary conference with a minor who is alleged to have
10 committed an offense, his or her parent, guardian or legal
11 custodian, the victim, the juvenile police officer, the State's
12 Attorney, and other interested persons concerning the
13 advisability of filing a petition under Section 5-520, with a
14 view to adjusting suitable cases without the filing of a
15 petition as provided for in this Article, the probation officer
16 should schedule a conference promptly except when the State's

1 Attorney insists on court action or when the minor has
2 indicated that he or she will demand a judicial hearing and
3 will not comply with a probation adjustment.

4 (1-b) In any case of a minor who is in custody, the holding
5 of a probation adjustment conference does not operate to
6 prolong temporary custody beyond the period permitted by
7 Section 5-415.

8 (2) This Section does not authorize any probation officer
9 to compel any person to appear at any conference, produce any
10 papers, or visit any place.

11 (3) No statement made during a preliminary conference in
12 regard to the offense that is the subject of the conference may
13 be admitted into evidence at an adjudicatory hearing or at any
14 proceeding against the minor under the criminal laws of this
15 State prior to his or her conviction under those laws.

16 (4) When a probation adjustment is appropriate, the
17 probation officer shall promptly formulate a written,
18 non-judicial adjustment plan following the initial conference.

19 (5) Non-judicial probation adjustment plans include but
20 are not limited to the following:

21 (a) up to 6 months informal supervision within the
22 family;

23 (b) up to 12 months informal supervision with a
24 probation officer involved which may include any
25 conditions of probation provided in Section 5-715;

26 (c) up to 6 months informal supervision with release to

1 a person other than a parent;

2 (d) referral to special educational, counseling, or
3 other rehabilitative social or educational programs;

4 (e) referral to residential treatment programs;

5 (f) participation in a public or community service
6 program or activity; and

7 (g) any other appropriate action with the consent of
8 the minor and a parent.

9 (6) The factors to be considered by the probation officer
10 in formulating a non-judicial probation adjustment plan shall
11 be the same as those limited in subsection (4) of Section
12 5-405.

13 (7) Beginning January 1, 2000, the probation officer who
14 imposes a probation adjustment plan shall assure that
15 information about an offense which would constitute a felony if
16 committed by an adult, and may assure that information about a
17 misdemeanor offense, is transmitted to the Department of State
18 Police.

19 (8) If the minor fails to comply with any term or condition
20 of the non-judicial probation adjustment, the matter shall be
21 referred to the State's Attorney for determination of whether a
22 petition under this Article shall be filed.

23 (Source: P.A. 92-329, eff. 8-9-01.)

24 (705 ILCS 405/6-1) (from Ch. 37, par. 806-1)

25 Sec. 6-1. Probation departments; functions and duties.

1 (1) The chief judge of each circuit shall make provision
2 for probation services for each county in his or her circuit.
3 The appointment of officers to probation or court services
4 departments and the administration of such departments shall be
5 governed by the provisions of the Probation and Probation
6 Officers Act.

7 (2) Every county or every group of counties constituting a
8 probation district shall maintain a court services or probation
9 department subject to the provisions of the Probation and
10 Probation Officers Act. For the purposes of this Act, such a
11 court services or probation department has, but is not limited
12 to, the following powers and duties:

13 (a) When authorized or directed by the court, to
14 receive, investigate and evaluate complaints indicating
15 dependency, requirement of authoritative intervention,
16 addiction or delinquency within the meaning of Sections
17 2-3, 2-4, 3-3, 4-3 or 5-105, respectively; to determine or
18 assist the complainant in determining whether a petition
19 should be filed under Sections 2-13, 3-15, 4-12 or 5-520 or
20 whether referral should be made to an agency, association
21 or other person or whether some other action is advisable;
22 and to see that the indicating filing, referral or other
23 action is accomplished. However, no such investigation,
24 evaluation or supervision by such court services or
25 probation department is to occur with regard to complaints
26 indicating only that a minor may be a chronic or habitual

1 truant.

2 (a-1) To confer in a preliminary conference, with a
3 view to adjusting suitable cases without the filing of a
4 petition as provided for in Section 2-12 or Section 5-305.

5 (b) When a petition is filed under Section 2-13, 3-15,
6 4-15 or 5-520, to make pre-adjudicatory ~~pre hearing~~
7 investigations and formulate recommendations to the court
8 when the court has authorized or directed the department to
9 do so.

10 (b-1) When authorized or directed by the court, and
11 with the consent of the party respondents and the State's
12 Attorney, to confer in a pre-adjudicatory conference, with
13 a view to adjusting suitable cases as provided for in
14 Section 2-12 or Section 5-305.

15 (c) To counsel and, by order of the court, to supervise
16 minors referred to the court; to conduct indicated programs
17 of casework, including referrals for medical and mental
18 health service, organized recreation and job placement for
19 wards of the court and, when appropriate, for members of
20 the family of a ward; to act as liaison officer between the
21 court and agencies or associations to which minors are
22 referred or through which they are placed; when so
23 appointed, to serve as guardian of the person of a ward of
24 the court; to provide probation supervision and protective
25 supervision ordered by the court; and to provide like
26 services to wards and probationers of courts in other

1 counties or jurisdictions who have lawfully become local
2 residents.

3 (d) To arrange for placements pursuant to court order.

4 (e) To assume administrative responsibility for such
5 detention, shelter care and other institutions for minors
6 as the court may operate.

7 (f) To maintain an adequate system of case records,
8 statistical records, and financial records related to
9 juvenile detention and shelter care and to make reports to
10 the court and other authorized persons, and to the Supreme
11 Court pursuant to the Probation and Probation Officers Act.

12 (g) To perform such other services as may be
13 appropriate to effectuate the purposes of this Act or as
14 may be directed by any order of court made under this Act.

15 (3) The court services or probation department in any
16 probation district or county having less than 1,000,000
17 inhabitants, or any personnel of the department, may be
18 required by the circuit court to render services to the court
19 in other matters as well as proceedings under this Act.

20 (4) In any county or probation district, a probation
21 department may be established as a separate division of a more
22 inclusive department of court services, with any appropriate
23 divisional designation. The organization of any such
24 department of court services and the appointment of officers
25 and other personnel must comply with the Probation and
26 Probations Officers Act.

1 (5) For purposes of this Act only, probation officers
2 appointed to probation or court services departments shall be
3 considered peace officers. In the exercise of their official
4 duties, probation officers, sheriffs, and police officers may,
5 anywhere within the State, arrest any minor who is in violation
6 of any of the conditions of his or her probation, continuance
7 under supervision, or informal supervision, and it shall be the
8 duty of the officer making the arrest to take the minor before
9 the court having jurisdiction over the minor for further
10 action.

11 (Source: P.A. 93-576, eff. 1-1-04.)"