

SB2709



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2709

Introduced 1/28/2014, by Sen. Michael Noland

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-105

730 ILCS 5/5-1-18.1

730 ILCS 115/1

from Ch. 38, par. 1005-1-18.1

from Ch. 38, par. 204a-1

Amends the Juvenile Court Act of 1987, the Unified Code of Corrections, and the Probation Community Service Act. Provides that "public or community service" does not include blood donation or assignment to labor at a blood bank.

LRB098 15093 RLC 50063 b

A BILL FOR

1 AN ACT concerning criminal law.

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 Section 5-105 as follows:

6 (705 ILCS 405/5-105)

7 Sec. 5-105. Definitions. As used in this Article:

8 (1) "Aftercare release" means the conditional and
9 revocable release of an adjudicated delinquent juvenile
10 committed to the Department of Juvenile Justice under the
11 supervision of the Department of Juvenile Justice.

12 (1.5) "Court" means the circuit court in a session or
13 division assigned to hear proceedings under this Act, and
14 includes the term Juvenile Court.

15 (2) "Community service" means uncompensated labor for a
16 community service agency as hereinafter defined.

17 (2.5) "Community service agency" means a not-for-profit
18 organization, community organization, church, charitable
19 organization, individual, public office, or other public body
20 whose purpose is to enhance the physical or mental health of a
21 delinquent minor or to rehabilitate the minor, or to improve
22 the environmental quality or social welfare of the community
23 which agrees to accept community service from juvenile

1 delinquents and to report on the progress of the community
2 service to the State's Attorney pursuant to an agreement or to
3 the court or to any agency designated by the court or to the
4 authorized diversion program that has referred the delinquent
5 minor for community service.

6 (3) "Delinquent minor" means any minor who prior to his or
7 her 18th birthday has violated or attempted to violate,
8 regardless of where the act occurred, any federal, State,
9 county or municipal law or ordinance.

10 (4) "Department" means the Department of Human Services
11 unless specifically referenced as another department.

12 (5) "Detention" means the temporary care of a minor who is
13 alleged to be or has been adjudicated delinquent and who
14 requires secure custody for the minor's own protection or the
15 community's protection in a facility designed to physically
16 restrict the minor's movements, pending disposition by the
17 court or execution of an order of the court for placement or
18 commitment. Design features that physically restrict movement
19 include, but are not limited to, locked rooms and the secure
20 handcuffing of a minor to a rail or other stationary object. In
21 addition, "detention" includes the court ordered care of an
22 alleged or adjudicated delinquent minor who requires secure
23 custody pursuant to Section 5-125 of this Act.

24 (6) "Diversion" means the referral of a juvenile, without
25 court intervention, into a program that provides services
26 designed to educate the juvenile and develop a productive and

1 responsible approach to living in the community.

2 (7) "Juvenile detention home" means a public facility with
3 specially trained staff that conforms to the county juvenile
4 detention standards promulgated by the Department of
5 Corrections.

6 (8) "Juvenile justice continuum" means a set of delinquency
7 prevention programs and services designed for the purpose of
8 preventing or reducing delinquent acts, including criminal
9 activity by youth gangs, as well as intervention,
10 rehabilitation, and prevention services targeted at minors who
11 have committed delinquent acts, and minors who have previously
12 been committed to residential treatment programs for
13 delinquents. The term includes children-in-need-of-services
14 and families-in-need-of-services programs; aftercare and
15 reentry services; substance abuse and mental health programs;
16 community service programs; community service work programs;
17 and alternative-dispute resolution programs serving
18 youth-at-risk of delinquency and their families, whether
19 offered or delivered by State or local governmental entities,
20 public or private for-profit or not-for-profit organizations,
21 or religious or charitable organizations. This term would also
22 encompass any program or service consistent with the purpose of
23 those programs and services enumerated in this subsection.

24 (9) "Juvenile police officer" means a sworn police officer
25 who has completed a Basic Recruit Training Course, has been
26 assigned to the position of juvenile police officer by his or

1 her chief law enforcement officer and has completed the
2 necessary juvenile officers training as prescribed by the
3 Illinois Law Enforcement Training Standards Board, or in the
4 case of a State police officer, juvenile officer training
5 approved by the Director of State Police.

6 (10) "Minor" means a person under the age of 21 years
7 subject to this Act.

8 (11) "Non-secure custody" means confinement where the
9 minor is not physically restricted by being placed in a locked
10 cell or room, by being handcuffed to a rail or other stationary
11 object, or by other means. Non-secure custody may include, but
12 is not limited to, electronic monitoring, foster home
13 placement, home confinement, group home placement, or physical
14 restriction of movement or activity solely through facility
15 staff.

16 (12) "Public or community service" means uncompensated
17 labor for a not-for-profit organization or public body whose
18 purpose is to enhance physical or mental stability of the
19 offender, environmental quality or the social welfare and which
20 agrees to accept public or community service from offenders and
21 to report on the progress of the offender and the public or
22 community service to the court or to the authorized diversion
23 program that has referred the offender for public or community
24 service. "Public or community service" does not include blood
25 donation or assignment to labor at a blood bank. For the
26 purposes of this Act, "blood bank" has the meaning ascribed to

1 the term in Section 2-124 of the Illinois Clinical Laboratory
2 and Blood Bank Act.

3 (13) "Sentencing hearing" means a hearing to determine
4 whether a minor should be adjudged a ward of the court, and to
5 determine what sentence should be imposed on the minor. It is
6 the intent of the General Assembly that the term "sentencing
7 hearing" replace the term "dispositional hearing" and be
8 synonymous with that definition as it was used in the Juvenile
9 Court Act of 1987.

10 (14) "Shelter" means the temporary care of a minor in
11 physically unrestricting facilities pending court disposition
12 or execution of court order for placement.

13 (15) "Site" means a not-for-profit organization, public
14 body, church, charitable organization, or individual agreeing
15 to accept community service from offenders and to report on the
16 progress of ordered or required public or community service to
17 the court or to the authorized diversion program that has
18 referred the offender for public or community service.

19 (16) "Station adjustment" means the informal or formal
20 handling of an alleged offender by a juvenile police officer.

21 (17) "Trial" means a hearing to determine whether the
22 allegations of a petition under Section 5-520 that a minor is
23 delinquent are proved beyond a reasonable doubt. It is the
24 intent of the General Assembly that the term "trial" replace
25 the term "adjudicatory hearing" and be synonymous with that
26 definition as it was used in the Juvenile Court Act of 1987.

1 The changes made to this Section by Public Act 98-61 ~~this~~
2 ~~amendatory Act of the 98th General Assembly~~ apply to violations
3 or attempted violations committed on or after January 1, 2014
4 (the effective date of Public Act 98-61) ~~this amendatory Act.~~
5 (Source: P.A. 98-61, eff. 1-1-14; 98-558, eff. 1-1-14; revised
6 9-24-13.)

7 Section 10. The Unified Code of Corrections is amended by
8 changing Section 5-1-18.1 as follows:

9 (730 ILCS 5/5-1-18.1) (from Ch. 38, par. 1005-1-18.1)

10 Sec. 5-1-18.1. "Public or community service" means
11 uncompensated labor for a non-profit organization or public
12 body whose purpose is to enhance physical or mental stability,
13 environmental quality or the social welfare and which agrees to
14 accept public or community service from offenders and to report
15 on the progress of the public or community service to the
16 court. "Public or community service" does not include blood
17 donation or assignment to labor at a blood bank. For the
18 purposes of this Chapter, "blood bank" has the meaning ascribed
19 to the term in Section 2-124 of the Illinois Clinical
20 Laboratory and Blood Bank Act.

21 (Source: P.A. 85-449.)

22 Section 15. The Probation Community Service Act is amended
23 by changing Section 1 as follows:

1 (730 ILCS 115/1) (from Ch. 38, par. 204a-1)

2 Sec. 1. (a) "Public or Community Service" means
3 uncompensated labor for a not-for-profit organization or
4 public body whose purpose is to enhance physical, or mental
5 stability of the offender, environmental quality or the social
6 welfare and which agrees to accept public or community service
7 from offenders and to report on the progress of the offender
8 and the public or community service to the court or to the
9 authorized diversion program that has referred the offender for
10 public or community service. "Public or Community Service" does
11 not include blood donation or assignment to labor at a blood
12 bank. For the purposes of this Act, "blood bank" has the
13 meaning ascribed to the term in Section 2-124 of the Illinois
14 Clinical Laboratory and Blood Bank Act.

15 (b) "Site" means a not-for-profit organization, public
16 body, church, charitable organization, or individual agreeing
17 to accept community service from offenders and to report on the
18 progress of ordered or required public or community service to
19 the court or to the authorized diversion program that has
20 referred the offender for public or community service.

21 (c) The county boards of the several counties in this State
22 are authorized to establish and operate agencies to develop and
23 supervise programs of public or community service for those
24 persons placed by the court on probation, conditional
25 discharge, or supervision.

1 (d) The programs shall be developed in cooperation with the
2 circuit courts for the respective counties developing such
3 programs and shall conform with any law restricting the use of
4 public or community service.

5 (e) Neither the State, any local government, probation
6 department, public or community service program or site, nor
7 any official, volunteer, or employee thereof acting in the
8 course of their official duties shall be liable for any injury
9 or loss a person might receive while performing public or
10 community service as ordered either (1) by the court or (2) by
11 any duly authorized station or probation adjustment, teen
12 court, community mediation, or other administrative diversion
13 program authorized by the Juvenile Court Act of 1987 for a
14 violation of a penal statute of this State or a local
15 government ordinance (whether penal, civil, or quasi-criminal)
16 or for a traffic offense, nor shall they be liable for any
17 tortious acts of any person performing public or community
18 service, except for wilful, wanton misconduct or gross
19 negligence on the part of such governmental unit, probation
20 department, or public or community service program or site or
21 on the part of the official, volunteer, or employee.

22 (f) No person assigned to a public or community service
23 program shall be considered an employee for any purpose, nor
24 shall the county board be obligated to provide any compensation
25 to such person.

26 (Source: P.A. 91-820, eff. 6-13-00.)