

SB3541



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3541

Introduced 2/16/2018, by Sen. Dale A. Righter

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-750

Amends the Juvenile Court Act of 1987. Provides that if a minor is committed to the Department of Juvenile Justice, the clerk of the court shall forward to the Department the sentencing order and copies of the committing petition and an accurate reporting of the minor's criminal history in a manner and form prescribed by the Department of Juvenile Justice. Effective immediately.

LRB100 20756 SLF 36239 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 5-750 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 the 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) an accurate reporting of the minor's criminal
3 history in a manner and form prescribed by the Department
4 of 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.