



Sen. Mattie Hunter

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LRB098 18210 RLC 58543 a

1 AMENDMENT TO HOUSE BILL 4781

2 AMENDMENT NO. _____. Amend House Bill 4781 on page 1, by
3 inserting immediately below line 3 the following:

4 "Section 3. The School Code is amended by changing Section
5 13-45 as follows:

6 (105 ILCS 5/13-45) (from Ch. 122, par. 13-45)

7 Sec. 13-45. Other provisions of this Code shall not apply
8 to the Department of Juvenile Justice School District being all
9 of the following Articles and Sections: Articles 3, 3A, 4, 5,
10 6, 7, 8, and 9, those Sections ~~sections~~ of Article 10 in
11 conflict with any provisions of Sections 13-40 through 13-45,
12 and Articles 11, 12, 15, 17, 18, 19, 19A, 20, 22, 24, 24A, 26,
13 31, 32, 33, and 34. Also Article 28 shall not apply except that
14 this School District may use any funds available from State,
15 Federal and other funds for the purchase of textbooks,
16 apparatus and equipment.

1 (Source: P.A. 96-328, eff. 8-11-09.)"; and

2 on page 1, by replacing line 5 with the following:

3 "changing Sections 3-2.5-15, 3-7-2, and 3-10-2 as follows:

4 (730 ILCS 5/3-2.5-15)

5 (Text of Section after amendment by P.A. 98-528)

6 Sec. 3-2.5-15. Department of Juvenile Justice; assumption
7 of duties of the Juvenile Division.

8 (a) The Department of Juvenile Justice shall assume the
9 rights, powers, duties, and responsibilities of the Juvenile
10 Division of the Department of Corrections. Personnel, books,
11 records, property, and unencumbered appropriations pertaining
12 to the Juvenile Division of the Department of Corrections shall
13 be transferred to the Department of Juvenile Justice on the
14 effective date of this amendatory Act of the 94th General
15 Assembly. Any rights of employees or the State under the
16 Personnel Code or any other contract or plan shall be
17 unaffected by this transfer.

18 (b) Department of Juvenile Justice personnel who are hired
19 by the Department on or after the effective date of this
20 amendatory Act of the 94th General Assembly and who participate
21 or assist in the rehabilitative and vocational training of
22 delinquent youths, supervise the daily activities involving
23 direct and continuing responsibility for the youth's security,
24 welfare and development, or participate in the personal

1 rehabilitation of delinquent youth by training, supervising,
2 and assisting lower level personnel who perform these duties
3 must be over the age of 21 and have a bachelor's or advanced
4 degree from an accredited college or university with a
5 specialization in criminal justice, education, psychology,
6 social work, or a closely related social science or other
7 bachelor's or advanced degree with at least 2 years experience
8 in the field of juvenile matters. This requirement shall not
9 apply to security, clerical, food service, and maintenance
10 staff that do not have direct and regular contact with youth.
11 The degree requirements specified in this subsection (b) are
12 not required of persons who provide vocational training and who
13 have adequate knowledge in the skill for which they are
14 providing the vocational training.

15 (c) Subsection (b) of this Section does not apply to
16 personnel transferred to the Department of Juvenile Justice on
17 the effective date of this amendatory Act of the 94th General
18 Assembly.

19 (d) The Department shall be under the direction of the
20 Director of Juvenile Justice as provided in this Code.

21 (e) The Director shall organize divisions within the
22 Department and shall assign functions, powers, duties, and
23 personnel as required by law. The Director may create other
24 divisions and may assign other functions, powers, duties, and
25 personnel as may be necessary or desirable to carry out the
26 functions and responsibilities vested by law in the Department.

1 The Director may, with the approval of the Office of the
2 Governor, assign to and share functions, powers, duties, and
3 personnel with other State agencies such that administrative
4 services and administrative facilities are provided by a shared
5 administrative service center. Where possible, shared services
6 which impact youth should be done with child-serving agencies.
7 These administrative services may include, but are not limited
8 to, all of the following functions: budgeting, accounting
9 related functions, auditing, human resources, legal,
10 procurement, training, data collection and analysis,
11 information technology, internal investigations, intelligence,
12 legislative services, emergency response capability, statewide
13 transportation services, and general office support.

14 (f) The Department of Juvenile Justice may enter into
15 intergovernmental cooperation agreements under which minors
16 adjudicated delinquent and committed to the Department of
17 Juvenile Justice may participate in county juvenile impact
18 incarceration programs established under Section 3-6039 of the
19 Counties Code.

20 (g) The Department of Juvenile Justice must comply with the
21 ethnic and racial background data collection procedures
22 provided in Section 4.5 of the Criminal Identification Act.

23 (Source: P.A. 98-528, eff. 1-1-15.); and

24 on page 4, by inserting immediately below line 12 the
25 following:

1 "(730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

2 Sec. 3-10-2. Examination of Persons Committed to the
3 Department of Juvenile Justice.

4 (a) A person committed to the Department of Juvenile
5 Justice shall be examined in regard to his medical,
6 psychological, social, educational and vocational condition
7 and history, including the use of alcohol and other drugs, the
8 circumstances of his offense and any other information as the
9 Department of Juvenile Justice may determine.

10 (a-5) Upon admission of a person committed to the
11 Department of Juvenile Justice, the Department of Juvenile
12 Justice must provide the person with appropriate information
13 concerning HIV and AIDS in writing, verbally, or by video or
14 other electronic means. The Department of Juvenile Justice
15 shall develop the informational materials in consultation with
16 the Department of Public Health. At the same time, the
17 Department of Juvenile Justice also must offer the person the
18 option of being tested, at no charge to the person, for
19 infection with human immunodeficiency virus (HIV). Pre-test
20 information shall be provided to the committed person and
21 informed consent obtained as required in subsection (d) of
22 Section 3 and Section 5 of the AIDS Confidentiality Act. The
23 Department of Juvenile Justice may conduct opt-out HIV testing
24 as defined in Section 4 of the AIDS Confidentiality Act. If the
25 Department conducts opt-out HIV testing, the Department shall

1 place signs in English, Spanish and other languages as needed
2 in multiple, highly visible locations in the area where HIV
3 testing is conducted informing inmates that they will be tested
4 for HIV unless they refuse, and refusal or acceptance of
5 testing shall be documented in the inmate's medical record. The
6 Department shall follow procedures established by the
7 Department of Public Health to conduct HIV testing and testing
8 to confirm positive HIV test results. All testing must be
9 conducted by medical personnel, but pre-test and other
10 information may be provided by committed persons who have
11 received appropriate training. The Department, in conjunction
12 with the Department of Public Health, shall develop a plan that
13 complies with the AIDS Confidentiality Act to deliver
14 confidentially all positive or negative HIV test results to
15 inmates or former inmates. Nothing in this Section shall
16 require the Department to offer HIV testing to an inmate who is
17 known to be infected with HIV, or who has been tested for HIV
18 within the previous 180 days and whose documented HIV test
19 result is available to the Department electronically. The
20 testing provided under this subsection (a-5) shall consist of a
21 test approved by the Illinois Department of Public Health to
22 determine the presence of HIV infection, based upon
23 recommendations of the United States Centers for Disease
24 Control and Prevention. If the test result is positive, a
25 reliable supplemental test based upon recommendations of the
26 United States Centers for Disease Control and Prevention shall

1 be administered.

2 Also upon admission of a person committed to the Department
3 of Juvenile Justice, the Department of Juvenile Justice must
4 inform the person of the Department's obligation to provide the
5 person with medical care.

6 (b) Based on its examination, the Department of Juvenile
7 Justice may exercise the following powers in developing a
8 treatment program of any person committed to the Department of
9 Juvenile Justice:

10 (1) Require participation by him in vocational,
11 physical, educational and corrective training and
12 activities to return him to the community.

13 (2) Place him in any institution or facility of the
14 Department of Juvenile Justice.

15 (3) Order replacement or referral to the Parole and
16 Pardon Board as often as it deems desirable. The Department
17 of Juvenile Justice shall refer the person to the Parole
18 and Pardon Board as required under Section 3-3-4.

19 (4) Enter into agreements with the Secretary of Human
20 Services and the Director of Children and Family Services,
21 with courts having probation officers, and with private
22 agencies or institutions for separate care or special
23 treatment of persons subject to the control of the
24 Department of Juvenile Justice.

25 (c) The Department of Juvenile Justice shall make periodic
26 reexamination of all persons under the control of the

1 Department of Juvenile Justice to determine whether existing
2 orders in individual cases should be modified or continued.
3 This examination shall be made with respect to every person at
4 least once annually.

5 (d) A record of the treatment decision including any
6 modification thereof and the reason therefor, shall be part of
7 the committed person's master record file.

8 (e) The Department of Juvenile Justice shall by certified
9 mail and telephone or electronic message ~~, return receipt~~
10 ~~requested,~~ notify the parent, guardian or nearest relative of
11 any person committed to the Department of Juvenile Justice of
12 his or her physical location and any change thereof.
13 (Source: P.A. 97-244, eff. 8-4-11; 97-323, eff. 8-12-11;
14 97-813, eff. 7-13-12.)".