

HB0487



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0487

by Rep. Anthony DeLuca

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-715

Amends the Juvenile Court Act of 1987. Provides that if a minor has previously been placed on probation for an offense that involves the use or possession of a firearm, the court may not place the minor on probation for any subsequent offense involving the use or possession of a firearm.

LRB100 04686 SLF 14692 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 Section 5-715 as follows:

6 (705 ILCS 405/5-715)

7 Sec. 5-715. Probation.

8 (1) The period of probation or conditional discharge shall
9 not exceed 5 years or until the minor has attained the age of
10 21 years, whichever is less, except as provided in this Section
11 for a minor who is found to be guilty for an offense which is
12 first degree murder. The juvenile court may terminate probation
13 or conditional discharge and discharge the minor at any time if
14 warranted by the conduct of the minor and the ends of justice;
15 provided, however, that the period of probation for a minor who
16 is found to be guilty for an offense which is first degree
17 murder shall be at least 5 years.

18 (1.5) The period of probation for a minor who is found
19 guilty of aggravated criminal sexual assault, criminal sexual
20 assault, or aggravated battery with a firearm shall be at least
21 36 months. The period of probation for a minor who is found to
22 be guilty of any other Class X felony shall be at least 24
23 months. The period of probation for a Class 1 or Class 2

1 forcible felony shall be at least 18 months. Regardless of the
2 length of probation ordered by the court, for all offenses
3 under this paragraph (1.5), the court shall schedule hearings
4 to determine whether it is in the best interest of the minor
5 and public safety to terminate probation after the minimum
6 period of probation has been served. In such a hearing, there
7 shall be a rebuttable presumption that it is in the best
8 interest of the minor and public safety to terminate probation.

9 (2) The court may as a condition of probation or of
10 conditional discharge require that the minor:

11 (a) not violate any criminal statute of any
12 jurisdiction;

13 (b) make a report to and appear in person before any
14 person or agency as directed by the court;

15 (c) work or pursue a course of study or vocational
16 training;

17 (d) undergo medical or psychiatric treatment, rendered
18 by a psychiatrist or psychological treatment rendered by a
19 clinical psychologist or social work services rendered by a
20 clinical social worker, or treatment for drug addiction or
21 alcoholism;

22 (e) attend or reside in a facility established for the
23 instruction or residence of persons on probation;

24 (f) support his or her dependents, if any;

25 (g) refrain from possessing a firearm or other
26 dangerous weapon, or an automobile;

1 (h) permit the probation officer to visit him or her at
2 his or her home or elsewhere;

3 (i) reside with his or her parents or in a foster home;

4 (j) attend school;

5 (j-5) with the consent of the superintendent of the
6 facility, attend an educational program at a facility other
7 than the school in which the offense was committed if he or
8 she committed a crime of violence as defined in Section 2
9 of the Crime Victims Compensation Act in a school, on the
10 real property comprising a school, or within 1,000 feet of
11 the real property comprising a school;

12 (k) attend a non-residential program for youth;

13 (l) make restitution under the terms of subsection (4)
14 of Section 5-710;

15 (m) contribute to his or her own support at home or in
16 a foster home;

17 (n) perform some reasonable public or community
18 service;

19 (o) participate with community corrections programs
20 including unified delinquency intervention services
21 administered by the Department of Human Services subject to
22 Section 5 of the Children and Family Services Act;

23 (p) pay costs;

24 (q) serve a term of home confinement. In addition to
25 any other applicable condition of probation or conditional
26 discharge, the conditions of home confinement shall be that

1 the minor:

2 (i) remain within the interior premises of the
3 place designated for his or her confinement during the
4 hours designated by the court;

5 (ii) admit any person or agent designated by the
6 court into the minor's place of confinement at any time
7 for purposes of verifying the minor's compliance with
8 the conditions of his or her confinement; and

9 (iii) use an approved electronic monitoring device
10 if ordered by the court subject to Article 8A of
11 Chapter V of the Unified Code of Corrections;

12 (r) refrain from entering into a designated geographic
13 area except upon terms as the court finds appropriate. The
14 terms may include consideration of the purpose of the
15 entry, the time of day, other persons accompanying the
16 minor, and advance approval by a probation officer, if the
17 minor has been placed on probation, or advance approval by
18 the court, if the minor has been placed on conditional
19 discharge;

20 (s) refrain from having any contact, directly or
21 indirectly, with certain specified persons or particular
22 types of persons, including but not limited to members of
23 street gangs and drug users or dealers;

24 (s-5) undergo a medical or other procedure to have a
25 tattoo symbolizing allegiance to a street gang removed from
26 his or her body;

1 (t) refrain from having in his or her body the presence
2 of any illicit drug prohibited by the Cannabis Control Act,
3 the Illinois Controlled Substances Act, or the
4 Methamphetamine Control and Community Protection Act,
5 unless prescribed by a physician, and shall submit samples
6 of his or her blood or urine or both for tests to determine
7 the presence of any illicit drug; or

8 (u) comply with other conditions as may be ordered by
9 the court.

10 (3) The court may as a condition of probation or of
11 conditional discharge require that a minor found guilty on any
12 alcohol, cannabis, methamphetamine, or controlled substance
13 violation, refrain from acquiring a driver's license during the
14 period of probation or conditional discharge. If the minor is
15 in possession of a permit or license, the court may require
16 that the minor refrain from driving or operating any motor
17 vehicle during the period of probation or conditional
18 discharge, except as may be necessary in the course of the
19 minor's lawful employment.

20 (3.5) The court shall, as a condition of probation or of
21 conditional discharge, require that a minor found to be guilty
22 and placed on probation for reasons that include a violation of
23 Section 3.02 or Section 3.03 of the Humane Care for Animals Act
24 or paragraph (4) of subsection (a) of Section 21-1 of the
25 Criminal Code of 2012 undergo medical or psychiatric treatment
26 rendered by a psychiatrist or psychological treatment rendered

1 by a clinical psychologist. The condition may be in addition to
2 any other condition.

3 (3.10) The court shall order that a minor placed on
4 probation or conditional discharge for a sex offense as defined
5 in the Sex Offender Management Board Act undergo and
6 successfully complete sex offender treatment. The treatment
7 shall be in conformance with the standards developed under the
8 Sex Offender Management Board Act and conducted by a treatment
9 provider approved by the Board. The treatment shall be at the
10 expense of the person evaluated based upon that person's
11 ability to pay for the treatment.

12 (4) A minor on probation or conditional discharge shall be
13 given a certificate setting forth the conditions upon which he
14 or she is being released.

15 (5) The court shall impose upon a minor placed on probation
16 or conditional discharge, as a condition of the probation or
17 conditional discharge, a fee of \$50 for each month of probation
18 or conditional discharge supervision ordered by the court,
19 unless after determining the inability of the minor placed on
20 probation or conditional discharge to pay the fee, the court
21 assesses a lesser amount. The court may not impose the fee on a
22 minor who is made a ward of the State under this Act while the
23 minor is in placement. The fee shall be imposed only upon a
24 minor who is actively supervised by the probation and court
25 services department. The court may order the parent, guardian,
26 or legal custodian of the minor to pay some or all of the fee on

1 the minor's behalf.

2 (5.5) Jurisdiction over an offender may be transferred from
3 the sentencing court to the court of another circuit with the
4 concurrence of both courts. Further transfers or retransfers of
5 jurisdiction are also authorized in the same manner. The court
6 to which jurisdiction has been transferred shall have the same
7 powers as the sentencing court. The probation department within
8 the circuit to which jurisdiction has been transferred, or
9 which has agreed to provide supervision, may impose probation
10 fees upon receiving the transferred offender, as provided in
11 subsection (i) of Section 5-6-3 of the Unified Code of
12 Corrections. For all transfer cases, as defined in Section 9b
13 of the Probation and Probation Officers Act, the probation
14 department from the original sentencing court shall retain all
15 probation fees collected prior to the transfer. After the
16 transfer, all probation fees shall be paid to the probation
17 department within the circuit to which jurisdiction has been
18 transferred.

19 If the transfer case originated in another state and has
20 been transferred under the Interstate Compact for Juveniles to
21 the jurisdiction of an Illinois circuit court for supervision
22 by an Illinois probation department, probation fees may be
23 imposed only if permitted by the Interstate Commission for
24 Juveniles.

25 (6) The General Assembly finds that in order to protect the
26 public, the juvenile justice system must compel compliance with

1 the conditions of probation by responding to violations with
2 swift, certain, and fair punishments and intermediate
3 sanctions. The Chief Judge of each circuit shall adopt a system
4 of structured, intermediate sanctions for violations of the
5 terms and conditions of a sentence of supervision, probation or
6 conditional discharge, under this Act.

7 The court shall provide as a condition of a disposition of
8 probation, conditional discharge, or supervision, that the
9 probation agency may invoke any sanction from the list of
10 intermediate sanctions adopted by the chief judge of the
11 circuit court for violations of the terms and conditions of the
12 sentence of probation, conditional discharge, or supervision,
13 subject to the provisions of Section 5-720 of this Act.

14 (7) If a minor has previously been placed on probation for
15 an offense that involves the use or possession of a firearm,
16 the court may not place the minor on probation for any
17 subsequent offense involving the use or possession of a
18 firearm.

19 (Source: P.A. 98-575, eff. 1-1-14; 99-879, eff. 1-1-17.)