



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3701

by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

20 ILCS 415/12g
20 ILCS 2630/5.2
705 ILCS 405/5-710
705 ILCS 405/5-750
730 ILCS 5/3-2.5-61

Amends the Personnel Code. Provides that the Department of Central Management Services is not required to verify positions within the Department of Juvenile Justice requiring licensure by the State Board of Education under the School Code. Amends the Criminal Identification Act. Makes a technical change concerning the sealing of records. Amends the Juvenile Court Act of 1987. Provides that if a minor committed to the Department of Juvenile Justice and who resides in the State is charged under the criminal laws of this State, the criminal laws of any other state, or the federal jurisdiction with similar penalties with an offense that could result in a sentence of imprisonment within the Department of Corrections, another state's department of corrections, or the federal Bureau of Prisons, the commitment to the Department of Juvenile Justice and all rights and duties created by that commitment are automatically suspended pending final disposition of the criminal charge. Amends the Unified Code of Corrections. Provides that the Department of Juvenile Justice shall include in its a report to the Governor and General Assembly staff-to-youth ratios in accordance with the federal Prison Rape Elimination Act definitions. Makes other changes.

LRB101 09308 SLF 54403 b

1 AN ACT concerning juveniles.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Personnel Code is amended by changing
5 Section 12g as follows:

6 (20 ILCS 415/12g)

7 Sec. 12g. Department of Juvenile Justice; positions
8 ~~teachers.~~

9 (a) Notwithstanding any other provision of law to the
10 contrary, the Department of Central Management Services is not
11 required to verify positions within the Department of Juvenile
12 Justice requiring licensure by the State Board of Education
13 under Article 21B of the School Code ~~the State educator license~~
14 ~~of a teacher employed by the Department of Juvenile Justice if~~
15 ~~the license is verified by the State Board of Education.~~

16 (b) This Section shall become inoperative when the consent
17 decree entered into on December 6, 2012 (as has been or may be
18 corrected, amended, or modified in the action entitled R.J., et
19 al. v. Mueller, case no. 12-cv-07289, in the United States
20 District Court for the Northern District of Illinois, Eastern
21 Division) is no longer in force.

22 (Source: P.A. 100-953, eff. 8-19-18.)

1 Section 10. The Criminal Identification Act is amended by
2 changing Section 5.2 as follows:

3 (20 ILCS 2630/5.2)

4 Sec. 5.2. Expungement, sealing, and immediate sealing.

5 (a) General Provisions.

6 (1) Definitions. In this Act, words and phrases have
7 the meanings set forth in this subsection, except when a
8 particular context clearly requires a different meaning.

9 (A) The following terms shall have the meanings
10 ascribed to them in the Unified Code of Corrections,
11 730 ILCS 5/5-1-2 through 5/5-1-22:

- 12 (i) Business Offense (730 ILCS 5/5-1-2),
- 13 (ii) Charge (730 ILCS 5/5-1-3),
- 14 (iii) Court (730 ILCS 5/5-1-6),
- 15 (iv) Defendant (730 ILCS 5/5-1-7),
- 16 (v) Felony (730 ILCS 5/5-1-9),
- 17 (vi) Imprisonment (730 ILCS 5/5-1-10),
- 18 (vii) Judgment (730 ILCS 5/5-1-12),
- 19 (viii) Misdemeanor (730 ILCS 5/5-1-14),
- 20 (ix) Offense (730 ILCS 5/5-1-15),
- 21 (x) Parole (730 ILCS 5/5-1-16),
- 22 (xi) Petty Offense (730 ILCS 5/5-1-17),
- 23 (xii) Probation (730 ILCS 5/5-1-18),
- 24 (xiii) Sentence (730 ILCS 5/5-1-19),
- 25 (xiv) Supervision (730 ILCS 5/5-1-21), and

1 (xv) Victim (730 ILCS 5/5-1-22).

2 (B) As used in this Section, "charge not initiated
3 by arrest" means a charge (as defined by 730 ILCS
4 5/5-1-3) brought against a defendant where the
5 defendant is not arrested prior to or as a direct
6 result of the charge.

7 (C) "Conviction" means a judgment of conviction or
8 sentence entered upon a plea of guilty or upon a
9 verdict or finding of guilty of an offense, rendered by
10 a legally constituted jury or by a court of competent
11 jurisdiction authorized to try the case without a jury.
12 An order of supervision successfully completed by the
13 petitioner is not a conviction. An order of qualified
14 probation (as defined in subsection (a)(1)(J))
15 successfully completed by the petitioner is not a
16 conviction. An order of supervision or an order of
17 qualified probation that is terminated
18 unsatisfactorily is a conviction, unless the
19 unsatisfactory termination is reversed, vacated, or
20 modified and the judgment of conviction, if any, is
21 reversed or vacated.

22 (D) "Criminal offense" means a petty offense,
23 business offense, misdemeanor, felony, or municipal
24 ordinance violation (as defined in subsection
25 (a)(1)(H)). As used in this Section, a minor traffic
26 offense (as defined in subsection (a)(1)(G)) shall not

1 be considered a criminal offense.

2 (E) "Expunge" means to physically destroy the
3 records or return them to the petitioner and to
4 obliterate the petitioner's name from any official
5 index or public record, or both. Nothing in this Act
6 shall require the physical destruction of the circuit
7 court file, but such records relating to arrests or
8 charges, or both, ordered expunged shall be impounded
9 as required by subsections (d)(9)(A)(ii) and
10 (d)(9)(B)(ii).

11 (F) As used in this Section, "last sentence" means
12 the sentence, order of supervision, or order of
13 qualified probation (as defined by subsection
14 (a)(1)(J)), for a criminal offense (as defined by
15 subsection (a)(1)(D)) that terminates last in time in
16 any jurisdiction, regardless of whether the petitioner
17 has included the criminal offense for which the
18 sentence or order of supervision or qualified
19 probation was imposed in his or her petition. If
20 multiple sentences, orders of supervision, or orders
21 of qualified probation terminate on the same day and
22 are last in time, they shall be collectively considered
23 the "last sentence" regardless of whether they were
24 ordered to run concurrently.

25 (G) "Minor traffic offense" means a petty offense,
26 business offense, or Class C misdemeanor under the

1 Illinois Vehicle Code or a similar provision of a
2 municipal or local ordinance.

3 (H) "Municipal ordinance violation" means an
4 offense defined by a municipal or local ordinance that
5 is criminal in nature and with which the petitioner was
6 charged or for which the petitioner was arrested and
7 released without charging.

8 (I) "Petitioner" means an adult or a minor
9 prosecuted as an adult who has applied for relief under
10 this Section.

11 (J) "Qualified probation" means an order of
12 probation under Section 10 of the Cannabis Control Act,
13 Section 410 of the Illinois Controlled Substances Act,
14 Section 70 of the Methamphetamine Control and
15 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
16 of the Unified Code of Corrections, Section
17 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
18 those provisions existed before their deletion by
19 Public Act 89-313), Section 10-102 of the Illinois
20 Alcoholism and Other Drug Dependency Act, Section
21 40-10 of the Substance Use Disorder Act, or Section 10
22 of the Steroid Control Act. For the purpose of this
23 Section, "successful completion" of an order of
24 qualified probation under Section 10-102 of the
25 Illinois Alcoholism and Other Drug Dependency Act and
26 Section 40-10 of the Substance Use Disorder Act means

1 that the probation was terminated satisfactorily and
2 the judgment of conviction was vacated.

3 (K) "Seal" means to physically and electronically
4 maintain the records, unless the records would
5 otherwise be destroyed due to age, but to make the
6 records unavailable without a court order, subject to
7 the exceptions in Sections 12 and 13 of this Act. The
8 petitioner's name shall also be obliterated from the
9 official index required to be kept by the circuit court
10 clerk under Section 16 of the Clerks of Courts Act, but
11 any index issued by the circuit court clerk before the
12 entry of the order to seal shall not be affected.

13 (L) "Sexual offense committed against a minor"
14 includes but is not limited to the offenses of indecent
15 solicitation of a child or criminal sexual abuse when
16 the victim of such offense is under 18 years of age.

17 (M) "Terminate" as it relates to a sentence or
18 order of supervision or qualified probation includes
19 either satisfactory or unsatisfactory termination of
20 the sentence, unless otherwise specified in this
21 Section. A sentence is terminated notwithstanding any
22 outstanding financial legal obligation.

23 (2) Minor Traffic Offenses. Orders of supervision or
24 convictions for minor traffic offenses shall not affect a
25 petitioner's eligibility to expunge or seal records
26 pursuant to this Section.

1 (2.5) Commencing 180 days after July 29, 2016 (the
2 effective date of Public Act 99-697), the law enforcement
3 agency issuing the citation shall automatically expunge,
4 on or before January 1 and July 1 of each year, the law
5 enforcement records of a person found to have committed a
6 civil law violation of subsection (a) of Section 4 of the
7 Cannabis Control Act or subsection (c) of Section 3.5 of
8 the Drug Paraphernalia Control Act in the law enforcement
9 agency's possession or control and which contains the final
10 satisfactory disposition which pertain to the person
11 issued a citation for that offense. The law enforcement
12 agency shall provide by rule the process for access,
13 review, and to confirm the automatic expungement by the law
14 enforcement agency issuing the citation. Commencing 180
15 days after July 29, 2016 (the effective date of Public Act
16 99-697), the clerk of the circuit court shall expunge, upon
17 order of the court, or in the absence of a court order on
18 or before January 1 and July 1 of each year, the court
19 records of a person found in the circuit court to have
20 committed a civil law violation of subsection (a) of
21 Section 4 of the Cannabis Control Act or subsection (c) of
22 Section 3.5 of the Drug Paraphernalia Control Act in the
23 clerk's possession or control and which contains the final
24 satisfactory disposition which pertain to the person
25 issued a citation for any of those offenses.

26 (3) Exclusions. Except as otherwise provided in

1 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
2 of this Section, the court shall not order:

3 (A) the sealing or expungement of the records of
4 arrests or charges not initiated by arrest that result
5 in an order of supervision for or conviction of: (i)
6 any sexual offense committed against a minor; (ii)
7 Section 11-501 of the Illinois Vehicle Code or a
8 similar provision of a local ordinance; or (iii)
9 Section 11-503 of the Illinois Vehicle Code or a
10 similar provision of a local ordinance, unless the
11 arrest or charge is for a misdemeanor violation of
12 subsection (a) of Section 11-503 or a similar provision
13 of a local ordinance, that occurred prior to the
14 offender reaching the age of 25 years and the offender
15 has no other conviction for violating Section 11-501 or
16 11-503 of the Illinois Vehicle Code or a similar
17 provision of a local ordinance.

18 (B) the sealing or expungement of records of minor
19 traffic offenses (as defined in subsection (a) (1) (G)),
20 unless the petitioner was arrested and released
21 without charging.

22 (C) the sealing of the records of arrests or
23 charges not initiated by arrest which result in an
24 order of supervision or a conviction for the following
25 offenses:

26 (i) offenses included in Article 11 of the

1 Criminal Code of 1961 or the Criminal Code of 2012
2 or a similar provision of a local ordinance, except
3 Section 11-14 and a misdemeanor violation of
4 Section 11-30 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, or a similar provision of a
6 local ordinance;

7 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
8 26-5, or 48-1 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, or a similar provision of a
10 local ordinance;

11 (iii) Sections 12-3.1 or 12-3.2 of the
12 Criminal Code of 1961 or the Criminal Code of 2012,
13 or Section 125 of the Stalking No Contact Order
14 Act, or Section 219 of the Civil No Contact Order
15 Act, or a similar provision of a local ordinance;

16 (iv) Class A misdemeanors or felony offenses
17 under the Humane Care for Animals Act; or

18 (v) any offense or attempted offense that
19 would subject a person to registration under the
20 Sex Offender Registration Act.

21 (D) (blank).

22 (b) Expungement.

23 (1) A petitioner may petition the circuit court to
24 expunge the records of his or her arrests and charges not
25 initiated by arrest when each arrest or charge not
26 initiated by arrest sought to be expunged resulted in: (i)

1 acquittal, dismissal, or the petitioner's release without
2 charging, unless excluded by subsection (a)(3)(B); (ii) a
3 conviction which was vacated or reversed, unless excluded
4 by subsection (a)(3)(B); (iii) an order of supervision and
5 such supervision was successfully completed by the
6 petitioner, unless excluded by subsection (a)(3)(A) or
7 (a)(3)(B); or (iv) an order of qualified probation (as
8 defined in subsection (a)(1)(J)) and such probation was
9 successfully completed by the petitioner.

10 (1.5) When a petitioner seeks to have a record of
11 arrest expunged under this Section, and the offender has
12 been convicted of a criminal offense, the State's Attorney
13 may object to the expungement on the grounds that the
14 records contain specific relevant information aside from
15 the mere fact of the arrest.

16 (2) Time frame for filing a petition to expunge.

17 (A) When the arrest or charge not initiated by
18 arrest sought to be expunged resulted in an acquittal,
19 dismissal, the petitioner's release without charging,
20 or the reversal or vacation of a conviction, there is
21 no waiting period to petition for the expungement of
22 such records.

23 (B) When the arrest or charge not initiated by
24 arrest sought to be expunged resulted in an order of
25 supervision, successfully completed by the petitioner,
26 the following time frames will apply:

1 (i) Those arrests or charges that resulted in
2 orders of supervision under Section 3-707, 3-708,
3 3-710, or 5-401.3 of the Illinois Vehicle Code or a
4 similar provision of a local ordinance, or under
5 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
6 Code of 1961 or the Criminal Code of 2012, or a
7 similar provision of a local ordinance, shall not
8 be eligible for expungement until 5 years have
9 passed following the satisfactory termination of
10 the supervision.

11 (i-5) Those arrests or charges that resulted
12 in orders of supervision for a misdemeanor
13 violation of subsection (a) of Section 11-503 of
14 the Illinois Vehicle Code or a similar provision of
15 a local ordinance, that occurred prior to the
16 offender reaching the age of 25 years and the
17 offender has no other conviction for violating
18 Section 11-501 or 11-503 of the Illinois Vehicle
19 Code or a similar provision of a local ordinance
20 shall not be eligible for expungement until the
21 petitioner has reached the age of 25 years.

22 (ii) Those arrests or charges that resulted in
23 orders of supervision for any other offenses shall
24 not be eligible for expungement until 2 years have
25 passed following the satisfactory termination of
26 the supervision.

1 (C) When the arrest or charge not initiated by
2 arrest sought to be expunged resulted in an order of
3 qualified probation, successfully completed by the
4 petitioner, such records shall not be eligible for
5 expungement until 5 years have passed following the
6 satisfactory termination of the probation.

7 (3) Those records maintained by the Department for
8 persons arrested prior to their 17th birthday shall be
9 expunged as provided in Section 5-915 of the Juvenile Court
10 Act of 1987.

11 (4) Whenever a person has been arrested for or
12 convicted of any offense, in the name of a person whose
13 identity he or she has stolen or otherwise come into
14 possession of, the aggrieved person from whom the identity
15 was stolen or otherwise obtained without authorization,
16 upon learning of the person having been arrested using his
17 or her identity, may, upon verified petition to the chief
18 judge of the circuit wherein the arrest was made, have a
19 court order entered nunc pro tunc by the Chief Judge to
20 correct the arrest record, conviction record, if any, and
21 all official records of the arresting authority, the
22 Department, other criminal justice agencies, the
23 prosecutor, and the trial court concerning such arrest, if
24 any, by removing his or her name from all such records in
25 connection with the arrest and conviction, if any, and by
26 inserting in the records the name of the offender, if known

1 or ascertainable, in lieu of the aggrieved's name. The
2 records of the circuit court clerk shall be sealed until
3 further order of the court upon good cause shown and the
4 name of the aggrieved person obliterated on the official
5 index required to be kept by the circuit court clerk under
6 Section 16 of the Clerks of Courts Act, but the order shall
7 not affect any index issued by the circuit court clerk
8 before the entry of the order. Nothing in this Section
9 shall limit the Department of State Police or other
10 criminal justice agencies or prosecutors from listing
11 under an offender's name the false names he or she has
12 used.

13 (5) Whenever a person has been convicted of criminal
14 sexual assault, aggravated criminal sexual assault,
15 predatory criminal sexual assault of a child, criminal
16 sexual abuse, or aggravated criminal sexual abuse, the
17 victim of that offense may request that the State's
18 Attorney of the county in which the conviction occurred
19 file a verified petition with the presiding trial judge at
20 the petitioner's trial to have a court order entered to
21 seal the records of the circuit court clerk in connection
22 with the proceedings of the trial court concerning that
23 offense. However, the records of the arresting authority
24 and the Department of State Police concerning the offense
25 shall not be sealed. The court, upon good cause shown,
26 shall make the records of the circuit court clerk in

1 connection with the proceedings of the trial court
2 concerning the offense available for public inspection.

3 (6) If a conviction has been set aside on direct review
4 or on collateral attack and the court determines by clear
5 and convincing evidence that the petitioner was factually
6 innocent of the charge, the court that finds the petitioner
7 factually innocent of the charge shall enter an expungement
8 order for the conviction for which the petitioner has been
9 determined to be innocent as provided in subsection (b) of
10 Section 5-5-4 of the Unified Code of Corrections.

11 (7) Nothing in this Section shall prevent the
12 Department of State Police from maintaining all records of
13 any person who is admitted to probation upon terms and
14 conditions and who fulfills those terms and conditions
15 pursuant to Section 10 of the Cannabis Control Act, Section
16 410 of the Illinois Controlled Substances Act, Section 70
17 of the Methamphetamine Control and Community Protection
18 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
19 Corrections, Section 12-4.3 or subdivision (b)(1) of
20 Section 12-3.05 of the Criminal Code of 1961 or the
21 Criminal Code of 2012, Section 10-102 of the Illinois
22 Alcoholism and Other Drug Dependency Act, Section 40-10 of
23 the Substance Use Disorder Act, or Section 10 of the
24 Steroid Control Act.

25 (8) If the petitioner has been granted a certificate of
26 innocence under Section 2-702 of the Code of Civil

1 Procedure, the court that grants the certificate of
2 innocence shall also enter an order expunging the
3 conviction for which the petitioner has been determined to
4 be innocent as provided in subsection (h) of Section 2-702
5 of the Code of Civil Procedure.

6 (c) Sealing.

7 (1) Applicability. Notwithstanding any other provision
8 of this Act to the contrary, and cumulative with any rights
9 to expungement of criminal records, this subsection
10 authorizes the sealing of criminal records of adults and of
11 minors prosecuted as adults. Subsection (g) of this Section
12 provides for immediate sealing of certain records.

13 (2) Eligible Records. The following records may be
14 sealed:

15 (A) All arrests resulting in release without
16 charging;

17 (B) Arrests or charges not initiated by arrest
18 resulting in acquittal, dismissal, or conviction when
19 the conviction was reversed or vacated, except as
20 excluded by subsection (a) (3) (B);

21 (C) Arrests or charges not initiated by arrest
22 resulting in orders of supervision, including orders
23 of supervision for municipal ordinance violations,
24 successfully completed by the petitioner, unless
25 excluded by subsection (a) (3);

26 (D) Arrests or charges not initiated by arrest

1 resulting in convictions, including convictions on
2 municipal ordinance violations, unless excluded by
3 subsection (a) (3);

4 (E) Arrests or charges not initiated by arrest
5 resulting in orders of first offender probation under
6 Section 10 of the Cannabis Control Act, Section 410 of
7 the Illinois Controlled Substances Act, Section 70 of
8 the Methamphetamine Control and Community Protection
9 Act, or Section 5-6-3.3 of the Unified Code of
10 Corrections; and

11 (F) Arrests or charges not initiated by arrest
12 resulting in felony convictions unless otherwise
13 excluded by subsection (a) paragraph (3) of this
14 Section.

15 (3) When Records Are Eligible to Be Sealed. Records
16 identified as eligible under subsection (c) (2) may be
17 sealed as follows:

18 (A) Records identified as eligible under
19 subsection (c) (2) (A) and (c) (2) (B) may be sealed at any
20 time.

21 (B) Except as otherwise provided in subparagraph
22 (E) of this paragraph (3), records identified as
23 eligible under subsection (c) (2) (C) may be sealed 2
24 years after the termination of petitioner's last
25 sentence (as defined in subsection (a) (1) (F)).

26 (C) Except as otherwise provided in subparagraph

1 (E) of this paragraph (3), records identified as
2 eligible under subsections (c)(2)(D), (c)(2)(E), and
3 (c)(2)(F) may be sealed 3 years after the termination
4 of the petitioner's last sentence (as defined in
5 subsection (a)(1)(F)). Convictions requiring public
6 registration under the Arsonist Registration Act, the
7 Sex Offender Registration Act, or the Murderer and
8 Violent Offender Against Youth Registration Act may
9 not be sealed until the petitioner is no longer
10 required to register under that relevant Act.

11 (D) Records identified in subsection
12 (a)(3)(A)(iii) may be sealed after the petitioner has
13 reached the age of 25 years.

14 (E) Records identified as eligible under
15 subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or
16 (c)(2)(F) may be sealed upon termination of the
17 petitioner's last sentence if the petitioner earned a
18 high school diploma, associate's degree, career
19 certificate, vocational technical certification, or
20 bachelor's degree, or passed the high school level Test
21 of General Educational Development, during the period
22 of his or her sentence, ~~aftercare release,~~ or mandatory
23 supervised release. This subparagraph shall apply only
24 to a petitioner who has not completed the same
25 educational goal prior to the period of his or her
26 sentence, aftercare release, or mandatory supervised

1 release. If a petition for sealing eligible records
2 filed under this subparagraph is denied by the court,
3 the time periods under subparagraph (B) or (C) shall
4 apply to any subsequent petition for sealing filed by
5 the petitioner.

6 (4) Subsequent felony convictions. A person may not
7 have subsequent felony conviction records sealed as
8 provided in this subsection (c) if he or she is convicted
9 of any felony offense after the date of the sealing of
10 prior felony convictions as provided in this subsection
11 (c). The court may, upon conviction for a subsequent felony
12 offense, order the unsealing of prior felony conviction
13 records previously ordered sealed by the court.

14 (5) Notice of eligibility for sealing. Upon entry of a
15 disposition for an eligible record under this subsection
16 (c), the petitioner shall be informed by the court of the
17 right to have the records sealed and the procedures for the
18 sealing of the records.

19 (d) Procedure. The following procedures apply to
20 expungement under subsections (b), (e), and (e-6) and sealing
21 under subsections (c) and (e-5):

22 (1) Filing the petition. Upon becoming eligible to
23 petition for the expungement or sealing of records under
24 this Section, the petitioner shall file a petition
25 requesting the expungement or sealing of records with the
26 clerk of the court where the arrests occurred or the

1 charges were brought, or both. If arrests occurred or
2 charges were brought in multiple jurisdictions, a petition
3 must be filed in each such jurisdiction. The petitioner
4 shall pay the applicable fee, except no fee shall be
5 required if the petitioner has obtained a court order
6 waiving fees under Supreme Court Rule 298 or it is
7 otherwise waived.

8 (1.5) County fee waiver pilot program. In a county of
9 3,000,000 or more inhabitants, no fee shall be required to
10 be paid by a petitioner if the records sought to be
11 expunged or sealed were arrests resulting in release
12 without charging or arrests or charges not initiated by
13 arrest resulting in acquittal, dismissal, or conviction
14 when the conviction was reversed or vacated, unless
15 excluded by subsection (a) (3) (B). The provisions of this
16 paragraph (1.5), other than this sentence, are inoperative
17 on and after January 1, 2019.

18 (2) Contents of petition. The petition shall be
19 verified and shall contain the petitioner's name, date of
20 birth, current address and, for each arrest or charge not
21 initiated by arrest sought to be sealed or expunged, the
22 case number, the date of arrest (if any), the identity of
23 the arresting authority, and such other information as the
24 court may require. During the pendency of the proceeding,
25 the petitioner shall promptly notify the circuit court
26 clerk of any change of his or her address. If the

1 petitioner has received a certificate of eligibility for
2 sealing from the Prisoner Review Board under paragraph (10)
3 of subsection (a) of Section 3-3-2 of the Unified Code of
4 Corrections, the certificate shall be attached to the
5 petition.

6 (3) Drug test. The petitioner must attach to the
7 petition proof that the petitioner has passed a test taken
8 within 30 days before the filing of the petition showing
9 the absence within his or her body of all illegal
10 substances as defined by the Illinois Controlled
11 Substances Act, the Methamphetamine Control and Community
12 Protection Act, and the Cannabis Control Act if he or she
13 is petitioning to:

14 (A) seal felony records under clause (c) (2) (E);

15 (B) seal felony records for a violation of the
16 Illinois Controlled Substances Act, the
17 Methamphetamine Control and Community Protection Act,
18 or the Cannabis Control Act under clause (c) (2) (F);

19 (C) seal felony records under subsection (e-5); or

20 (D) expunge felony records of a qualified
21 probation under clause (b) (1) (iv).

22 (4) Service of petition. The circuit court clerk shall
23 promptly serve a copy of the petition and documentation to
24 support the petition under subsection (e-5) or (e-6) on the
25 State's Attorney or prosecutor charged with the duty of
26 prosecuting the offense, the Department of State Police,

1 the arresting agency and the chief legal officer of the
2 unit of local government effecting the arrest.

3 (5) Objections.

4 (A) Any party entitled to notice of the petition
5 may file an objection to the petition. All objections
6 shall be in writing, shall be filed with the circuit
7 court clerk, and shall state with specificity the basis
8 of the objection. Whenever a person who has been
9 convicted of an offense is granted a pardon by the
10 Governor which specifically authorizes expungement, an
11 objection to the petition may not be filed.

12 (B) Objections to a petition to expunge or seal
13 must be filed within 60 days of the date of service of
14 the petition.

15 (6) Entry of order.

16 (A) The Chief Judge of the circuit wherein the
17 charge was brought, any judge of that circuit
18 designated by the Chief Judge, or in counties of less
19 than 3,000,000 inhabitants, the presiding trial judge
20 at the petitioner's trial, if any, shall rule on the
21 petition to expunge or seal as set forth in this
22 subsection (d) (6).

23 (B) Unless the State's Attorney or prosecutor, the
24 Department of State Police, the arresting agency, or
25 the chief legal officer files an objection to the
26 petition to expunge or seal within 60 days from the

1 date of service of the petition, the court shall enter
2 an order granting or denying the petition.

3 (C) Notwithstanding any other provision of law,
4 the court shall not deny a petition for sealing under
5 this Section because the petitioner has not satisfied
6 an outstanding legal financial obligation established,
7 imposed, or originated by a court, law enforcement
8 agency, or a municipal, State, county, or other unit of
9 local government, including, but not limited to, any
10 cost, assessment, fine, or fee. An outstanding legal
11 financial obligation does not include any court
12 ordered restitution to a victim under Section 5-5-6 of
13 the Unified Code of Corrections, unless the
14 restitution has been converted to a civil judgment.
15 Nothing in this subparagraph (C) waives, rescinds, or
16 abrogates a legal financial obligation or otherwise
17 eliminates or affects the right of the holder of any
18 financial obligation to pursue collection under
19 applicable federal, State, or local law.

20 (7) Hearings. If an objection is filed, the court shall
21 set a date for a hearing and notify the petitioner and all
22 parties entitled to notice of the petition of the hearing
23 date at least 30 days prior to the hearing. Prior to the
24 hearing, the State's Attorney shall consult with the
25 Department as to the appropriateness of the relief sought
26 in the petition to expunge or seal. At the hearing, the

1 court shall hear evidence on whether the petition should or
2 should not be granted, and shall grant or deny the petition
3 to expunge or seal the records based on the evidence
4 presented at the hearing. The court may consider the
5 following:

6 (A) the strength of the evidence supporting the
7 defendant's conviction;

8 (B) the reasons for retention of the conviction
9 records by the State;

10 (C) the petitioner's age, criminal record history,
11 and employment history;

12 (D) the period of time between the petitioner's
13 arrest on the charge resulting in the conviction and
14 the filing of the petition under this Section; and

15 (E) the specific adverse consequences the
16 petitioner may be subject to if the petition is denied.

17 (8) Service of order. After entering an order to
18 expunge or seal records, the court must provide copies of
19 the order to the Department, in a form and manner
20 prescribed by the Department, to the petitioner, to the
21 State's Attorney or prosecutor charged with the duty of
22 prosecuting the offense, to the arresting agency, to the
23 chief legal officer of the unit of local government
24 effecting the arrest, and to such other criminal justice
25 agencies as may be ordered by the court.

26 (9) Implementation of order.

1 (A) Upon entry of an order to expunge records
2 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

3 (i) the records shall be expunged (as defined
4 in subsection (a) (1) (E)) by the arresting agency,
5 the Department, and any other agency as ordered by
6 the court, within 60 days of the date of service of
7 the order, unless a motion to vacate, modify, or
8 reconsider the order is filed pursuant to
9 paragraph (12) of subsection (d) of this Section;

10 (ii) the records of the circuit court clerk
11 shall be impounded until further order of the court
12 upon good cause shown and the name of the
13 petitioner obliterated on the official index
14 required to be kept by the circuit court clerk
15 under Section 16 of the Clerks of Courts Act, but
16 the order shall not affect any index issued by the
17 circuit court clerk before the entry of the order;
18 and

19 (iii) in response to an inquiry for expunged
20 records, the court, the Department, or the agency
21 receiving such inquiry, shall reply as it does in
22 response to inquiries when no records ever
23 existed.

24 (B) Upon entry of an order to expunge records
25 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

26 (i) the records shall be expunged (as defined

1 in subsection (a)(1)(E)) by the arresting agency
2 and any other agency as ordered by the court,
3 within 60 days of the date of service of the order,
4 unless a motion to vacate, modify, or reconsider
5 the order is filed pursuant to paragraph (12) of
6 subsection (d) of this Section;

7 (ii) the records of the circuit court clerk
8 shall be impounded until further order of the court
9 upon good cause shown and the name of the
10 petitioner obliterated on the official index
11 required to be kept by the circuit court clerk
12 under Section 16 of the Clerks of Courts Act, but
13 the order shall not affect any index issued by the
14 circuit court clerk before the entry of the order;

15 (iii) the records shall be impounded by the
16 Department within 60 days of the date of service of
17 the order as ordered by the court, unless a motion
18 to vacate, modify, or reconsider the order is filed
19 pursuant to paragraph (12) of subsection (d) of
20 this Section;

21 (iv) records impounded by the Department may
22 be disseminated by the Department only as required
23 by law or to the arresting authority, the State's
24 Attorney, and the court upon a later arrest for the
25 same or a similar offense or for the purpose of
26 sentencing for any subsequent felony, and to the

1 Department of Corrections upon conviction for any
2 offense; and

3 (v) in response to an inquiry for such records
4 from anyone not authorized by law to access such
5 records, the court, the Department, or the agency
6 receiving such inquiry shall reply as it does in
7 response to inquiries when no records ever
8 existed.

9 (B-5) Upon entry of an order to expunge records
10 under subsection (e-6):

11 (i) the records shall be expunged (as defined
12 in subsection (a)(1)(E)) by the arresting agency
13 and any other agency as ordered by the court,
14 within 60 days of the date of service of the order,
15 unless a motion to vacate, modify, or reconsider
16 the order is filed under paragraph (12) of
17 subsection (d) of this Section;

18 (ii) the records of the circuit court clerk
19 shall be impounded until further order of the court
20 upon good cause shown and the name of the
21 petitioner obliterated on the official index
22 required to be kept by the circuit court clerk
23 under Section 16 of the Clerks of Courts Act, but
24 the order shall not affect any index issued by the
25 circuit court clerk before the entry of the order;

26 (iii) the records shall be impounded by the

1 Department within 60 days of the date of service of
2 the order as ordered by the court, unless a motion
3 to vacate, modify, or reconsider the order is filed
4 under paragraph (12) of subsection (d) of this
5 Section;

6 (iv) records impounded by the Department may
7 be disseminated by the Department only as required
8 by law or to the arresting authority, the State's
9 Attorney, and the court upon a later arrest for the
10 same or a similar offense or for the purpose of
11 sentencing for any subsequent felony, and to the
12 Department of Corrections upon conviction for any
13 offense; and

14 (v) in response to an inquiry for these records
15 from anyone not authorized by law to access the
16 records, the court, the Department, or the agency
17 receiving the inquiry shall reply as it does in
18 response to inquiries when no records ever
19 existed.

20 (C) Upon entry of an order to seal records under
21 subsection (c), the arresting agency, any other agency
22 as ordered by the court, the Department, and the court
23 shall seal the records (as defined in subsection
24 (a)(1)(K)). In response to an inquiry for such records,
25 from anyone not authorized by law to access such
26 records, the court, the Department, or the agency

1 receiving such inquiry shall reply as it does in
2 response to inquiries when no records ever existed.

3 (D) The Department shall send written notice to the
4 petitioner of its compliance with each order to expunge
5 or seal records within 60 days of the date of service
6 of that order or, if a motion to vacate, modify, or
7 reconsider is filed, within 60 days of service of the
8 order resolving the motion, if that order requires the
9 Department to expunge or seal records. In the event of
10 an appeal from the circuit court order, the Department
11 shall send written notice to the petitioner of its
12 compliance with an Appellate Court or Supreme Court
13 judgment to expunge or seal records within 60 days of
14 the issuance of the court's mandate. The notice is not
15 required while any motion to vacate, modify, or
16 reconsider, or any appeal or petition for
17 discretionary appellate review, is pending.

18 (E) Upon motion, the court may order that a sealed
19 judgment or other court record necessary to
20 demonstrate the amount of any legal financial
21 obligation due and owing be made available for the
22 limited purpose of collecting any legal financial
23 obligations owed by the petitioner that were
24 established, imposed, or originated in the criminal
25 proceeding for which those records have been sealed.
26 The records made available under this subparagraph (E)

1 shall not be entered into the official index required
2 to be kept by the circuit court clerk under Section 16
3 of the Clerks of Courts Act and shall be immediately
4 re-impounded upon the collection of the outstanding
5 financial obligations.

6 (F) Notwithstanding any other provision of this
7 Section, a circuit court clerk may access a sealed
8 record for the limited purpose of collecting payment
9 for any legal financial obligations that were
10 established, imposed, or originated in the criminal
11 proceedings for which those records have been sealed.

12 (10) Fees. The Department may charge the petitioner a
13 fee equivalent to the cost of processing any order to
14 expunge or seal records. Notwithstanding any provision of
15 the Clerks of Courts Act to the contrary, the circuit court
16 clerk may charge a fee equivalent to the cost associated
17 with the sealing or expungement of records by the circuit
18 court clerk. From the total filing fee collected for the
19 petition to seal or expunge, the circuit court clerk shall
20 deposit \$10 into the Circuit Court Clerk Operation and
21 Administrative Fund, to be used to offset the costs
22 incurred by the circuit court clerk in performing the
23 additional duties required to serve the petition to seal or
24 expunge on all parties. The circuit court clerk shall
25 collect and forward the Department of State Police portion
26 of the fee to the Department and it shall be deposited in

1 the State Police Services Fund. If the record brought under
2 an expungement petition was previously sealed under this
3 Section, the fee for the expungement petition for that same
4 record shall be waived.

5 (11) Final Order. No court order issued under the
6 expungement or sealing provisions of this Section shall
7 become final for purposes of appeal until 30 days after
8 service of the order on the petitioner and all parties
9 entitled to notice of the petition.

10 (12) Motion to Vacate, Modify, or Reconsider. Under
11 Section 2-1203 of the Code of Civil Procedure, the
12 petitioner or any party entitled to notice may file a
13 motion to vacate, modify, or reconsider the order granting
14 or denying the petition to expunge or seal within 60 days
15 of service of the order. If filed more than 60 days after
16 service of the order, a petition to vacate, modify, or
17 reconsider shall comply with subsection (c) of Section
18 2-1401 of the Code of Civil Procedure. Upon filing of a
19 motion to vacate, modify, or reconsider, notice of the
20 motion shall be served upon the petitioner and all parties
21 entitled to notice of the petition.

22 (13) Effect of Order. An order granting a petition
23 under the expungement or sealing provisions of this Section
24 shall not be considered void because it fails to comply
25 with the provisions of this Section or because of any error
26 asserted in a motion to vacate, modify, or reconsider. The

1 circuit court retains jurisdiction to determine whether
2 the order is voidable and to vacate, modify, or reconsider
3 its terms based on a motion filed under paragraph (12) of
4 this subsection (d).

5 (14) Compliance with Order Granting Petition to Seal
6 Records. Unless a court has entered a stay of an order
7 granting a petition to seal, all parties entitled to notice
8 of the petition must fully comply with the terms of the
9 order within 60 days of service of the order even if a
10 party is seeking relief from the order through a motion
11 filed under paragraph (12) of this subsection (d) or is
12 appealing the order.

13 (15) Compliance with Order Granting Petition to
14 Expunge Records. While a party is seeking relief from the
15 order granting the petition to expunge through a motion
16 filed under paragraph (12) of this subsection (d) or is
17 appealing the order, and unless a court has entered a stay
18 of that order, the parties entitled to notice of the
19 petition must seal, but need not expunge, the records until
20 there is a final order on the motion for relief or, in the
21 case of an appeal, the issuance of that court's mandate.

22 (16) The changes to this subsection (d) made by Public
23 Act 98-163 apply to all petitions pending on August 5, 2013
24 (the effective date of Public Act 98-163) and to all orders
25 ruling on a petition to expunge or seal on or after August
26 5, 2013 (the effective date of Public Act 98-163).

1 (e) Whenever a person who has been convicted of an offense
2 is granted a pardon by the Governor which specifically
3 authorizes expungement, he or she may, upon verified petition
4 to the Chief Judge of the circuit where the person had been
5 convicted, any judge of the circuit designated by the Chief
6 Judge, or in counties of less than 3,000,000 inhabitants, the
7 presiding trial judge at the defendant's trial, have a court
8 order entered expunging the record of arrest from the official
9 records of the arresting authority and order that the records
10 of the circuit court clerk and the Department be sealed until
11 further order of the court upon good cause shown or as
12 otherwise provided herein, and the name of the defendant
13 obliterated from the official index requested to be kept by the
14 circuit court clerk under Section 16 of the Clerks of Courts
15 Act in connection with the arrest and conviction for the
16 offense for which he or she had been pardoned but the order
17 shall not affect any index issued by the circuit court clerk
18 before the entry of the order. All records sealed by the
19 Department may be disseminated by the Department only to the
20 arresting authority, the State's Attorney, and the court upon a
21 later arrest for the same or similar offense or for the purpose
22 of sentencing for any subsequent felony. Upon conviction for
23 any subsequent offense, the Department of Corrections shall
24 have access to all sealed records of the Department pertaining
25 to that individual. Upon entry of the order of expungement, the
26 circuit court clerk shall promptly mail a copy of the order to

1 the person who was pardoned.

2 (e-5) Whenever a person who has been convicted of an
3 offense is granted a certificate of eligibility for sealing by
4 the Prisoner Review Board which specifically authorizes
5 sealing, he or she may, upon verified petition to the Chief
6 Judge of the circuit where the person had been convicted, any
7 judge of the circuit designated by the Chief Judge, or in
8 counties of less than 3,000,000 inhabitants, the presiding
9 trial judge at the petitioner's trial, have a court order
10 entered sealing the record of arrest from the official records
11 of the arresting authority and order that the records of the
12 circuit court clerk and the Department be sealed until further
13 order of the court upon good cause shown or as otherwise
14 provided herein, and the name of the petitioner obliterated
15 from the official index requested to be kept by the circuit
16 court clerk under Section 16 of the Clerks of Courts Act in
17 connection with the arrest and conviction for the offense for
18 which he or she had been granted the certificate but the order
19 shall not affect any index issued by the circuit court clerk
20 before the entry of the order. All records sealed by the
21 Department may be disseminated by the Department only as
22 required by this Act or to the arresting authority, a law
23 enforcement agency, the State's Attorney, and the court upon a
24 later arrest for the same or similar offense or for the purpose
25 of sentencing for any subsequent felony. Upon conviction for
26 any subsequent offense, the Department of Corrections shall

1 have access to all sealed records of the Department pertaining
2 to that individual. Upon entry of the order of sealing, the
3 circuit court clerk shall promptly mail a copy of the order to
4 the person who was granted the certificate of eligibility for
5 sealing.

6 (e-6) Whenever a person who has been convicted of an
7 offense is granted a certificate of eligibility for expungement
8 by the Prisoner Review Board which specifically authorizes
9 expungement, he or she may, upon verified petition to the Chief
10 Judge of the circuit where the person had been convicted, any
11 judge of the circuit designated by the Chief Judge, or in
12 counties of less than 3,000,000 inhabitants, the presiding
13 trial judge at the petitioner's trial, have a court order
14 entered expunging the record of arrest from the official
15 records of the arresting authority and order that the records
16 of the circuit court clerk and the Department be sealed until
17 further order of the court upon good cause shown or as
18 otherwise provided herein, and the name of the petitioner
19 obliterated from the official index requested to be kept by the
20 circuit court clerk under Section 16 of the Clerks of Courts
21 Act in connection with the arrest and conviction for the
22 offense for which he or she had been granted the certificate
23 but the order shall not affect any index issued by the circuit
24 court clerk before the entry of the order. All records sealed
25 by the Department may be disseminated by the Department only as
26 required by this Act or to the arresting authority, a law

1 enforcement agency, the State's Attorney, and the court upon a
2 later arrest for the same or similar offense or for the purpose
3 of sentencing for any subsequent felony. Upon conviction for
4 any subsequent offense, the Department of Corrections shall
5 have access to all expunged records of the Department
6 pertaining to that individual. Upon entry of the order of
7 expungement, the circuit court clerk shall promptly mail a copy
8 of the order to the person who was granted the certificate of
9 eligibility for expungement.

10 (f) Subject to available funding, the Illinois Department
11 of Corrections shall conduct a study of the impact of sealing,
12 especially on employment and recidivism rates, utilizing a
13 random sample of those who apply for the sealing of their
14 criminal records under Public Act 93-211. At the request of the
15 Illinois Department of Corrections, records of the Illinois
16 Department of Employment Security shall be utilized as
17 appropriate to assist in the study. The study shall not
18 disclose any data in a manner that would allow the
19 identification of any particular individual or employing unit.
20 The study shall be made available to the General Assembly no
21 later than September 1, 2010.

22 (g) Immediate Sealing.

23 (1) Applicability. Notwithstanding any other provision
24 of this Act to the contrary, and cumulative with any rights
25 to expungement or sealing of criminal records, this
26 subsection authorizes the immediate sealing of criminal

1 records of adults and of minors prosecuted as adults.

2 (2) Eligible Records. Arrests or charges not initiated
3 by arrest resulting in acquittal or dismissal with
4 prejudice, except as excluded by subsection (a)(3)(B),
5 that occur on or after January 1, 2018 (the effective date
6 of Public Act 100-282), may be sealed immediately if the
7 petition is filed with the circuit court clerk on the same
8 day and during the same hearing in which the case is
9 disposed.

10 (3) When Records are Eligible to be Immediately Sealed.
11 Eligible records under paragraph (2) of this subsection (g)
12 may be sealed immediately after entry of the final
13 disposition of a case, notwithstanding the disposition of
14 other charges in the same case.

15 (4) Notice of Eligibility for Immediate Sealing. Upon
16 entry of a disposition for an eligible record under this
17 subsection (g), the defendant shall be informed by the
18 court of his or her right to have eligible records
19 immediately sealed and the procedure for the immediate
20 sealing of these records.

21 (5) Procedure. The following procedures apply to
22 immediate sealing under this subsection (g).

23 (A) Filing the Petition. Upon entry of the final
24 disposition of the case, the defendant's attorney may
25 immediately petition the court, on behalf of the
26 defendant, for immediate sealing of eligible records

1 under paragraph (2) of this subsection (g) that are
2 entered on or after January 1, 2018 (the effective date
3 of Public Act 100-282). The immediate sealing petition
4 may be filed with the circuit court clerk during the
5 hearing in which the final disposition of the case is
6 entered. If the defendant's attorney does not file the
7 petition for immediate sealing during the hearing, the
8 defendant may file a petition for sealing at any time
9 as authorized under subsection (c) (3) (A).

10 (B) Contents of Petition. The immediate sealing
11 petition shall be verified and shall contain the
12 petitioner's name, date of birth, current address, and
13 for each eligible record, the case number, the date of
14 arrest if applicable, the identity of the arresting
15 authority if applicable, and other information as the
16 court may require.

17 (C) Drug Test. The petitioner shall not be required
18 to attach proof that he or she has passed a drug test.

19 (D) Service of Petition. A copy of the petition
20 shall be served on the State's Attorney in open court.
21 The petitioner shall not be required to serve a copy of
22 the petition on any other agency.

23 (E) Entry of Order. The presiding trial judge shall
24 enter an order granting or denying the petition for
25 immediate sealing during the hearing in which it is
26 filed. Petitions for immediate sealing shall be ruled

1 on in the same hearing in which the final disposition
2 of the case is entered.

3 (F) Hearings. The court shall hear the petition for
4 immediate sealing on the same day and during the same
5 hearing in which the disposition is rendered.

6 (G) Service of Order. An order to immediately seal
7 eligible records shall be served in conformance with
8 subsection (d) (8).

9 (H) Implementation of Order. An order to
10 immediately seal records shall be implemented in
11 conformance with subsections (d) (9) (C) and (d) (9) (D).

12 (I) Fees. The fee imposed by the circuit court
13 clerk and the Department of State Police shall comply
14 with paragraph (1) of subsection (d) of this Section.

15 (J) Final Order. No court order issued under this
16 subsection (g) shall become final for purposes of
17 appeal until 30 days after service of the order on the
18 petitioner and all parties entitled to service of the
19 order in conformance with subsection (d) (8).

20 (K) Motion to Vacate, Modify, or Reconsider. Under
21 Section 2-1203 of the Code of Civil Procedure, the
22 petitioner, State's Attorney, or the Department of
23 State Police may file a motion to vacate, modify, or
24 reconsider the order denying the petition to
25 immediately seal within 60 days of service of the
26 order. If filed more than 60 days after service of the

1 order, a petition to vacate, modify, or reconsider
2 shall comply with subsection (c) of Section 2-1401 of
3 the Code of Civil Procedure.

4 (L) Effect of Order. An order granting an immediate
5 sealing petition shall not be considered void because
6 it fails to comply with the provisions of this Section
7 or because of an error asserted in a motion to vacate,
8 modify, or reconsider. The circuit court retains
9 jurisdiction to determine whether the order is
10 voidable, and to vacate, modify, or reconsider its
11 terms based on a motion filed under subparagraph (L) of
12 this subsection (g).

13 (M) Compliance with Order Granting Petition to
14 Seal Records. Unless a court has entered a stay of an
15 order granting a petition to immediately seal, all
16 parties entitled to service of the order must fully
17 comply with the terms of the order within 60 days of
18 service of the order.

19 (h) Sealing; trafficking victims.

20 (1) A trafficking victim as defined by paragraph (10)
21 of subsection (a) of Section 10-9 of the Criminal Code of
22 2012 shall be eligible to petition for immediate sealing of
23 his or her criminal record upon the completion of his or
24 her last sentence if his or her participation in the
25 underlying offense was a direct result of human trafficking
26 under Section 10-9 of the Criminal Code of 2012 or a severe

1 form of trafficking under the federal Trafficking Victims
2 Protection Act.

3 (2) A petitioner under this subsection (h), in addition
4 to the requirements provided under paragraph (4) of
5 subsection (d) of this Section, shall include in his or her
6 petition a clear and concise statement that: (A) he or she
7 was a victim of human trafficking at the time of the
8 offense; and (B) that his or her participation in the
9 offense was a direct result of human trafficking under
10 Section 10-9 of the Criminal Code of 2012 or a severe form
11 of trafficking under the federal Trafficking Victims
12 Protection Act.

13 (3) If an objection is filed alleging that the
14 petitioner is not entitled to immediate sealing under this
15 subsection (h), the court shall conduct a hearing under
16 paragraph (7) of subsection (d) of this Section and the
17 court shall determine whether the petitioner is entitled to
18 immediate sealing under this subsection (h). A petitioner
19 is eligible for immediate relief under this subsection (h)
20 if he or she shows, by a preponderance of the evidence,
21 that: (A) he or she was a victim of human trafficking at
22 the time of the offense; and (B) that his or her
23 participation in the offense was a direct result of human
24 trafficking under Section 10-9 of the Criminal Code of 2012
25 or a severe form of trafficking under the federal
26 Trafficking Victims Protection Act.

1 (Source: P.A. 99-78, eff. 7-20-15; 99-378, eff. 1-1-16; 99-385,
2 eff. 1-1-16; 99-642, eff. 7-28-16; 99-697, eff. 7-29-16;
3 99-881, eff. 1-1-17; 100-201, eff. 8-18-17; 100-282, eff.
4 1-1-18; 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; 100-692,
5 eff. 8-3-18; 100-759, eff. 1-1-19; 100-776, eff. 8-10-18;
6 100-863, eff. 8-14-18; revised 8-30-18.)

7 Section 15. The Juvenile Court Act of 1987 is amended by
8 changing Sections 5-710 and 5-750 as follows:

9 (705 ILCS 405/5-710)

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

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

13 (a) Except as provided in Sections 5-805, 5-810, and
14 5-815, a minor who is found guilty under Section 5-620 may
15 be:

16 (i) put on probation or conditional discharge and
17 released to his or her parents, guardian or legal
18 custodian, provided, however, that any such minor who
19 is not committed to the Department of Juvenile Justice
20 under this subsection and who is found to be a
21 delinquent for an offense which is first degree murder,
22 a Class X felony, or a forcible felony shall be placed
23 on probation;

24 (ii) placed in accordance with Section 5-740, with

1 or without also being put on probation or conditional
2 discharge;

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

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

23 (v) placed in detention for a period not to exceed
24 30 days, either as the exclusive order of disposition
25 or, where appropriate, in conjunction with any other
26 order of disposition issued under this paragraph,

1 provided that any such detention shall be in a juvenile
2 detention home and the minor so detained shall be 10
3 years of age or older. However, the 30-day limitation
4 may be extended by further order of the court for a
5 minor under age 15 committed to the Department of
6 Children and Family Services if the court finds that
7 the minor is a danger to himself or others. The minor
8 shall be given credit on the sentencing order of
9 detention for time spent in detention under Sections
10 5-501, 5-601, 5-710, or 5-720 of this Article as a
11 result of the offense for which the sentencing order
12 was imposed. The court may grant credit on a sentencing
13 order of detention entered under a violation of
14 probation or violation of conditional discharge under
15 Section 5-720 of this Article for time spent in
16 detention before the filing of the petition alleging
17 the violation. A minor shall not be deprived of credit
18 for time spent in detention before the filing of a
19 violation of probation or conditional discharge
20 alleging the same or related act or acts. The
21 limitation that the minor shall only be placed in a
22 juvenile detention home does not apply as follows:

23 Persons 18 years of age and older who have a
24 petition of delinquency filed against them may be
25 confined in an adult detention facility. In making a
26 determination whether to confine a person 18 years of

1 age or older who has a petition of delinquency filed
2 against the person, these factors, among other
3 matters, shall be considered:

4 (A) the age of the person;

5 (B) any previous delinquent or criminal
6 history of the person;

7 (C) any previous abuse or neglect history of
8 the person;

9 (D) any mental health history of the person;
10 and

11 (E) any educational history of the person;

12 (vi) ordered partially or completely emancipated
13 in accordance with the provisions of the Emancipation
14 of Minors Act;

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

19 (viii) put on probation or conditional discharge
20 and placed in detention under Section 3-6039 of the
21 Counties Code for a period not to exceed the period of
22 incarceration permitted by law for adults found guilty
23 of the same offense or offenses for which the minor was
24 adjudicated delinquent, and in any event no longer than
25 upon attainment of age 21; this subdivision (viii)
26 notwithstanding any contrary provision of the law;

1 (ix) ordered to undergo a medical or other
2 procedure to have a tattoo symbolizing allegiance to a
3 street gang removed from his or her body; or

4 (x) placed in electronic monitoring or home
5 detention under Part 7A of this Article.

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

18 (c) When a minor is found to be guilty for an offense
19 which is a violation of the Illinois Controlled Substances
20 Act, the Cannabis Control Act, or the Methamphetamine
21 Control and Community Protection Act and made a ward of the
22 court, the court may enter a disposition order requiring
23 the minor to undergo assessment, counseling or treatment in
24 a substance use disorder treatment program approved by the
25 Department of Human Services.

26 (2) Any sentencing order other than commitment to the

1 Department of Juvenile Justice may provide for protective
2 supervision under Section 5-725 and may include an order of
3 protection under Section 5-730.

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

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

21 (5) Any sentencing order where the minor is committed or
22 placed in accordance with Section 5-740 shall provide for the
23 parents or guardian of the estate of the minor to pay to the
24 legal custodian or guardian of the person of the minor such
25 sums as are determined by the custodian or guardian of the
26 person of the minor as necessary for the minor's needs. The

1 payments may not exceed the maximum amounts provided for by
2 Section 9.1 of the Children and Family Services Act.

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

14 (7) In no event shall a guilty minor be committed to the
15 Department of Juvenile Justice for a period of time in excess
16 of that period for which an adult could be committed for the
17 same act. The court shall include in the sentencing order a
18 limitation on the period of confinement not to exceed the
19 maximum period of imprisonment the court could impose under
20 Chapter 5 ~~Article V~~ of the Unified Code of Corrections.

21 (7.5) In no event shall a guilty minor be committed to the
22 Department of Juvenile Justice or placed in detention when the
23 act for which the minor was adjudicated delinquent would not be
24 illegal if committed by an adult.

25 (7.6) In no event shall a guilty minor be committed to the
26 Department of Juvenile Justice for an offense which is a Class

1 4 felony under Section 19-4 (criminal trespass to a residence),
2 21-1 (criminal damage to property), 21-1.01 (criminal damage to
3 government supported property), 21-1.3 (criminal defacement of
4 property), 26-1 (disorderly conduct), or 31-4 (obstructing
5 justice) of the Criminal Code of 2012.

6 (7.75) In no event shall a guilty minor be committed to the
7 Department of Juvenile Justice for an offense that is a Class 3
8 or Class 4 felony violation of the Illinois Controlled
9 Substances Act unless the commitment occurs upon a third or
10 subsequent judicial finding of a violation of probation for
11 substantial noncompliance with court-ordered treatment or
12 programming.

13 (8) A minor found to be guilty for reasons that include a
14 violation of Section 21-1.3 of the Criminal Code of 1961 or the
15 Criminal Code of 2012 shall be ordered to perform community
16 service for not less than 30 and not more than 120 hours, if
17 community service is available in the jurisdiction. The
18 community service shall include, but need not be limited to,
19 the cleanup and repair of the damage that was caused by the
20 violation or similar damage to property located in the
21 municipality or county in which the violation occurred. The
22 order may be in addition to any other order authorized by this
23 Section.

24 (8.5) A minor found to be guilty for reasons that include a
25 violation of Section 3.02 or Section 3.03 of the Humane Care
26 for Animals Act or paragraph (d) of subsection (1) of Section

1 21-1 of the Criminal Code of 1961 or paragraph (4) of
2 subsection (a) of Section 21-1 of the Criminal Code of 2012
3 shall be ordered to undergo medical or psychiatric treatment
4 rendered by a psychiatrist or psychological treatment rendered
5 by a clinical psychologist. The order may be in addition to any
6 other order authorized by this Section.

7 (9) In addition to any other sentencing order, the court
8 shall order any minor found to be guilty for an act which would
9 constitute, predatory criminal sexual assault of a child,
10 aggravated criminal sexual assault, criminal sexual assault,
11 aggravated criminal sexual abuse, or criminal sexual abuse if
12 committed by an adult to undergo medical testing to determine
13 whether the defendant has any sexually transmissible disease
14 including a test for infection with human immunodeficiency
15 virus (HIV) or any other identified causative agency of
16 acquired immunodeficiency syndrome (AIDS). Any medical test
17 shall be performed only by appropriately licensed medical
18 practitioners and may include an analysis of any bodily fluids
19 as well as an examination of the minor's person. Except as
20 otherwise provided by law, the results of the test shall be
21 kept strictly confidential by all medical personnel involved in
22 the testing and must be personally delivered in a sealed
23 envelope to the judge of the court in which the sentencing
24 order was entered for the judge's inspection in camera. Acting
25 in accordance with the best interests of the victim and the
26 public, the judge shall have the discretion to determine to

1 whom the results of the testing may be revealed. The court
2 shall notify the minor of the results of the test for infection
3 with the human immunodeficiency virus (HIV). The court shall
4 also notify the victim if requested by the victim, and if the
5 victim is under the age of 15 and if requested by the victim's
6 parents or legal guardian, the court shall notify the victim's
7 parents or the legal guardian, of the results of the test for
8 infection with the human immunodeficiency virus (HIV). The
9 court shall provide information on the availability of HIV
10 testing and counseling at the Department of Public Health
11 facilities to all parties to whom the results of the testing
12 are revealed. The court shall order that the cost of any test
13 shall be paid by the county and may be taxed as costs against
14 the minor.

15 (10) When a court finds a minor to be guilty the court
16 shall, before entering a sentencing order under this Section,
17 make a finding whether the offense committed either: (a) was
18 related to or in furtherance of the criminal activities of an
19 organized gang or was motivated by the minor's membership in or
20 allegiance to an organized gang, or (b) involved a violation of
21 subsection (a) of Section 12-7.1 of the Criminal Code of 1961
22 or the Criminal Code of 2012, a violation of any Section of
23 Article 24 of the Criminal Code of 1961 or the Criminal Code of
24 2012, or a violation of any statute that involved the wrongful
25 use of a firearm. If the court determines the question in the
26 affirmative, and the court does not commit the minor to the

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

19 (11) If the court determines that the offense was committed
20 in furtherance of the criminal activities of an organized gang,
21 as provided in subsection (10), and that the offense involved
22 the operation or use of a motor vehicle or the use of a
23 driver's license or permit, the court shall notify the
24 Secretary of State of that determination and of the period for
25 which the minor shall be denied driving privileges. If, at the
26 time of the determination, the minor does not hold a driver's

1 license or permit, the court shall provide that the minor shall
2 not be issued a driver's license or permit until his or her
3 18th birthday. If the minor holds a driver's license or permit
4 at the time of the determination, the court shall provide that
5 the minor's driver's license or permit shall be revoked until
6 his or her 21st birthday, or until a later date or occurrence
7 determined by the court. If the minor holds a driver's license
8 at the time of the determination, the court may direct the
9 Secretary of State to issue the minor a judicial driving
10 permit, also known as a JDP. The JDP shall be subject to the
11 same terms as a JDP issued under Section 6-206.1 of the
12 Illinois Vehicle Code, except that the court may direct that
13 the JDP be effective immediately.

14 (12) If a minor is found to be guilty of a violation of
15 subsection (a-7) of Section 1 of the Prevention of Tobacco Use
16 by Minors Act, the court may, in its discretion, and upon
17 recommendation by the State's Attorney, order that minor and
18 his or her parents or legal guardian to attend a smoker's
19 education or youth diversion program as defined in that Act if
20 that program is available in the jurisdiction where the
21 offender resides. Attendance at a smoker's education or youth
22 diversion program shall be time-credited against any community
23 service time imposed for any first violation of subsection
24 (a-7) of Section 1 of that Act. In addition to any other
25 penalty that the court may impose for a violation of subsection
26 (a-7) of Section 1 of that Act, the court, upon request by the

1 State's Attorney, may in its discretion require the offender to
2 remit a fee for his or her attendance at a smoker's education
3 or youth diversion program.

4 For purposes of this Section, "smoker's education program"
5 or "youth diversion program" includes, but is not limited to, a
6 seminar designed to educate a person on the physical and
7 psychological effects of smoking tobacco products and the
8 health consequences of smoking tobacco products that can be
9 conducted with a locality's youth diversion program.

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

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

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

20 (c) A third or subsequent violation by a minor of
21 subsection (a-7) of Section 1 of that Act that occurs
22 within 12 months after the first violation is punishable by
23 a \$100 fine and 30 hours of community service.

24 (d) Any second or subsequent violation not within the
25 12-month time period after the first violation is
26 punishable as provided for a first violation.

1 (Source: P.A. 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 99-879,
2 eff. 1-1-17; 100-201, eff. 8-18-17; 100-431, eff. 8-25-17;
3 100-759, eff. 1-1-19.)

4 (705 ILCS 405/5-750)

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

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

1 (A) Age of the minor.

2 (B) Criminal background of the minor.

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

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

9 (E) Physical, mental and emotional health of the minor,
10 indicating whether the minor has ever been diagnosed with a
11 health issue and if so what services were provided and
12 whether the minor was compliant with services.

13 (F) Community based services that have been provided to
14 the minor, and whether the minor was compliant with the
15 services, and the reason the services were unsuccessful.

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

18 (1.5) Before the court commits a minor to the Department of
19 Juvenile Justice, the court must find reasonable efforts have
20 been made to prevent or eliminate the need for the minor to be
21 removed from the home, or reasonable efforts cannot, at this
22 time, for good cause, prevent or eliminate the need for
23 removal, and removal from home is in the best interests of the
24 minor, the minor's family, and the public.

25 (2) When a minor of the age of at least 13 years is
26 adjudged delinquent for the offense of first degree murder, the

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

18 (3) Except as provided in subsection (2), the commitment of
19 a delinquent to the Department of Juvenile Justice shall be for
20 an indeterminate term which shall automatically terminate upon
21 the delinquent attaining the age of 21 years or upon completion
22 of that period for which an adult could be committed for the
23 same act, whichever occurs sooner, unless the delinquent is
24 sooner discharged from aftercare release or custodianship is
25 otherwise terminated in accordance with this Act or as
26 otherwise provided for by law.

1 (3.5) Every delinquent minor committed to the Department of
2 Juvenile Justice under this Act shall be eligible for aftercare
3 release without regard to the length of time the minor has been
4 confined or whether the minor has served any minimum term
5 imposed. Aftercare release shall be administered by the
6 Department of Juvenile Justice, under the direction of the
7 Director. Unless sooner discharged, the Department of Juvenile
8 Justice shall discharge a minor from aftercare release upon
9 completion of the following aftercare release terms:

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

13 (b) One year from the date a minor is released from a
14 Department facility, if the minor was committed for a Class
15 1 or 2 felony; and

16 (c) Six months from the date a minor is released from a
17 Department facility, if the minor was committed for a Class
18 3 felony or lesser offense.

19 (4) When the court commits a minor to the Department of
20 Juvenile Justice, it shall order him or her conveyed forthwith
21 to the appropriate reception station or other place designated
22 by the Department of Juvenile Justice, and shall appoint the
23 Director of Juvenile Justice legal custodian of the minor. The
24 clerk of the court shall issue to the Director of Juvenile
25 Justice a certified copy of the order, which constitutes proof
26 of the Director's authority. No other process need issue to

1 warrant the keeping of the minor.

2 (5) If a minor is committed to the Department of Juvenile
3 Justice, the clerk of the court shall forward to the
4 Department:

5 (a) the sentencing order and copies of committing
6 petition;

7 (b) all reports;

8 (c) the court's statement of the basis for ordering the
9 disposition;

10 (d) any sex offender evaluations;

11 (e) any risk assessment or substance abuse treatment
12 eligibility screening and assessment of the minor by an
13 agent designated by the State to provide assessment
14 services for the courts;

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

19 (g) any medical or mental health records or summaries
20 of the minor;

21 (h) the municipality where the arrest of the minor
22 occurred, the commission of the offense occurred, and the
23 minor resided at the time of commission;

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

1 (i) all additional matters which the court directs the
2 clerk to transmit.

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

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

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

10 (Source: P.A. 99-268, eff. 1-1-16; 100-765, eff. 8-10-18.)

11 Section 20. The Unified Code of Corrections is amended by
12 changing Section 3-2.5-61 as follows:

13 (730 ILCS 5/3-2.5-61)

14 Sec. 3-2.5-61. Annual and other reports.

15 (a) The Director shall make an annual electronic report to
16 the Governor and General Assembly concerning persons committed
17 to the Department, its institutions, facilities, and programs,
18 of all moneys expended and received, and on what accounts
19 expended and received no later than January 1 of each year. The
20 report shall include the ethnic and racial background data, not
21 identifiable to an individual, of all persons committed to the
22 Department, its institutions, facilities, programs, and
23 outcome measures established with the Juvenile Advisory Board.

24 (b) The Department of Juvenile Justice shall, by January 1,

1 April 1, July 1, and October 1 of each year, electronically
2 transmit to the Governor and General Assembly, a report which
3 shall include the following information:

4 (1) the number of youth in each of the Department's
5 facilities and the number of youth on aftercare;

6 (2) the demographics of sex, age, race and ethnicity,
7 classification of offense, and geographic location where
8 the offense occurred;

9 (3) the educational and vocational programs provided
10 at each facility and the number of residents participating
11 in each program;

12 (4) the present capacity levels in each facility;

13 (5) staff-to-youth ratios in accordance with the ~~the~~
14 ~~ratio of the security staff to residents in each facility~~
15 ~~by~~ federal Prison Rape Elimination Act (PREA) definitions;

16 (6) the number of reported assaults on staff at each
17 facility;

18 (7) the number of reported incidents of youth sexual
19 aggression towards staff at each facility including sexual
20 assault, residents exposing themselves, sexual touching,
21 and sexually offensive harassing language such as repeated
22 and unwelcome sexual advances, requests for sexual favors,
23 or verbal comments, gestures, or actions of a derogatory or
24 offensive sexual nature; and

25 (8) the number of staff injuries resulting from youth
26 violence at each facility including descriptions of the

1 nature and location of the injuries, the number of staff
2 injuries requiring medical treatment at the facility, the
3 number of staff injuries requiring outside medical
4 treatment and the number of days off work per injury. For
5 purposes of this Section, the definition of assault on
6 staff includes, but is not limited to, kicking, punching,
7 knocking down, harming or threatening to harm with
8 improvised weapons, or throwing urine or feces at staff.

9 (c) The requirements in subsection (b) do not relieve the
10 Department from the recordkeeping requirements of the
11 Occupational Safety and Health Act.

12 (d) The Department shall:

13 (1) establish a reasonable procedure for employees to
14 report work-related assaults and injuries. A procedure is
15 not reasonable if it would deter or discourage a reasonable
16 employee from accurately reporting a workplace assault or
17 injury;

18 (2) inform each employee:

19 (A) of the procedure for reporting work-related
20 assaults and injuries;

21 (B) of the right to report work-related assaults
22 and injuries; and

23 (C) that the Department is prohibited from
24 discharging or in any manner discriminating against
25 employees for reporting work-related assaults and
26 injuries; and

1 (3) not discharge, discipline or in any manner
2 discriminate against any employee for reporting a
3 work-related assault or injury.

4 (e) For the purposes of paragraphs (7) and (8) of
5 subsection (b) only, reports shall be filed beginning July 1,
6 2019 or the implementation of the Department's Offender 360
7 Program, whichever occurs first.

8 (Source: P.A. 99-255, eff. 1-1-16; 100-1075, eff. 1-1-19.)