



Rep. Justin Slaughter

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1 AMENDMENT TO HOUSE BILL 2619

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2619, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Juvenile Court Act of 1987 is amended by  
6 changing Sections 5-410, 5-710 and 5-720 as follows:

7 (705 ILCS 405/5-410)

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

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

14 (2) (a) Any minor 13 ~~10~~ years of age or older arrested  
15 under ~~pursuant to~~ this Act where there is probable cause to  
16 believe that the minor is a delinquent minor and that (i)

1 secured custody is a matter of immediate and urgent necessity  
2 for the protection of the minor or of the person or property of  
3 another, (ii) the minor is likely to flee the jurisdiction of  
4 the court, or (iii) the minor was taken into custody under a  
5 warrant, may be kept or detained in an authorized detention  
6 facility. ~~A minor under 13 years of age shall not be admitted,  
7 kept, or detained in a detention facility unless a local youth  
8 service provider, including a provider through the  
9 Comprehensive Community Based Youth Services network, has been  
10 contacted and has not been able to accept the minor.~~ No minor  
11 under 12 years of age shall be detained in a county jail or a  
12 municipal lockup for more than 6 hours. A minor at least 10  
13 years of age but not more than 12 years of age charged with a  
14 violation of Section 12-3.2 of the Criminal Code of 2012, a  
15 felony offense under Article 24 of the Criminal Code of 2012,  
16 an offense under Article 11 of the Criminal Code of 2012, or a  
17 forcible felony as defined in Section 2-8 of the Criminal Code  
18 of 2012 may be held or detained in an authorized detention  
19 facility upon the discretion of the court if the minor meets  
20 the requirements of this subdivision (2)(a) and there is no  
21 less restrictive setting available for the minor. Detention  
22 shall be for as short a period as necessary to locate a less  
23 restrictive setting for the minor. Alternatives to detention  
24 include, but are not limited to, parental care, shelter care, a  
25 secure child care facility, or other appropriate setting under  
26 the Juvenile Court Act of 1987.

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

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

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

1 of the minor: first degree murder, second degree murder,  
2 involuntary manslaughter, criminal sexual assault, aggravated  
3 criminal sexual assault, aggravated battery with a firearm as  
4 described in Section 12-4.2 or subdivision (e)(1), (e)(2),  
5 (e)(3), or (e)(4) of Section 12-3.05, aggravated or heinous  
6 battery involving permanent disability or disfigurement or  
7 great bodily harm, robbery, aggravated robbery, armed robbery,  
8 vehicular hijacking, aggravated vehicular hijacking, vehicular  
9 invasion, arson, aggravated arson, kidnapping, aggravated  
10 kidnapping, home invasion, burglary, or residential burglary.

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

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

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

1           (iii) Upon placement in secure custody in a jail or  
2 lockup, the minor shall be informed of the purpose of the  
3 detention, the time it is expected to last and the fact  
4 that it cannot exceed the time specified under this Act.

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

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

22                   (A) The age of the person;

23                   (B) Any previous delinquent or criminal history of  
24 the person;

25                   (C) Any previous abuse or neglect history of the  
26 person; and

1 (D) Any mental health or educational history of the  
2 person, or both.

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

18 (ii) To accept or hold minors, 13 ~~12~~ years of age or older,  
19 after the time period prescribed in paragraph (d) (i) of this  
20 subsection (2) of this Section but not exceeding 7 days  
21 including Saturdays, Sundays, and holidays pending an  
22 adjudicatory hearing, county jails shall comply with all  
23 temporary detention standards adopted by the Department of  
24 Corrections and training standards approved by the Illinois Law  
25 Enforcement Training Standards Board.

26 (iii) To accept or hold minors 13 ~~12~~ years of age or older,

1 after the time period prescribed in paragraphs (d)(i) and  
2 (d)(ii) of this subsection (2) of this Section, county jails  
3 shall comply with all county juvenile detention standards  
4 adopted by the Department of Juvenile Justice.

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

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

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

26 (3) If the probation officer or State's Attorney (or such

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

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

11 (5) The changes made to this Section by Public Act 98-61  
12 apply to a minor who has been arrested or taken into custody on  
13 or after January 1, 2014 (the effective date of Public Act  
14 98-61).

15 (Source: P.A. 98-61, eff. 1-1-14; 98-685, eff. 1-1-15; 98-756,  
16 eff. 7-16-14; 99-254, eff. 1-1-16.)

17 (705 ILCS 405/5-710)

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

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

21 (a) Except as provided in Sections 5-805, 5-810, 5-815,  
22 a minor who is found guilty under Section 5-620 may be:

23 (i) put on probation or conditional discharge and  
24 released to his or her parents, guardian or legal  
25 custodian, provided, however, that any such minor who



1 is not committed to the Department of Juvenile Justice  
2 under this subsection and who is found to be a  
3 delinquent for an offense which is first degree murder,  
4 a Class X felony, or a forcible felony shall be placed  
5 on probation;

6 (ii) placed in accordance with Section 5-740, with  
7 or without also being put on probation or conditional  
8 discharge;

9 (iii) required to undergo a substance abuse  
10 assessment conducted by a licensed provider and  
11 participate in the indicated clinical level of care;

12 (iv) on and after the effective date of this  
13 amendatory Act of the 98th General Assembly and before  
14 January 1, 2017, placed in the guardianship of the  
15 Department of Children and Family Services, but only if  
16 the delinquent minor is under 16 years of age or, under  
17 ~~pursuant to~~ Article II of this Act, a minor for whom an  
18 independent basis of abuse, neglect, or dependency  
19 exists. On and after January 1, 2017, placed in the  
20 guardianship of the Department of Children and Family  
21 Services, but only if the delinquent minor is under 15  
22 years of age or, pursuant to Article II of this Act, a  
23 minor for whom an independent basis of abuse, neglect,  
24 or dependency exists. An independent basis exists when  
25 the allegations or adjudication of abuse, neglect, or  
26 dependency do not arise from the same facts, incident,

1 or circumstances which give rise to a charge or  
2 adjudication of delinquency;

3 (v) placed in detention for a period not to exceed  
4 30 days, either as the exclusive order of disposition  
5 or, where appropriate, in conjunction with any other  
6 order of disposition issued under this paragraph,  
7 provided that any such detention shall be in a juvenile  
8 detention home and the minor so detained shall be 13 ~~10~~  
9 years of age or older. However, the 30-day limitation  
10 may be extended by further order of the court for a  
11 minor under age 15 committed to the Department of  
12 Children and Family Services if the court finds that  
13 the minor is a danger to himself or others. The minor  
14 shall be given credit on the sentencing order of  
15 detention for time spent in detention under Sections  
16 5-501, 5-601, 5-710, or 5-720 of this Article as a  
17 result of the offense for which the sentencing order  
18 was imposed. The court may grant credit on a sentencing  
19 order of detention entered under a violation of  
20 probation or violation of conditional discharge under  
21 Section 5-720 of this Article for time spent in  
22 detention before the filing of the petition alleging  
23 the violation. A minor shall not be deprived of credit  
24 for time spent in detention before the filing of a  
25 violation of probation or conditional discharge  
26 alleging the same or related act or acts. The

1 limitation that the minor shall only be placed in a  
2 juvenile detention home does not apply as follows:

3 Persons 18 years of age and older who have a  
4 petition of delinquency filed against them may be  
5 confined in an adult detention facility. In making a  
6 determination whether to confine a person 18 years of  
7 age or older who has a petition of delinquency filed  
8 against the person, these factors, among other  
9 matters, shall be considered:

10 (A) the age of the person;

11 (B) any previous delinquent or criminal  
12 history of the person;

13 (C) any previous abuse or neglect history of  
14 the person;

15 (D) any mental health history of the person;

16 and

17 (E) any educational history of the person;

18 (vi) ordered partially or completely emancipated  
19 in accordance with the provisions of the Emancipation  
20 of Minors Act;

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

25 (viii) put on probation or conditional discharge  
26 and placed in detention under Section 3-6039 of the

1 Counties Code for a period not to exceed the period of  
2 incarceration permitted by law for adults found guilty  
3 of the same offense or offenses for which the minor was  
4 adjudicated delinquent, and in any event no longer than  
5 upon attainment of age 21; this subdivision (viii)  
6 notwithstanding any contrary provision of the law;

7 (ix) ordered to undergo a medical or other  
8 procedure to have a tattoo symbolizing allegiance to a  
9 street gang removed from his or her body; or

10 (x) placed in electronic home detention under Part  
11 7A of this Article.

12 (b) A minor found to be guilty may be committed to the  
13 Department of Juvenile Justice under Section 5-750 if the  
14 minor is at least 13 years and under 20 years of age,  
15 provided that the commitment to the Department of Juvenile  
16 Justice shall be made only if the minor was found guilty of  
17 a felony offense or first degree murder. The court shall  
18 include in the sentencing order any pre-custody credits the  
19 minor is entitled to under Section 5-4.5-100 of the Unified  
20 Code of Corrections. The time during which a minor is in  
21 custody before being released upon the request of a parent,  
22 guardian or legal custodian shall also be considered as  
23 time spent in custody.

24 (c) When a minor is found to be guilty for an offense  
25 which is a violation of the Illinois Controlled Substances  
26 Act, the Cannabis Control Act, or the Methamphetamine

1 Control and Community Protection Act and made a ward of the  
2 court, the court may enter a disposition order requiring  
3 the minor to undergo assessment, counseling or treatment in  
4 a substance abuse program approved by the Department of  
5 Human Services.

6 (2) Any sentencing order other than commitment to the  
7 Department of Juvenile Justice may provide for protective  
8 supervision under Section 5-725 and may include an order of  
9 protection under Section 5-730.

10 (3) Unless the sentencing order expressly so provides, it  
11 does not operate to close proceedings on the pending petition,  
12 but is subject to modification until final closing and  
13 discharge of the proceedings under Section 5-750.

14 (4) In addition to any other sentence, the court may order  
15 any minor found to be delinquent to make restitution, in  
16 monetary or non-monetary form, under the terms and conditions  
17 of Section 5-5-6 of the Unified Code of Corrections, except  
18 that the "presentencing hearing" referred to in that Section  
19 shall be the sentencing hearing for purposes of this Section.  
20 The parent, guardian or legal custodian of the minor may be  
21 ordered by the court to pay some or all of the restitution on  
22 the minor's behalf, pursuant to the Parental Responsibility  
23 Law. The State's Attorney is authorized to act on behalf of any  
24 victim in seeking restitution in proceedings under this  
25 Section, up to the maximum amount allowed in Section 5 of the  
26 Parental Responsibility Law.

1           (5) Any sentencing order where the minor is committed or  
2 placed in accordance with Section 5-740 shall provide for the  
3 parents or guardian of the estate of the minor to pay to the  
4 legal custodian or guardian of the person of the minor such  
5 sums as are determined by the custodian or guardian of the  
6 person of the minor as necessary for the minor's needs. The  
7 payments may not exceed the maximum amounts provided for by  
8 Section 9.1 of the Children and Family Services Act.

9           (6) Whenever the sentencing order requires the minor to  
10 attend school or participate in a program of training, the  
11 truant officer or designated school official shall regularly  
12 report to the court if the minor is a chronic or habitual  
13 truant under Section 26-2a of the School Code. Notwithstanding  
14 any other provision of this Act, in instances in which  
15 educational services are to be provided to a minor in a  
16 residential facility where the minor has been placed by the  
17 court, costs incurred in the provision of those educational  
18 services must be allocated based on the requirements of the  
19 School Code.

20           (7) In no event shall a guilty minor be committed to the  
21 Department of Juvenile Justice for a period of time in excess  
22 of that period for which an adult could be committed for the  
23 same act. The court shall include in the sentencing order a  
24 limitation on the period of confinement not to exceed the  
25 maximum period of imprisonment the court could impose under  
26 Article V of the Unified Code of Corrections.

1           (7.5) In no event shall a guilty minor be committed to the  
2 Department of Juvenile Justice or placed in detention when the  
3 act for which the minor was adjudicated delinquent would not be  
4 illegal if committed by an adult.

5           (7.6) In no event shall a guilty minor be committed to the  
6 Department of Juvenile Justice for an offense which is a Class  
7 4 felony under Section 19-4 (criminal trespass to a residence),  
8 21-1 (criminal damage to property), 21-1.01 (criminal damage to  
9 government supported property), 21-1.3 (criminal defacement of  
10 property), 26-1 (disorderly conduct), or 31-4 (obstructing  
11 justice) of the Criminal Code of 2012.

12           (7.75) In no event shall a guilty minor be committed to the  
13 Department of Juvenile Justice for an offense that is a Class 3  
14 or Class 4 felony violation of the Illinois Controlled  
15 Substances Act unless the commitment occurs upon a third or  
16 subsequent judicial finding of a violation of probation for  
17 substantial noncompliance with court-ordered ~~court-ordered~~  
18 treatment or programming.

19           (8) A minor found to be guilty for reasons that include a  
20 violation of Section 21-1.3 of the Criminal Code of 1961 or the  
21 Criminal Code of 2012 shall be ordered to perform community  
22 service for not less than 30 and not more than 120 hours, if  
23 community service is available in the jurisdiction. The  
24 community service shall include, but need not be limited to,  
25 the cleanup and repair of the damage that was caused by the  
26 violation or similar damage to property located in the

1 municipality or county in which the violation occurred. The  
2 order may be in addition to any other order authorized by this  
3 Section.

4 (8.5) A minor found to be guilty for reasons that include a  
5 violation of Section 3.02 or Section 3.03 of the Humane Care  
6 for Animals Act or paragraph (d) of subsection (1) of Section  
7 21-1 of the Criminal Code of 1961 or paragraph (4) of  
8 subsection (a) of Section 21-1 of the Criminal Code of 2012  
9 shall be ordered to undergo medical or psychiatric treatment  
10 rendered by a psychiatrist or psychological treatment rendered  
11 by a clinical psychologist. The order may be in addition to any  
12 other order authorized by this Section.

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



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

21 (10) When a court finds a minor to be guilty the court  
22 shall, before entering a sentencing order under this Section,  
23 make a finding whether the offense committed either: (a) was  
24 related to or in furtherance of the criminal activities of an  
25 organized gang or was motivated by the minor's membership in or  
26 allegiance to an organized gang, or (b) involved a violation of

1 subsection (a) of Section 12-7.1 of the Criminal Code of 1961  
2 or the Criminal Code of 2012, a violation of any Section of  
3 Article 24 of the Criminal Code of 1961 or the Criminal Code of  
4 2012, or a violation of any statute that involved the wrongful  
5 use of a firearm. If the court determines the question in the  
6 affirmative, and the court does not commit the minor to the  
7 Department of Juvenile Justice, the court shall order the minor  
8 to perform community service for not less than 30 hours nor  
9 more than 120 hours, provided that community service is  
10 available in the jurisdiction and is funded and approved by the  
11 county board of the county where the offense was committed. The  
12 community service shall include, but need not be limited to,  
13 the cleanup and repair of any damage caused by a violation of  
14 Section 21-1.3 of the Criminal Code of 1961 or the Criminal  
15 Code of 2012 and similar damage to property located in the  
16 municipality or county in which the violation occurred. When  
17 possible and reasonable, the community service shall be  
18 performed in the minor's neighborhood. This order shall be in  
19 addition to any other order authorized by this Section except  
20 for an order to place the minor in the custody of the  
21 Department of Juvenile Justice. For the purposes of this  
22 Section, "organized gang" has the meaning ascribed to it in  
23 Section 10 of the Illinois Streetgang Terrorism Omnibus  
24 Prevention Act.

25 (11) If the court determines that the offense was committed  
26 in furtherance of the criminal activities of an organized gang,

1 as provided in subsection (10), and that the offense involved  
2 the operation or use of a motor vehicle or the use of a  
3 driver's license or permit, the court shall notify the  
4 Secretary of State of that determination and of the period for  
5 which the minor shall be denied driving privileges. If, at the  
6 time of the determination, the minor does not hold a driver's  
7 license or permit, the court shall provide that the minor shall  
8 not be issued a driver's license or permit until his or her  
9 18th birthday. If the minor holds a driver's license or permit  
10 at the time of the determination, the court shall provide that  
11 the minor's driver's license or permit shall be revoked until  
12 his or her 21st birthday, or until a later date or occurrence  
13 determined by the court. If the minor holds a driver's license  
14 at the time of the determination, the court may direct the  
15 Secretary of State to issue the minor a judicial driving  
16 permit, also known as a JDP. The JDP shall be subject to the  
17 same terms as a JDP issued under Section 6-206.1 of the  
18 Illinois Vehicle Code, except that the court may direct that  
19 the JDP be effective immediately.

20 (12) If a minor is found to be guilty of a violation of  
21 subsection (a-7) of Section 1 of the Prevention of Tobacco Use  
22 by Minors Act, the court may, in its discretion, and upon  
23 recommendation by the State's Attorney, order that minor and  
24 his or her parents or legal guardian to attend a smoker's  
25 education or youth diversion program as defined in that Act if  
26 that program is available in the jurisdiction where the

1 offender resides. Attendance at a smoker's education or youth  
2 diversion program shall be time-credited against any community  
3 service time imposed for any first violation of subsection  
4 (a-7) of Section 1 of that Act. In addition to any other  
5 penalty that the court may impose for a violation of subsection  
6 (a-7) of Section 1 of that Act, the court, upon request by the  
7 State's Attorney, may in its discretion require the offender to  
8 remit a fee for his or her attendance at a smoker's education  
9 or youth diversion program.

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

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

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

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

26 (c) A third or subsequent violation by a minor of

1 subsection (a-7) of Section 1 of that Act that occurs  
2 within 12 months after the first violation is punishable by  
3 a \$100 fine and 30 hours of community service.

4 (d) Any second or subsequent violation not within the  
5 12-month time period after the first violation is  
6 punishable as provided for a first violation.

7 (Source: P.A. 98-536, eff. 8-23-13; 98-803, eff. 1-1-15;  
8 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 99-879, eff. 1-1-17;  
9 revised 9-2-16.)

10 (705 ILCS 405/5-720)

11 Sec. 5-720. Probation revocation.

12 (1) If a petition is filed charging a violation of a  
13 condition of probation or of conditional discharge, the court  
14 shall:

15 (a) order the minor to appear; or

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

23 (c) notify the persons named in the petition under  
24 Section 5-520, in accordance with the provisions of Section  
25 5-530.

1           In making its detention determination under paragraph (b)  
2 of this subsection (1) of this Section, the court may use  
3 information in its findings offered at such a hearing by way of  
4 proffer based upon reliable information presented by the State,  
5 probation officer, or the minor. The filing of a petition for  
6 violation of a condition of probation or of conditional  
7 discharge shall toll the period of probation or of conditional  
8 discharge until the final determination of the charge, and the  
9 term of probation or conditional discharge shall not run until  
10 the hearing and disposition of the petition for violation.

11           (2) The court shall conduct a hearing of the alleged  
12 violation of probation or of conditional discharge. The minor  
13 shall not be held in detention longer than 15 days pending the  
14 determination of the alleged violation.

15           (3) At the hearing, the State shall have the burden of  
16 going forward with the evidence and proving the violation by a  
17 preponderance of the evidence. The evidence shall be presented  
18 in court with the right of confrontation, cross-examination,  
19 and representation by counsel.

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

1 sentence.

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

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

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

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