

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 Children and Family Services Act is amended
5 by changing Section 17a-9 as follows:

6 (20 ILCS 505/17a-9) (from Ch. 23, par. 5017a-9)

7 Sec. 17a-9. Illinois Juvenile Justice Commission.

8 (a) There is hereby created the Illinois Juvenile Justice
9 Commission which shall consist of 25 persons appointed by the
10 Governor. The Chairperson of the Commission shall be appointed
11 by the Governor. Of the initial appointees, 8 shall serve a
12 one-year term, 8 shall serve a two-year term and 9 shall serve
13 a three-year term. Thereafter, each successor shall serve a
14 three-year term. Vacancies shall be filled in the same manner
15 as original appointments. Once appointed, members shall serve
16 until their successors are appointed and qualified. Members
17 shall serve without compensation, except they shall be
18 reimbursed for their actual expenses in the performance of
19 their duties. The Commission shall carry out the rights,
20 powers and duties established in subparagraph (3) of paragraph
21 (a) of Section 223 of the Federal "Juvenile Justice and
22 Delinquency Prevention Act of 1974", as now or hereafter
23 amended. The Commission shall determine the priorities for

1 expenditure of funds made available to the State by the
2 Federal Government pursuant to that Act. The Commission shall
3 have the following powers and duties:

4 (1) Development, review and final approval of the
5 State's juvenile justice plan for funds under the Federal
6 "Juvenile Justice and Delinquency Prevention Act of 1974";

7 (2) Review and approve or disapprove juvenile justice
8 and delinquency prevention grant applications to the
9 Department for federal funds under that Act;

10 (3) Annual submission of recommendations to the
11 Governor and the General Assembly concerning matters
12 relative to its function;

13 (4) Responsibility for the review of funds allocated
14 to Illinois under the "Juvenile Justice and Delinquency
15 Prevention Act of 1974" to ensure compliance with all
16 relevant federal laws and regulations;

17 (5) Function as the advisory committee for the State
18 Youth and Community Services Program as authorized under
19 Section 17 of this Act, and in that capacity be authorized
20 and empowered to assist and advise the Secretary of Human
21 Services on matters related to juvenile justice and
22 delinquency prevention programs and services; ~~and~~

23 (5.5) Study and make recommendations to the General
24 Assembly regarding the availability of youth services to
25 reduce the use of detention and prevent deeper criminal
26 involvement; and

1 (6) Study the impact of, develop timelines, and
2 propose a funding structure to accommodate the expansion
3 of the jurisdiction of the Illinois Juvenile Court to
4 include youth age 17 under the jurisdiction of the
5 Juvenile Court Act of 1987. The Commission shall submit a
6 report by December 31, 2011 to the General Assembly with
7 recommendations on extending juvenile court jurisdiction
8 to youth age 17 charged with felony offenses.

9 (b) On the effective date of this amendatory Act of the
10 96th General Assembly, the Illinois Juvenile Jurisdiction Task
11 Force created by Public Act 95-1031 is abolished and its
12 duties are transferred to the Illinois Juvenile Justice
13 Commission as provided in paragraph (6) of subsection (a) of
14 this Section.

15 (Source: P.A. 96-1199, eff. 1-1-11.)

16 Section 10. The Juvenile Court Act of 1987 is amended by
17 changing Sections 5-410, 5-710, and 5-720 as follows:

18 (705 ILCS 405/5-410)

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

20 (1) Placement of a minor away from his or her home must be
21 the last resort and be the least restrictive alternative
22 available. Any minor arrested or taken into custody pursuant
23 to this Act who requires care away from his or her home but who
24 does not require physical restriction shall be given temporary

1 care in a foster family home or other shelter facility
2 designated by the court.

3 (2) (a) On and after July 1, 2021, except for paragraphs
4 (a-1) and (a-2) of this subsection (2), any minor 13 years of
5 age or older arrested under this Act where there is probable
6 cause to believe that the minor is a delinquent minor and that
7 secure custody is a matter of immediate and urgent necessity
8 in light of a serious threat to the physical safety of a person
9 or persons in the community or to secure the presence of the
10 minor at the next hearing, as evidenced by a demonstrable
11 record of willful failure to appear at a scheduled court
12 hearing within the last 12 months, may be kept or detained in
13 an authorized detention facility. Any minor 10 years of age or
14 older arrested pursuant to this Act where there is probable
15 cause to believe that the minor is a delinquent minor and that
16 (i) secure custody is a matter of immediate and urgent
17 necessity for the protection of the minor or of the person or
18 property of another, (ii) the minor is likely to flee the
19 jurisdiction of the court, or (iii) the minor was taken into
20 eustody under a warrant, may be kept or detained in an
21 authorized detention facility. A minor under 13 years of age
22 shall not be admitted, kept, or detained in a detention
23 facility unless a local youth service provider, including a
24 provider through the Comprehensive Community Based Youth
25 Services network, has been contacted and has not been able to
26 accept the minor. No minor under 12 years of age shall be

1 detained in a county jail or a municipal lockup for more than 6
2 hours.

3 (a-1) Until July 1, 2022, any minor 11 years of age or
4 older arrested under this Act where there is probable cause to
5 believe that the minor is a delinquent minor and that secure
6 custody is a matter of immediate and urgent necessity in light
7 of a serious threat to the physical safety of a person or
8 persons in the community or to secure the presence of the minor
9 at the next hearing, as evidenced by a demonstrable record of
10 willful failure to appear at a scheduled court hearing within
11 the last 12 months, may be kept or detained in an authorized
12 detention facility. Prior to July 1, 2022, a minor aged 11
13 years old shall not be detained unless appropriate local
14 service providers, such as crisis intervention services
15 through Comprehensive Community Based Youth Services Network
16 or a local behavioral health service, have been contacted and
17 given an opportunity to develop an alternative to detention.
18 Until July 1, 2022, probation shall document and share on a
19 monthly basis with the Illinois Juvenile Justice Commission
20 each instance when alternatives to detention fail for a minor
21 aged 11, including the basis for detention, the providers that
22 were contacted, and the reason alternatives were rejected.

23 (a-2) Until July 1, 2023, any minor 12 years of age or
24 older arrested under this Act where there is probable cause to
25 believe that the minor is a delinquent minor and that secure
26 custody is a matter of immediate and urgent necessity in light

1 of a serious threat to the physical safety of a person or
2 persons in the community or to secure the presence of the minor
3 at the next hearing, as evidenced by a demonstrable record of
4 willful failure to appear at a scheduled court hearing within
5 the last 12 months, may be kept or detained in an authorized
6 detention facility. Prior to July 1, 2023, a minor aged 12
7 years old shall not be detained unless appropriate local
8 service providers, such as crisis intervention services
9 through Comprehensive Community Based Youth Services Network
10 or a local behavioral health service, have been contacted and
11 given an opportunity to develop an alternative to detention.
12 Until July 1, 2023, probation shall document and share on a
13 monthly basis with the Illinois Juvenile Justice Commission
14 each instance when alternatives to detention fail for a minor
15 aged 12, including the basis for detention, the providers that
16 were contacted, and the reason alternatives were rejected.

17 (a-5) For a minor arrested or taken into custody for
18 vehicular hijacking or aggravated vehicular hijacking, a
19 previous finding of delinquency for vehicular hijacking or
20 aggravated vehicular hijacking shall be given greater weight
21 in determining whether secured custody of a minor is a matter
22 of immediate and urgent necessity for the protection of the
23 minor or of the person or property of another.

24 (a-10) It is the goal of this Act to ensure that detention
25 is the last resort and for as short a time as possible. On and
26 after July 1, 2021, any minor 13 years of age or older arrested

1 under this Act where there is probable cause to believe that
2 the minor is a delinquent minor and that (i) secure custody is
3 a matter of immediate and urgent necessity in light of a
4 serious threat to the physical safety of a person or persons in
5 the community or to secure the presence of the minor at the
6 next hearing, as evidenced by a demonstrable record of willful
7 failure to appear at a scheduled court hearing within the last
8 12 months, may be kept or detained in an authorized detention
9 facility.

10 (b) The written authorization of the probation officer or
11 detention officer (or other public officer designated by the
12 court in a county having 3,000,000 or more inhabitants)
13 constitutes authority for the superintendent of any juvenile
14 detention home to detain and keep a minor for up to 40 hours,
15 excluding Saturdays, Sundays, and court-designated holidays.
16 These records shall be available to the same persons and
17 pursuant to the same conditions as are law enforcement records
18 as provided in Section 5-905.

19 (b-4) The consultation required by paragraph (b-5) shall
20 not be applicable if the probation officer or detention
21 officer (or other public officer designated by the court in a
22 county having 3,000,000 or more inhabitants) utilizes a
23 scorable detention screening instrument, which has been
24 developed with input by the State's Attorney, to determine
25 whether a minor should be detained, however, paragraph (b-5)
26 shall still be applicable where no such screening instrument

1 is used or where the probation officer, detention officer (or
2 other public officer designated by the court in a county
3 having 3,000,000 or more inhabitants) deviates from the
4 screening instrument.

5 (b-5) Subject to the provisions of paragraph (b-4), if a
6 probation officer or detention officer (or other public
7 officer designated by the court in a county having 3,000,000
8 or more inhabitants) does not intend to detain a minor for an
9 offense which constitutes one of the following offenses he or
10 she shall consult with the State's Attorney's Office prior to
11 the release of the minor: first degree murder, second degree
12 murder, involuntary manslaughter, criminal sexual assault,
13 aggravated criminal sexual assault, aggravated battery with a
14 firearm as described in Section 12-4.2 or subdivision (e) (1),
15 (e) (2), (e) (3), or (e) (4) of Section 12-3.05, aggravated or
16 heinous battery involving permanent disability or
17 disfigurement or great bodily harm, robbery, aggravated
18 robbery, armed robbery, vehicular hijacking, aggravated
19 vehicular hijacking, vehicular invasion, arson, aggravated
20 arson, kidnapping, aggravated kidnapping, home invasion,
21 burglary, or residential burglary.

22 (c) Except as otherwise provided in paragraph (a), (d), or
23 (e), no minor shall be detained in a county jail or municipal
24 lockup for more than 12 hours, unless the offense is a crime of
25 violence in which case the minor may be detained up to 24
26 hours. For the purpose of this paragraph, "crime of violence"

1 has the meaning ascribed to it in Section 1-10 of the
2 Alcoholism and Other Drug Abuse and Dependency Act.

3 (i) The period of detention is deemed to have begun
4 once the minor has been placed in a locked room or cell or
5 handcuffed to a stationary object in a building housing a
6 county jail or municipal lockup. Time spent transporting a
7 minor is not considered to be time in detention or secure
8 custody.

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

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

16 (iv) A log shall be kept which shows the offense which
17 is the basis for the detention, the reasons and
18 circumstances for the decision to detain, and the length
19 of time the minor was in detention.

20 (v) Violation of the time limit on detention in a
21 county jail or municipal lockup shall not, in and of
22 itself, render inadmissible evidence obtained as a result
23 of the violation of this time limit. Minors under 18 years
24 of age shall be kept separate from confined adults and may
25 not at any time be kept in the same cell, room, or yard
26 with adults confined pursuant to criminal law. Persons 18

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

7 (A) the age of the person;

8 (B) any previous delinquent or criminal history of
9 the person;

10 (C) any previous abuse or neglect history of the
11 person; and

12 (D) any mental health or educational history of
13 the person, or both.

14 (d) (i) If prior to July 1, 2021 a minor 12 years of age or
15 older or on and after July 1, 2021 a minor 13 years of age or
16 older is confined in a county jail in a county with a
17 population below 3,000,000 inhabitants, then the minor's
18 confinement shall be implemented in such a manner that there
19 will be no contact by sight, sound, or otherwise between the
20 minor and adult prisoners. The minor ~~Minors 12 years of age or~~
21 ~~older~~ must be kept separate from confined adults and may not at
22 any time be kept in the same cell, room, or yard with confined
23 adults. This paragraph (d) (i) shall only apply to confinement
24 pending an adjudicatory hearing and shall not exceed 40 hours,
25 excluding Saturdays, Sundays, and court-designated holidays.
26 To accept or hold minors during this time period, county jails

1 shall comply with all monitoring standards adopted by the
2 Department of Corrections and training standards approved by
3 the Illinois Law Enforcement Training Standards Board.

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

12 (iii) To accept or hold minors ~~12 years of age or older,~~
13 after the time period prescribed in paragraphs (d)(i) and
14 (d)(ii) of this subsection (2) of this Section, county jails
15 shall comply with all county juvenile detention standards
16 adopted by the Department of Juvenile Justice.

17 (e) When a minor who is at least 15 years of age is
18 prosecuted under the criminal laws of this State, the court
19 may enter an order directing that the juvenile be confined in
20 the county jail. However, any juvenile confined in the county
21 jail under this provision shall be separated from adults who
22 are confined in the county jail in such a manner that there
23 will be no contact by sight, sound or otherwise between the
24 juvenile and adult prisoners.

25 (f) For purposes of appearing in a physical lineup, the
26 minor may be taken to a county jail or municipal lockup under

1 the direct and constant supervision of a juvenile police
2 officer. During such time as is necessary to conduct a lineup,
3 and while supervised by a juvenile police officer, the sight
4 and sound separation provisions shall not apply.

5 (g) For purposes of processing a minor, the minor may be
6 taken to a county jail or municipal lockup under the direct and
7 constant supervision of a law enforcement officer or
8 correctional officer. During such time as is necessary to
9 process the minor, and while supervised by a law enforcement
10 officer or correctional officer, the sight and sound
11 separation provisions shall not apply.

12 (3) If the probation officer or State's Attorney (or such
13 other public officer designated by the court in a county
14 having 3,000,000 or more inhabitants) determines that the
15 minor may be a delinquent minor as described in subsection (3)
16 of Section 5-105, and should be retained in custody but does
17 not require physical restriction, the minor may be placed in
18 non-secure custody for up to 40 hours pending a detention
19 hearing.

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

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

1 98-61).

2 (Source: P.A. 100-745, eff. 8-10-18; 101-81, eff. 7-12-19.)

3 (705 ILCS 405/5-710)

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

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

7 (a) Except as provided in Sections 5-805, 5-810, and
8 5-815, a minor who is found guilty under Section 5-620 may
9 be:

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

18 (ii) placed in accordance with Section 5-740, with
19 or without also being put on probation or conditional
20 discharge;

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

24 (iv) on and after January 1, 2015 (the effective
25 date of Public Act 98-803) ~~this amendatory Act of the~~

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

18 (v) placed in detention for a period not to exceed
19 30 days, either as the exclusive order of disposition
20 or, where appropriate, in conjunction with any other
21 order of disposition issued under this paragraph,
22 provided that any such detention shall be in a
23 juvenile detention home and the minor so detained
24 shall be 13 ~~14~~ years of age or older. However, the
25 30-day limitation may be extended by further order of
26 the court for a minor under age 15 committed to the

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

19 Persons 18 years of age and older who have a
20 petition of delinquency filed against them may be
21 confined in an adult detention facility. In making a
22 determination whether to confine a person 18 years of
23 age or older who has a petition of delinquency filed
24 against the person, these factors, among other
25 matters, shall be considered:

26 (A) the age of the person;

1 (B) any previous delinquent or criminal
2 history of the person;

3 (C) any previous abuse or neglect history of
4 the person;

5 (D) any mental health history of the person;
6 and

7 (E) any educational history of the person;

8 (vi) ordered partially or completely emancipated
9 in accordance with the provisions of the Emancipation
10 of Minors Act;

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

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

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

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

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

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

23 (2) Any sentencing order other than commitment to the
24 Department of Juvenile Justice may provide for protective
25 supervision under Section 5-725 and may include an order of
26 protection under Section 5-730.

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

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

18 (5) Any sentencing order where the minor is committed or
19 placed in accordance with Section 5-740 shall provide for the
20 parents or guardian of the estate of the minor to pay to the
21 legal custodian or guardian of the person of the minor such
22 sums as are determined by the custodian or guardian of the
23 person of the minor as necessary for the minor's needs. The
24 payments may not exceed the maximum amounts provided for by
25 Section 9.1 of the Children and Family Services Act.

26 (6) Whenever the sentencing order requires the minor to

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

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

18 (7.5) In no event shall a guilty minor be committed to the
19 Department of Juvenile Justice or placed in detention when the
20 act for which the minor was adjudicated delinquent would not
21 be illegal if committed by an adult.

22 (7.6) In no event shall a guilty minor be committed to the
23 Department of Juvenile Justice for an offense which is a Class
24 4 felony under Section 19-4 (criminal trespass to a
25 residence), 21-1 (criminal damage to property), 21-1.01
26 (criminal damage to government supported property), 21-1.3

1 (criminal defacement of property), 26-1 (disorderly conduct),
2 or 31-4 (obstructing justice) of the Criminal Code of 2012.

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

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

21 (8.5) A minor found to be guilty for reasons that include a
22 violation of Section 3.02 or Section 3.03 of the Humane Care
23 for Animals Act or paragraph (d) of subsection (1) of Section
24 21-1 of the Criminal Code of 1961 or paragraph (4) of
25 subsection (a) of Section 21-1 of the Criminal Code of 2012
26 shall be ordered to undergo medical or psychiatric treatment

1 rendered by a psychiatrist or psychological treatment rendered
2 by a clinical psychologist. The order may be in addition to any
3 other order authorized by this Section.

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

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

12 (10) When a court finds a minor to be guilty the court
13 shall, before entering a sentencing order under this Section,
14 make a finding whether the offense committed either: (a) was
15 related to or in furtherance of the criminal activities of an
16 organized gang or was motivated by the minor's membership in
17 or allegiance to an organized gang, or (b) involved a
18 violation of subsection (a) of Section 12-7.1 of the Criminal
19 Code of 1961 or the Criminal Code of 2012, a violation of any
20 Section of Article 24 of the Criminal Code of 1961 or the
21 Criminal Code of 2012, or a violation of any statute that
22 involved the wrongful use of a firearm. If the court
23 determines the question in the affirmative, and the court does
24 not commit the minor to the Department of Juvenile Justice,
25 the court shall order the minor to perform community service
26 for not less than 30 hours nor more than 120 hours, provided

1 that community service is available in the jurisdiction and is
2 funded and approved by the county board of the county where the
3 offense was committed. The community service shall include,
4 but need not be limited to, the cleanup and repair of any
5 damage caused by a violation of Section 21-1.3 of the Criminal
6 Code of 1961 or the Criminal Code of 2012 and similar damage to
7 property located in the municipality or county in which the
8 violation occurred. When possible and reasonable, the
9 community service shall be performed in the minor's
10 neighborhood. This order shall be in addition to any other
11 order authorized by this Section except for an order to place
12 the minor in the custody of the Department of Juvenile
13 Justice. For the purposes of this Section, "organized gang"
14 has the meaning ascribed to it in Section 10 of the Illinois
15 Streetgang Terrorism Omnibus Prevention Act.

16 (11) If the court determines that the offense was
17 committed in furtherance of the criminal activities of an
18 organized gang, as provided in subsection (10), and that the
19 offense involved the operation or use of a motor vehicle or the
20 use of a driver's license or permit, the court shall notify the
21 Secretary of State of that determination and of the period for
22 which the minor shall be denied driving privileges. If, at the
23 time of the determination, the minor does not hold a driver's
24 license or permit, the court shall provide that the minor
25 shall not be issued a driver's license or permit until his or
26 her 18th birthday. If the minor holds a driver's license or

1 permit at the time of the determination, the court shall
2 provide that the minor's driver's license or permit shall be
3 revoked until his or her 21st birthday, or until a later date
4 or occurrence determined by the court. If the minor holds a
5 driver's license at the time of the determination, the court
6 may direct the Secretary of State to issue the minor a judicial
7 driving permit, also known as a JDP. The JDP shall be subject
8 to the same terms as a JDP issued under Section 6-206.1 of the
9 Illinois Vehicle Code, except that the court may direct that
10 the JDP be effective immediately.

11 (12) (Blank).

12 (Source: P.A. 100-201, eff. 8-18-17; 100-431, eff. 8-25-17;
13 100-759, eff. 1-1-19; 101-2, eff. 7-1-19; 101-79, eff.
14 7-12-19; 101-159, eff. 1-1-20; revised 8-8-19.)

15 (705 ILCS 405/5-720)

16 Sec. 5-720. Probation revocation.

17 (1) If a petition is filed charging a violation of a
18 condition of probation or of conditional discharge, the court
19 shall:

20 (a) order the minor to appear; or

21 (b) order the minor's detention if the court finds
22 that the detention is a matter of immediate and urgent
23 necessity for the protection of the minor or of the person
24 or property of another or that the minor is likely to flee
25 the jurisdiction of the court, provided that any such

1 detention shall be in a juvenile detention home and the
2 minor so detained shall be 13 ~~14~~ years of age or older; and

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

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

17 (2) The court shall conduct a hearing of the alleged
18 violation of probation or of conditional discharge. The minor
19 shall not be held in detention longer than 15 days pending the
20 determination of the alleged violation.

21 (3) At the hearing, the State shall have the burden of
22 going forward with the evidence and proving the violation by a
23 preponderance of the evidence. The evidence shall be presented
24 in court with the right of confrontation, cross-examination,
25 and representation by counsel.

26 (4) If the court finds that the minor has violated a

1 condition at any time prior to the expiration or termination
2 of the period of probation or conditional discharge, it may
3 continue him or her on the existing sentence, with or without
4 modifying or enlarging the conditions, or may revoke probation
5 or conditional discharge and impose any other sentence that
6 was available under Section 5-710 at the time of the initial
7 sentence.

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

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

14 (7) Instead of filing a violation of probation or of
15 conditional discharge, the probation officer, with the
16 concurrence of his or her supervisor, may serve on the minor a
17 notice of intermediate sanctions. The notice shall contain the
18 technical violation or violations involved, the date or dates
19 of the violation or violations, and the intermediate sanctions
20 to be imposed. Upon receipt of the notice, the minor shall
21 immediately accept or reject the intermediate sanctions. If
22 the sanctions are accepted, they shall be imposed immediately.
23 If the intermediate sanctions are rejected or the minor does
24 not respond to the notice, a violation of probation or of
25 conditional discharge shall be immediately filed with the
26 court. The State's Attorney and the sentencing court shall be

1 notified of the notice of sanctions. Upon successful
2 completion of the intermediate sanctions, a court may not
3 revoke probation or conditional discharge or impose additional
4 sanctions for the same violation. A notice of intermediate
5 sanctions may not be issued for any violation of probation or
6 conditional discharge which could warrant an additional,
7 separate felony charge.

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

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