

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 5-750 as follows:

6 (705 ILCS 405/5-750)

7 Sec. 5-750. Commitment to the Department of Juvenile  
8 Justice.

9 (1) Except as provided in subsection (2) of this Section,  
10 when any delinquent has been adjudged a ward of the court under  
11 this Act, the court may commit him or her to the Department of  
12 Juvenile Justice, if it finds that (a) his or her parents,  
13 guardian or legal custodian are unfit or are unable, for some  
14 reason other than financial circumstances alone, to care for,  
15 protect, train or discipline the minor, or are unwilling to do  
16 so, and the best interests of the minor and the public will not  
17 be served by placement under Section 5-740, or it is necessary  
18 to ensure the protection of the public from the consequences of  
19 criminal activity of the delinquent; and (b) commitment to the  
20 Department of Juvenile Justice is the least restrictive  
21 alternative based on evidence that efforts were made to locate  
22 less restrictive alternatives to secure confinement and the  
23 reasons why efforts were unsuccessful in locating a less

1 restrictive alternative to secure confinement. Before the  
2 court commits a minor to the Department of Juvenile Justice, it  
3 shall make a finding that secure confinement is necessary,  
4 following a review of the following individualized factors:

5 (A) Age of the minor.

6 (B) Criminal background of the minor.

7 (C) Review of results of any assessments of the minor,  
8 including child centered assessments such as the CANS.

9 (D) Educational background of the minor, indicating  
10 whether the minor has ever been assessed for a learning  
11 disability, and if so what services were provided as well  
12 as any disciplinary incidents at school.

13 (E) Physical, mental and emotional health of the minor,  
14 indicating whether the minor has ever been diagnosed with a  
15 health issue and if so what services were provided and  
16 whether the minor was compliant with services.

17 (F) Community based services that have been provided to  
18 the minor, and whether the minor was compliant with the  
19 services, and the reason the services were unsuccessful.

20 (G) Services within the Department of Juvenile Justice  
21 that will meet the individualized needs of the minor.

22 (1.5) Before the court commits a minor to the Department of  
23 Juvenile Justice, the court must find reasonable efforts have  
24 been made to prevent or eliminate the need for the minor to be  
25 removed from the home, or reasonable efforts cannot, at this  
26 time, for good cause, prevent or eliminate the need for

1 removal, and removal from home is in the best interests of the  
2 minor, the minor's family, and the public.

3 (2) When a minor of the age of at least 13 years is  
4 adjudged delinquent for the offense of first degree murder, the  
5 court shall declare the minor a ward of the court and order the  
6 minor committed to the Department of Juvenile Justice until the  
7 minor's 21st birthday, without the possibility of aftercare  
8 release, furlough, or non-emergency authorized absence for a  
9 period of 5 years from the date the minor was committed to the  
10 Department of Juvenile Justice, except that the time that a  
11 minor spent in custody for the instant offense before being  
12 committed to the Department of Juvenile Justice shall be  
13 considered as time credited towards that 5 year period. Upon  
14 release from a Department facility, a minor adjudged delinquent  
15 for first degree murder shall be placed on aftercare release  
16 until the age of 21, unless sooner discharged from aftercare  
17 release or custodianship is otherwise terminated in accordance  
18 with this Act or as otherwise provided for by law. Nothing in  
19 this subsection (2) shall preclude the State's Attorney from  
20 seeking to prosecute a minor as an adult as an alternative to  
21 proceeding under this Act.

22 (3) Except as provided in subsection (2), the commitment of  
23 a delinquent to the Department of Juvenile Justice shall be for  
24 an indeterminate term which shall automatically terminate upon  
25 the delinquent attaining the age of 21 years or upon completion  
26 of that period for which an adult could be committed for the

1 same act, whichever occurs sooner, unless the delinquent is  
2 sooner discharged from aftercare release or custodianship is  
3 otherwise terminated in accordance with this Act or as  
4 otherwise provided for by law.

5 (3.5) Every delinquent minor committed to the Department of  
6 Juvenile Justice under this Act shall be eligible for aftercare  
7 release without regard to the length of time the minor has been  
8 confined or whether the minor has served any minimum term  
9 imposed. Aftercare release shall be administered by the  
10 Department of Juvenile Justice, under the direction of the  
11 Director. Unless sooner discharged, the Department of Juvenile  
12 Justice shall discharge a minor from aftercare release upon  
13 completion of the following aftercare release terms:

14 (a) One and a half years from the date a minor is  
15 released from a Department facility, if the minor was  
16 committed for a Class X felony;

17 (b) One year from the date a minor is released from a  
18 Department facility, if the minor was committed for a Class  
19 1 or 2 felony; and

20 (c) Six months from the date a minor is released from a  
21 Department facility, if the minor was committed for a Class  
22 3 felony or lesser offense.

23 (4) When the court commits a minor to the Department of  
24 Juvenile Justice, it shall order him or her conveyed forthwith  
25 to the appropriate reception station or other place designated  
26 by the Department of Juvenile Justice, and shall appoint the

1 Director of Juvenile Justice legal custodian of the minor. The  
2 clerk of the court shall issue to the Director of Juvenile  
3 Justice a certified copy of the order, which constitutes proof  
4 of the Director's authority. No other process need issue to  
5 warrant the keeping of the minor.

6 (5) If a minor is committed to the Department of Juvenile  
7 Justice, the clerk of the court shall forward to the  
8 Department:

9 (a) the sentencing order and copies of committing  
10 petition;

11 (b) all reports;

12 (c) the court's statement of the basis for ordering the  
13 disposition;

14 (d) any sex offender evaluations;

15 (e) any risk assessment or substance abuse treatment  
16 eligibility screening and assessment of the minor by an  
17 agent designated by the State to provide assessment  
18 services for the courts;

19 (f) the number of days, if any, which the minor has  
20 been in custody and for which he or she is entitled to  
21 credit against the sentence, which information shall be  
22 provided to the clerk by the sheriff;

23 (g) any medical or mental health records or summaries  
24 of the minor;

25 (h) the municipality where the arrest of the minor  
26 occurred, the commission of the offense occurred, and the

1 minor resided at the time of commission; ~~and~~

2 (h-5) a report detailing the minor's criminal history  
3 in a manner and form prescribed by the Department of  
4 Juvenile Justice; and

5 (i) all additional matters which the court directs the  
6 clerk to transmit.

7 (6) Whenever the Department of Juvenile Justice lawfully  
8 discharges from its custody and control a minor committed to  
9 it, the Director of Juvenile Justice shall petition the court  
10 for an order terminating his or her custodianship. The  
11 custodianship shall terminate automatically 30 days after  
12 receipt of the petition unless the court orders otherwise.

13 (7) If, while on aftercare release, a minor committed to  
14 the Department of Juvenile Justice is charged under the  
15 criminal laws of this State with an offense that could result  
16 in a sentence of imprisonment within the Department of  
17 Corrections, the commitment to the Department of Juvenile  
18 Justice and all rights and duties created by that commitment  
19 are automatically suspended pending final disposition of the  
20 criminal charge. If the minor is found guilty of the criminal  
21 charge and sentenced to a term of imprisonment in the  
22 penitentiary system of the Department of Corrections, the  
23 commitment to the Department of Juvenile Justice shall be  
24 automatically terminated. If the criminal charge is dismissed,  
25 the minor is found not guilty, or the minor completes a  
26 criminal sentence other than imprisonment within the

1 Department of Corrections, the previously imposed commitment  
2 to the Department of Juvenile Justice and the full aftercare  
3 release term shall be automatically reinstated unless  
4 custodianship is sooner terminated. Nothing in this subsection  
5 (7) shall preclude the court from ordering another sentence  
6 under Section 5-710 of this Act or from terminating the  
7 Department's custodianship while the commitment to the  
8 Department is suspended.

9 (Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.