



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB3621

Introduced 1/19/2022, by Sen. Robert Peters

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Juvenile Court Act of 1987. Eliminates fines and fees under the Act. Provides that on the effective date of the amendatory Act, any unpaid obligations owed by minors or their parents, guardians, or legal custodians on judgments or orders for fees, fines, or administrative costs entered prior to the effective date of the amendatory Act are not collectible and the court shall enter an order to that effect within 6 months after the effective date of the amendatory Act. Provides that one year after the effective date of the amendatory Act, the Administrative Office of the Illinois Courts shall report to the General Assembly a disaggregated listing of: (1) the number of judgments or orders for unpaid obligations for fees, fines, and administrative costs described in this provision in each judicial district; and (2) the total balances of those fees, fines, and administrative costs made uncollectible on the effective date of the amendatory Act in each judicial district. Amends various other Acts to make conforming changes.

LRB102 22302 RLC 33311 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning minors.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by  
5 changing Sections 2-17, 3-19, 3-21, 3-24, 3-33.5, 4-16, 4-18,  
6 4-21, 5-610, 5-615, 5-710, 5-715, 5-915, 6-7, and 6-9 and by  
7 adding Section 1-19 as follows:

8 (705 ILCS 405/1-19 new)

9 Sec. 1-19. Outstanding balances owed by minors or their  
10 parents, guardians, or legal custodians; report.

11 (a) Any balance due, including interest, penalties, or  
12 collection expenses, on a judgment, order, agreement, or other  
13 legally enforceable encumbrance directing a minor or his or  
14 her parent, guardian, or legal custodian to pay any balance  
15 due for fees, fines, or administrative costs entered under  
16 this Act, Section 12C-60 of the Criminal Code of 2012, Section  
17 25 of the Juvenile Drug Court Treatment Act, Section 2 of the  
18 Prevention of Tobacco Use by Persons under 21 Years of Age and  
19 Sale and Distribution of Tobacco Products Act, or Section  
20 5-4.5-105, 5-5-10, 5-9-1.4, or 5-9-1.9 of the Unified Code of  
21 Corrections prior to the effective date of this amendatory Act  
22 of the 102nd General Assembly is not collectible on the  
23 effective date of this amendatory Act of the 102nd General

1 Assembly.

2 (b) Within 6 months after the effective date of this  
3 amendatory Act of the 102nd General Assembly, the court shall  
4 automatically vacate orders or other legally enforceable  
5 encumbrance directing a minor or his or her parent, guardian,  
6 or legal custodian to pay any balance due for fees, fines, or  
7 administrative costs as described in subsection (a).

8 (c) If the clerk of the court has referred outstanding  
9 balances or unpaid fees, fines, or administrative costs to a  
10 private collection agency, the clerk immediately shall inform  
11 the agency that the balance has been vacated as of the  
12 effective date of this amendatory Act of the 102nd General  
13 Assembly and the balance is not collectible.

14 (d) Immediately after the effective date of this  
15 amendatory Act of the 102nd General Assembly, the youth  
16 officer, if applicable, any other designated person from the  
17 juvenile probation department, or the clerk of the court must  
18 provide written notice to a minor and a minor's parent,  
19 guardian, or legal custodian that all payment obligations are  
20 discharged for any pending or outstanding fees, fines, or  
21 administrative costs made not collectible by this amendatory  
22 Act of the 102nd General Assembly.

23 (e) Any payments made by a minor or the minor's parent,  
24 guardian, or legal custodian on fees, fines, or administrative  
25 costs, including for interest or surcharges made on or after  
26 the effective date of this amendatory Act of the 102nd General

1 Assembly, shall be automatically and immediately reimbursed.

2 (f) One year after the effective date of this amendatory  
3 Act of the 102nd General Assembly, the Administrative Office  
4 of the Illinois Courts shall report to the General Assembly:

5 (1) the number of outstanding payments on judgments,  
6 orders, agreements, or other legally enforceable  
7 encumbrances made uncollectible by this amendatory Act of  
8 the 102nd General Assembly in each judicial district; and

9 (2) the total balances of fees, fines, and  
10 administrative costs vacated in each judicial district.

11 (705 ILCS 405/2-17) (from Ch. 37, par. 802-17)

12 Sec. 2-17. Guardian ad litem.

13 (1) Immediately upon the filing of a petition alleging  
14 that the minor is a person described in Sections 2-3 or 2-4 of  
15 this Article, the court shall appoint a guardian ad litem for  
16 the minor if:

17 (a) such petition alleges that the minor is an abused  
18 or neglected child; or

19 (b) such petition alleges that charges alleging the  
20 commission of any of the sex offenses defined in Article  
21 11 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
22 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the  
23 Criminal Code of 1961 or the Criminal Code of 2012, have  
24 been filed against a defendant in any court and that such  
25 minor is the alleged victim of the acts of defendant in the

1 commission of such offense.

2 Unless the guardian ad litem appointed pursuant to this  
3 paragraph (1) is an attorney at law, he or she shall be  
4 represented in the performance of his or her duties by  
5 counsel. The guardian ad litem shall represent the best  
6 interests of the minor and shall present recommendations to  
7 the court consistent with that duty.

8 (2) Before proceeding with the hearing, the court shall  
9 appoint a guardian ad litem for the minor if:

10 (a) no parent, guardian, custodian or relative of the  
11 minor appears at the first or any subsequent hearing of  
12 the case;

13 (b) the petition prays for the appointment of a  
14 guardian with power to consent to adoption; or

15 (c) the petition for which the minor is before the  
16 court resulted from a report made pursuant to the Abused  
17 and Neglected Child Reporting Act.

18 (3) The court may appoint a guardian ad litem for the minor  
19 whenever it finds that there may be a conflict of interest  
20 between the minor and his parents or other custodian or that it  
21 is otherwise in the minor's best interest to do so.

22 (4) Unless the guardian ad litem is an attorney, he or she  
23 shall be represented by counsel.

24 (4.5) Pursuant to Section 6b-1 of the Children and Family  
25 Services Act, the Department of Children and Family Services  
26 must maintain the name, electronic mail address, and telephone

1 number for each minor's court-appointed guardian ad litem and,  
2 if applicable, the guardian ad litem's supervisor. The  
3 Department of Children and Family Services must update this  
4 contact information within 5 days of receiving notice of a  
5 change. The Advocacy Office for Children and Families,  
6 established pursuant to Section 5e of the Children and Family  
7 Services Act, must make this contact information available to  
8 the minor, current foster parent or caregiver, or caseworker,  
9 if requested.

10 (5) The reasonable fees of a guardian ad litem appointed  
11 under this Section shall be fixed by the court and ~~charged to~~  
12 ~~the parents of the minor, to the extent they are able to pay.~~  
13 ~~If the parents are unable to pay these fees, they shall be paid~~  
14 from the general fund of the county.

15 (6) A guardian ad litem appointed under this Section,  
16 shall receive copies of any and all classified reports of  
17 child abuse and neglect made under the Abused and Neglected  
18 Child Reporting Act in which the minor who is the subject of a  
19 report under the Abused and Neglected Child Reporting Act, is  
20 also the minor for whom the guardian ad litem is appointed  
21 under this Section.

22 (6.5) A guardian ad litem appointed under this Section or  
23 attorney appointed under this Act shall receive a copy of each  
24 significant event report that involves the minor no later than  
25 3 days after the Department learns of an event requiring a  
26 significant event report to be written, or earlier as required

1 by Department rule.

2 (7) The appointed guardian ad litem shall remain the  
3 minor's guardian ad litem throughout the entire juvenile trial  
4 court proceedings, including permanency hearings and  
5 termination of parental rights proceedings, unless there is a  
6 substitution entered by order of the court.

7 (8) The guardian ad litem or an agent of the guardian ad  
8 litem shall have a minimum of one in-person contact with the  
9 minor and one contact with one of the current foster parents or  
10 caregivers prior to the adjudicatory hearing, and at least one  
11 additional in-person contact with the child and one contact  
12 with one of the current foster parents or caregivers after the  
13 adjudicatory hearing but prior to the first permanency hearing  
14 and one additional in-person contact with the child and one  
15 contact with one of the current foster parents or caregivers  
16 each subsequent year. For good cause shown, the judge may  
17 excuse face-to-face interviews required in this subsection.

18 (9) In counties with a population of 100,000 or more but  
19 less than 3,000,000, each guardian ad litem must successfully  
20 complete a training program approved by the Department of  
21 Children and Family Services. The Department of Children and  
22 Family Services shall provide training materials and documents  
23 to guardians ad litem who are not mandated to attend the  
24 training program. The Department of Children and Family  
25 Services shall develop and distribute to all guardians ad  
26 litem a bibliography containing information including but not

1 limited to the juvenile court process, termination of parental  
2 rights, child development, medical aspects of child abuse, and  
3 the child's need for safety and permanence.

4 (Source: P.A. 101-81, eff. 7-12-19; 102-208, eff. 7-30-21.)

5 (705 ILCS 405/3-19) (from Ch. 37, par. 803-19)

6 Sec. 3-19. Guardian ad litem.

7 (1) Immediately upon the filing of a petition alleging  
8 that the minor requires authoritative intervention, the court  
9 may appoint a guardian ad litem for the minor if

10 (a) such petition alleges that the minor is the victim  
11 of sexual abuse or misconduct; or

12 (b) such petition alleges that charges alleging the  
13 commission of any of the sex offenses defined in Article  
14 11 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
15 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the  
16 Criminal Code of 1961 or the Criminal Code of 2012, have  
17 been filed against a defendant in any court and that such  
18 minor is the alleged victim of the acts of the defendant in  
19 the commission of such offense.

20 (2) Unless the guardian ad litem appointed pursuant to  
21 paragraph (1) is an attorney at law he shall be represented in  
22 the performance of his duties by counsel.

23 (3) Before proceeding with the hearing, the court shall  
24 appoint a guardian ad litem for the minor if

25 (a) no parent, guardian, custodian or relative of the



1 minor appears at the first or any subsequent hearing of  
2 the case;

3 (b) the petition prays for the appointment of a  
4 guardian with power to consent to adoption; or

5 (c) the petition for which the minor is before the  
6 court resulted from a report made pursuant to the Abused  
7 and Neglected Child Reporting Act.

8 (4) The court may appoint a guardian ad litem for the minor  
9 whenever it finds that there may be a conflict of interest  
10 between the minor and his parents or other custodian or that it  
11 is otherwise in the minor's interest to do so.

12 (5) The reasonable fees of a guardian ad litem appointed  
13 under this Section shall be fixed by the court and ~~charged to~~  
14 ~~the parents of the minor, to the extent they are able to pay.~~  
15 ~~If the parents are unable to pay those fees, they shall be paid~~  
16 from the general fund of the county.

17 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

18 (705 ILCS 405/3-21) (from Ch. 37, par. 803-21)

19 Sec. 3-21. Continuance under supervision.

20 (1) The court may enter an order of continuance under  
21 supervision (a) upon an admission or stipulation by the  
22 appropriate respondent or minor respondent of the facts  
23 supporting the petition and before proceeding to findings and  
24 adjudication, or after hearing the evidence at the  
25 adjudicatory hearing but before noting in the minutes of

1 proceedings a finding of whether or not the minor is a person  
2 requiring authoritative intervention; and (b) in the absence  
3 of objection made in open court by the minor, his parent,  
4 guardian, custodian, responsible relative, defense attorney or  
5 the State's Attorney.

6 (2) If the minor, his parent, guardian, custodian,  
7 responsible relative, defense attorney or State's Attorney,  
8 objects in open court to any such continuance and insists upon  
9 proceeding to findings and adjudication, the court shall so  
10 proceed.

11 (3) Nothing in this Section limits the power of the court  
12 to order a continuance of the hearing for the production of  
13 additional evidence or for any other proper reason.

14 (4) When a hearing where a minor is alleged to be a minor  
15 requiring authoritative intervention is continued pursuant to  
16 this Section, the court may permit the minor to remain in his  
17 home subject to such conditions concerning his conduct and  
18 supervision as the court may require by order.

19 (5) If a petition is filed charging a violation of a  
20 condition of the continuance under supervision, the court  
21 shall conduct a hearing. If the court finds that such  
22 condition of supervision has not been fulfilled the court may  
23 proceed to findings and adjudication and disposition. The  
24 filing of a petition for violation of a condition of the  
25 continuance under supervision shall toll the period of  
26 continuance under supervision until the final determination of

1 the charge, and the term of the continuance under supervision  
2 shall not run until the hearing and disposition of the  
3 petition for violation; provided where the petition alleges  
4 conduct that does not constitute a criminal offense, the  
5 hearing must be held within 15 days of the filing of the  
6 petition unless a delay in such hearing has been occasioned by  
7 the minor, in which case the delay shall continue the tolling  
8 of the period of continuance under supervision for the period  
9 of such delay.

10 (6) (Blank). ~~The court must impose upon a minor under an~~  
11 ~~order of continuance under supervision or an order of~~  
12 ~~disposition under this Article III, as a condition of the~~  
13 ~~order, a fee of \$25 for each month or partial month of~~  
14 ~~supervision with a probation officer. If the court determines~~  
15 ~~the inability of the minor, or the parent, guardian, or legal~~  
16 ~~eustodian of the minor to pay the fee, the court may impose a~~  
17 ~~lesser fee. The court may not impose the fee on a minor who is~~  
18 ~~placed in the guardianship or custody of the Department of~~  
19 ~~Children and Family Services under this Act. The fee may be~~  
20 ~~imposed only upon a minor who is actively supervised by the~~  
21 ~~probation and court services department. The fee must be~~  
22 ~~collected by the clerk of the circuit court. The clerk of the~~  
23 ~~circuit court must pay all monies collected from this fee to~~  
24 ~~the county treasurer for deposit into the probation and court~~  
25 ~~services fund under Section 15.1 of the Probation and~~  
26 ~~Probation Officers Act.~~

1 (Source: P.A. 100-159, eff. 8-18-17.)

2 (705 ILCS 405/3-24) (from Ch. 37, par. 803-24)

3 Sec. 3-24. Kinds of dispositional orders.

4 (1) The following kinds of orders of disposition may be  
5 made in respect to wards of the court: A minor found to be  
6 requiring authoritative intervention under Section 3-3 may be  
7 (a) committed to the Department of Children and Family  
8 Services, subject to Section 5 of the Children and Family  
9 Services Act; (b) placed under supervision and released to his  
10 or her parents, guardian or legal custodian; (c) placed in  
11 accordance with Section 3-28 with or without also being placed  
12 under supervision. Conditions of supervision may be modified  
13 or terminated by the court if it deems that the best interests  
14 of the minor and the public will be served thereby; (d) ordered  
15 partially or completely emancipated in accordance with the  
16 provisions of the Emancipation of Minors Act; or (e) subject  
17 to having his or her driver's license or driving privilege  
18 suspended for such time as determined by the Court but only  
19 until he or she attains 18 years of age.

20 (2) Any order of disposition may provide for protective  
21 supervision under Section 3-25 and may include an order of  
22 protection under Section 3-26.

23 (3) Unless the order of disposition expressly so provides,  
24 it does not operate to close proceedings on the pending  
25 petition, but is subject to modification until final closing

1 and discharge of the proceedings under Section 3-32.

2 (4) In addition to any other order of disposition, the  
3 court may order any person found to be a minor requiring  
4 authoritative intervention under Section 3-3 to make  
5 restitution, in monetary or non-monetary form, under the terms  
6 and conditions of Section 5-5-6 of the Unified Code of  
7 Corrections, except that the "presentence hearing" referred to  
8 therein shall be the dispositional hearing for purposes of  
9 this Section. The parent, guardian or legal custodian of the  
10 minor may pay some or all of such restitution on the minor's  
11 behalf.

12 (5) Any order for disposition where the minor is committed  
13 or placed in accordance with Section 3-28 shall provide for  
14 the parents or guardian of the estate of such minor to pay to  
15 the legal custodian or guardian of the person of the minor such  
16 sums as are determined by the custodian or guardian of the  
17 person of the minor as necessary for the minor's needs. Such  
18 payments may not exceed the maximum amounts provided for by  
19 Section 9.1 of the Children and Family Services Act.

20 (6) Whenever the order of disposition requires the minor  
21 to attend school or participate in a program of training, the  
22 truant officer or designated school official shall regularly  
23 report to the court if the minor is a chronic or habitual  
24 truant under Section 26-2a of the School Code.

25 (7) (Blank). ~~The court must impose upon a minor under an~~  
26 ~~order of continuance under supervision or an order of~~

1 ~~disposition under this Article III, as a condition of the~~  
2 ~~order, a fee of \$25 for each month or partial month of~~  
3 ~~supervision with a probation officer. If the court determines~~  
4 ~~the inability of the minor, or the parent, guardian, or legal~~  
5 ~~custodian of the minor to pay the fee, the court may impose a~~  
6 ~~lesser fee. The court may not impose the fee on a minor who is~~  
7 ~~placed in the guardianship or custody of the Department of~~  
8 ~~Children and Family Services under this Act. The fee may be~~  
9 ~~imposed only upon a minor who is actively supervised by the~~  
10 ~~probation and court services department. The fee must be~~  
11 ~~collected by the clerk of the circuit court. The clerk of the~~  
12 ~~circuit court must pay all monies collected from this fee to~~  
13 ~~the county treasurer for deposit into the probation and court~~  
14 ~~services fund under Section 15.1 of the Probation and~~  
15 ~~Probation Officers Act.~~

16 (Source: P.A. 100-159, eff. 8-18-17.)

17 (705 ILCS 405/3-33.5)

18 Sec. 3-33.5. Truant minors in need of supervision.

19 (a) Definition. A minor who is reported by the office of  
20 the regional superintendent of schools as a chronic truant may  
21 be subject to a petition for adjudication and adjudged a  
22 truant minor in need of supervision, provided that prior to  
23 the filing of the petition, the office of the regional  
24 superintendent of schools or a community truancy review board  
25 certifies that the local school has provided appropriate

1 truancy intervention services to the truant minor and his or  
2 her family. For purposes of this Section, "truancy  
3 intervention services" means services designed to assist the  
4 minor's return to an educational program, and includes but is  
5 not limited to: assessments, counseling, mental health  
6 services, shelter, optional and alternative education  
7 programs, tutoring, and educational advocacy. If, after review  
8 by the regional office of education or community truancy  
9 review board, it is determined the local school did not  
10 provide the appropriate interventions, then the minor shall be  
11 referred to a comprehensive community based youth service  
12 agency for truancy intervention services. If the comprehensive  
13 community based youth service agency is incapable to provide  
14 intervention services, then this requirement for services is  
15 not applicable. The comprehensive community based youth  
16 service agency shall submit reports to the office of the  
17 regional superintendent of schools or truancy review board  
18 within 20, 40, and 80 school days of the initial referral or at  
19 any other time requested by the office of the regional  
20 superintendent of schools or truancy review board, which  
21 reports each shall certify the date of the minor's referral  
22 and the extent of the minor's progress and participation in  
23 truancy intervention services provided by the comprehensive  
24 community based youth service agency. In addition, if, after  
25 referral by the office of the regional superintendent of  
26 schools or community truancy review board, the minor declines

1 or refuses to fully participate in truancy intervention  
2 services provided by the comprehensive community based youth  
3 service agency, then the agency shall immediately certify such  
4 facts to the office of the regional superintendent of schools  
5 or community truancy review board.

6 (a-1) There is a rebuttable presumption that a chronic  
7 truant is a truant minor in need of supervision.

8 (a-2) There is a rebuttable presumption that school  
9 records of a minor's attendance at school are authentic.

10 (a-3) For purposes of this Section, "chronic truant" has  
11 the meaning ascribed to it in Section 26-2a of the School Code.

12 (a-4) For purposes of this Section, a "community truancy  
13 review board" is a local community based board comprised of  
14 but not limited to: representatives from local comprehensive  
15 community based youth service agencies, representatives from  
16 court service agencies, representatives from local schools,  
17 representatives from health service agencies, and  
18 representatives from local professional and community  
19 organizations as deemed appropriate by the office of the  
20 regional superintendent of schools. The regional  
21 superintendent of schools must approve the establishment and  
22 organization of a community truancy review board, and the  
23 regional superintendent of schools or his or her designee  
24 shall chair the board.

25 (a-5) Nothing in this Section shall be construed to create  
26 a private cause of action or right of recovery against a



1 regional office of education, its superintendent, or its staff  
2 with respect to truancy intervention services where the  
3 determination to provide the services is made in good faith.

4 (b) Kinds of dispositional orders. A minor found to be a  
5 truant minor in need of supervision may be:

6 (1) committed to the appropriate regional  
7 superintendent of schools for a student assistance team  
8 staffing, a service plan, or referral to a comprehensive  
9 community based youth service agency;

10 (2) required to comply with a service plan as  
11 specifically provided by the appropriate regional  
12 superintendent of schools;

13 (3) ordered to obtain counseling or other supportive  
14 services;

15 (4) (blank);

16 (5) (blank); ~~required to perform some reasonable~~  
17 ~~public service work such as, but not limited to, the~~  
18 ~~picking up of litter in public parks or along public~~  
19 ~~highways or the maintenance of public facilities; or~~

20 (6) (blank).

21 A dispositional order may include restorative justice  
22 programming ~~public service~~ only if the court has made an  
23 express written finding that a truancy prevention program has  
24 been offered by the school, regional superintendent of  
25 schools, or a comprehensive community based youth service  
26 agency to the truant minor in need of supervision. A

1 dispositional order shall not impose a fine upon a minor or  
2 ward of the court found to be a truant minor in need of  
3 supervision, nor upon the minor's parent, guardian, or legal  
4 custodian.

5 (c) (Blank) ~~Orders entered under this Section may be~~  
6 ~~enforced by contempt proceedings.~~

7 (Source: P.A. 102-456, eff. 1-1-22.)

8 (705 ILCS 405/4-16) (from Ch. 37, par. 804-16)

9 Sec. 4-16. Guardian ad litem.

10 (1) Immediately upon the filing of a petition alleging  
11 that the minor is a person described in Section 4-3 of this  
12 Act, the court may appoint a guardian ad litem for the minor  
13 if:

14 (a) such petition alleges that the minor is the victim  
15 of sexual abuse or misconduct; or

16 (b) such petition alleges that charges alleging the  
17 commission of any of the sex offenses defined in Article  
18 11 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
19 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012, have  
21 been filed against a defendant in any court and that such  
22 minor is the alleged victim of the acts of the defendant in  
23 the commission of such offense.

24 Unless the guardian ad litem appointed pursuant to this  
25 paragraph (1) is an attorney at law he shall be represented in

1 the performance of his duties by counsel.

2 (2) Before proceeding with the hearing, the court shall  
3 appoint a guardian ad litem for the minor if

4 (a) no parent, guardian, custodian or relative of the  
5 minor appears at the first or any subsequent hearing of  
6 the case;

7 (b) the petition prays for the appointment of a  
8 guardian with power to consent to adoption; or

9 (c) the petition for which the minor is before the  
10 court resulted from a report made pursuant to the Abused  
11 and Neglected Child Reporting Act.

12 (3) The court may appoint a guardian ad litem for the minor  
13 whenever it finds that there may be a conflict of interest  
14 between the minor and his parents or other custodian or that it  
15 is otherwise in the minor's interest to do so.

16 (4) Unless the guardian ad litem is an attorney, he shall  
17 be represented by counsel.

18 (5) The reasonable fees of a guardian ad litem appointed  
19 under this Section shall be fixed by the court and ~~charged to~~  
20 ~~the parents of the minor, to the extent they are able to pay.~~  
21 ~~If the parents are unable to pay those fees, they shall be paid~~  
22 from the general fund of the county.

23 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

24 (705 ILCS 405/4-18) (from Ch. 37, par. 804-18)

25 Sec. 4-18. Continuance under supervision.

1           (1) The court may enter an order of continuance under  
2 supervision (a) upon an admission or stipulation by the  
3 appropriate respondent or minor respondent of the facts  
4 supporting the petition and before proceeding to findings and  
5 adjudication, or after hearing the evidence at the  
6 adjudicatory hearing but before noting in the minutes of the  
7 proceeding a finding of whether or not the minor is an addict,  
8 and (b) in the absence of objection made in open court by the  
9 minor, his parent, guardian, custodian, responsible relative,  
10 defense attorney or the State's Attorney.

11           (2) If the minor, his parent, guardian, custodian,  
12 responsible relative, defense attorney or State's Attorney,  
13 objects in open court to any such continuance and insists upon  
14 proceeding to findings and adjudication, the court shall so  
15 proceed.

16           (3) Nothing in this Section limits the power of the court  
17 to order a continuance of the hearing for the production of  
18 additional evidence or for any other proper reason.

19           (4) When a hearing is continued pursuant to this Section,  
20 the court may permit the minor to remain in his home subject to  
21 such conditions concerning his conduct and supervision as the  
22 court may require by order.

23           (5) If a petition is filed charging a violation of a  
24 condition of the continuance under supervision, the court  
25 shall conduct a hearing. If the court finds that such  
26 condition of supervision has not been fulfilled the court may

1 proceed to findings and adjudication and disposition. The  
2 filing of a petition for violation of a condition of the  
3 continuance under supervision shall toll the period of  
4 continuance under supervision until the final determination of  
5 the charge, and the term of the continuance under supervision  
6 shall not run until the hearing and disposition of the  
7 petition for violation; provided where the petition alleges  
8 conduct that does not constitute a criminal offense, the  
9 hearing must be held within 15 days of the filing of the  
10 petition unless a delay in such hearing has been occasioned by  
11 the minor, in which case the delay shall continue the tolling  
12 of the period of continuance under supervision for the period  
13 of such delay.

14 (6) (Blank). ~~The court must impose upon a minor under an~~  
15 ~~order of continuance under supervision or an order of~~  
16 ~~disposition under this Article IV, as a condition of the~~  
17 ~~order, a fee of \$25 for each month or partial month of~~  
18 ~~supervision with a probation officer. If the court determines~~  
19 ~~the inability of the minor, or the parent, guardian, or legal~~  
20 ~~eustodian of the minor to pay the fee, the court may impose a~~  
21 ~~lesser fee. The court may not impose the fee on a minor who is~~  
22 ~~placed in the guardianship or custody of the Department of~~  
23 ~~Children and Family Services under this Act. The fee may be~~  
24 ~~imposed only upon a minor who is actively supervised by the~~  
25 ~~probation and court services department. The fee must be~~  
26 ~~collected by the clerk of the circuit court. The clerk of the~~

1 ~~circuit court must pay all monies collected from this fee to~~  
2 ~~the county treasurer for deposit into the probation and court~~  
3 ~~services fund under Section 15.1 of the Probation and~~  
4 ~~Probation Officers Act.~~

5 (Source: P.A. 100-159, eff. 8-18-17.)

6 (705 ILCS 405/4-21) (from Ch. 37, par. 804-21)

7 Sec. 4-21. Kinds of dispositional orders.

8 (1) A minor found to be addicted under Section 4-3 may be

9 (a) committed to the Department of Children and Family  
10 Services, subject to Section 5 of the Children and Family  
11 Services Act; (b) placed under supervision and released to his  
12 or her parents, guardian or legal custodian; (c) placed in  
13 accordance with Section 4-25 with or without also being placed  
14 under supervision. Conditions of supervision may be modified  
15 or terminated by the court if it deems that the best interests  
16 of the minor and the public will be served thereby; (d)  
17 required to attend an approved alcohol or drug abuse treatment  
18 or counseling program on an inpatient or outpatient basis  
19 instead of or in addition to the disposition otherwise  
20 provided for in this paragraph; (e) ordered partially or  
21 completely emancipated in accordance with the provisions of  
22 the Emancipation of Minors Act; or (f) subject to having his or  
23 her driver's license or driving privilege suspended for such  
24 time as determined by the Court but only until he or she  
25 attains 18 years of age. No disposition under this subsection

1 shall provide for the minor's placement in a secure facility.

2 (2) Any order of disposition may provide for protective  
3 supervision under Section 4-22 and may include an order of  
4 protection under Section 4-23.

5 (3) Unless the order of disposition expressly so provides,  
6 it does not operate to close proceedings on the pending  
7 petition, but is subject to modification until final closing  
8 and discharge of the proceedings under Section 4-29.

9 (4) In addition to any other order of disposition, the  
10 court may order any minor found to be addicted under this  
11 Article as neglected with respect to his or her own injurious  
12 behavior, to make restitution, in monetary or non-monetary  
13 form, under the terms and conditions of Section 5-5-6 of the  
14 Unified Code of Corrections, except that the "presentence  
15 hearing" referred to therein shall be the dispositional  
16 hearing for purposes of this Section. The parent, guardian or  
17 legal custodian of the minor may pay some or all of such  
18 restitution on the minor's behalf.

19 (5) Any order for disposition where the minor is placed in  
20 accordance with Section 4-25 shall provide for the parents or  
21 guardian of the estate of such minor to pay to the legal  
22 custodian or guardian of the person of the minor such sums as  
23 are determined by the custodian or guardian of the person of  
24 the minor as necessary for the minor's needs. Such payments  
25 may not exceed the maximum amounts provided for by Section 9.1  
26 of the Children and Family Services Act.

1 (6) Whenever the order of disposition requires the minor  
2 to attend school or participate in a program of training, the  
3 truant officer or designated school official shall regularly  
4 report to the court if the minor is a chronic or habitual  
5 truant under Section 26-2a of the School Code.

6 (7) (Blank). ~~The court must impose upon a minor under an  
7 order of continuance under supervision or an order of  
8 disposition under this Article IV, as a condition of the  
9 order, a fee of \$25 for each month or partial month of  
10 supervision with a probation officer. If the court determines  
11 the inability of the minor, or the parent, guardian, or legal  
12 eustodian of the minor to pay the fee, the court may impose a  
13 lesser fee. The court may not impose the fee on a minor who is  
14 placed in the guardianship or custody of the Department of  
15 Children and Family Services under this Act. The fee may be  
16 imposed only upon a minor who is actively supervised by the  
17 probation and court services department. The fee must be  
18 collected by the clerk of the circuit court. The clerk of the  
19 circuit court must pay all monies collected from this fee to  
20 the county treasurer for deposit into the probation and court  
21 services fund under Section 15.1 of the Probation and  
22 Probation Officers Act.~~

23 (Source: P.A. 100-159, eff. 8-18-17.)

24 (705 ILCS 405/5-610)

25 Sec. 5-610. Guardian ad litem and appointment of attorney.



1           (1) The court may appoint a guardian ad litem for the minor  
2 whenever it finds that there may be a conflict of interest  
3 between the minor and his or her parent, guardian or legal  
4 custodian or that it is otherwise in the minor's interest to do  
5 so.

6           (2) Unless the guardian ad litem is an attorney, he or she  
7 shall be represented by counsel.

8           (3) The reasonable fees of a guardian ad litem appointed  
9 under this Section shall be fixed by the court and ~~charged to~~  
10 ~~the parents of the minor, to the extent they are able to pay.~~  
11 ~~If the parents are unable to pay those fees, they shall be paid~~  
12 from the general fund of the county.

13           (4) If, during the court proceedings, the parents,  
14 guardian, or legal custodian prove that he or she has an actual  
15 conflict of interest with the minor in that delinquency  
16 proceeding and that the parents, guardian, or legal custodian  
17 are indigent, the court shall appoint a separate attorney for  
18 that parent, guardian, or legal custodian.

19           (5) A guardian ad litem appointed under this Section for a  
20 minor who is in the custody or guardianship of the Department  
21 of Children and Family Services or who has an open intact  
22 family services case with the Department of Children and  
23 Family Services is entitled to receive copies of any and all  
24 classified reports of child abuse or neglect made pursuant to  
25 the Abused and Neglected Child Reporting Act in which the  
26 minor, who is the subject of the report under the Abused and

1 Neglected Child Reporting Act, is also a minor for whom the  
2 guardian ad litem is appointed under this Act. The Department  
3 of Children and Family Services' obligation under this  
4 subsection to provide reports to a guardian ad litem for a  
5 minor with an open intact family services case applies only if  
6 the guardian ad litem notified the Department in writing of  
7 the representation.

8 (Source: P.A. 100-158, eff. 1-1-18.)

9 (705 ILCS 405/5-615)

10 Sec. 5-615. Continuance under supervision.

11 (1) The court may enter an order of continuance under  
12 supervision for an offense other than first degree murder, a  
13 Class X felony or a forcible felony:

14 (a) upon an admission or stipulation by the  
15 appropriate respondent or minor respondent of the facts  
16 supporting the petition and before the court makes a  
17 finding of delinquency, and in the absence of objection  
18 made in open court by the minor, his or her parent,  
19 guardian, or legal custodian, the minor's attorney or the  
20 State's Attorney; or

21 (b) upon a finding of delinquency and after  
22 considering the circumstances of the offense and the  
23 history, character, and condition of the minor, if the  
24 court is of the opinion that:

25 (i) the minor is not likely to commit further

1 crimes;

2 (ii) the minor and the public would be best served  
3 if the minor were not to receive a criminal record; and

4 (iii) in the best interests of justice an order of  
5 continuance under supervision is more appropriate than  
6 a sentence otherwise permitted under this Act.

7 (2) (Blank).

8 (3) Nothing in this Section limits the power of the court  
9 to order a continuance of the hearing for the production of  
10 additional evidence or for any other proper reason.

11 (4) When a hearing where a minor is alleged to be a  
12 delinquent is continued pursuant to this Section, the period  
13 of continuance under supervision may not exceed 24 months. The  
14 court may terminate a continuance under supervision at any  
15 time if warranted by the conduct of the minor and the ends of  
16 justice or vacate the finding of delinquency or both.

17 (5) When a hearing where a minor is alleged to be  
18 delinquent is continued pursuant to this Section, the court  
19 may, as conditions of the continuance under supervision,  
20 require the minor to do any of the following:

21 (a) not violate any criminal statute of any  
22 jurisdiction;

23 (b) make a report to and appear in person before any  
24 person or agency as directed by the court;

25 (c) work or pursue a course of study or vocational  
26 training;

1 (d) undergo medical or psychotherapeutic treatment  
2 rendered by a therapist licensed under the provisions of  
3 the Medical Practice Act of 1987, the Clinical  
4 Psychologist Licensing Act, or the Clinical Social Work  
5 and Social Work Practice Act, or an entity licensed by the  
6 Department of Human Services as a successor to the  
7 Department of Alcoholism and Substance Abuse, for the  
8 provision of substance use disorder services as defined in  
9 Section 1-10 of the Substance Use Disorder Act;

10 (e) attend or reside in a facility established for the  
11 instruction or residence of persons on probation;

12 (f) support his or her dependents, if any;

13 (g) (blank); ~~pay costs;~~

14 (h) refrain from possessing a firearm or other  
15 dangerous weapon, or an automobile;

16 (i) permit the probation officer to visit him or her  
17 at his or her home or elsewhere;

18 (j) reside with his or her parents or in a foster home;

19 (k) attend school;

20 (k-5) with the consent of the superintendent of the  
21 facility, attend an educational program at a facility  
22 other than the school in which the offense was committed  
23 if he or she committed a crime of violence as defined in  
24 Section 2 of the Crime Victims Compensation Act in a  
25 school, on the real property comprising a school, or  
26 within 1,000 feet of the real property comprising a

1 school;

2 (l) attend a non-residential program for youth;

3 (m) (blank); ~~contribute to his or her own support at~~  
4 ~~home or in a foster home;~~

5 (n) perform some reasonable public or community  
6 service;

7 (o) make restitution to the victim, in the same manner  
8 and under the same conditions as provided in subsection  
9 (4) of Section 5-710, except that the "sentencing hearing"  
10 referred to in that Section shall be the adjudicatory  
11 hearing for purposes of this Section;

12 (p) comply with curfew requirements as designated by  
13 the court;

14 (q) refrain from entering into a designated geographic  
15 area except upon terms as the court finds appropriate. The  
16 terms may include consideration of the purpose of the  
17 entry, the time of day, other persons accompanying the  
18 minor, and advance approval by a probation officer;

19 (r) refrain from having any contact, directly or  
20 indirectly, with certain specified persons or particular  
21 types of persons, including but not limited to members of  
22 street gangs and drug users or dealers;

23 (r-5) undergo a medical or other procedure to have a  
24 tattoo symbolizing allegiance to a street gang removed  
25 from his or her body;

26 (s) refrain from having in his or her body the

1 presence of any illicit drug prohibited by the Cannabis  
2 Control Act, the Illinois Controlled Substances Act, or  
3 the Methamphetamine Control and Community Protection Act,  
4 unless prescribed by a physician, and submit samples of  
5 his or her blood or urine or both for tests to determine  
6 the presence of any illicit drug; or

7 (t) comply with any other conditions as may be ordered  
8 by the court.

9 The court shall not, as a condition of continuance under  
10 supervision, require the minor or a ward of the court, or his  
11 or her parent, guardian, or legal custodian to pay fees,  
12 finances, or administrative costs.

13 (6) A minor whose case is continued under supervision  
14 under subsection (5) shall be given a certificate setting  
15 forth the conditions imposed by the court. Those conditions  
16 may be reduced, enlarged, or modified by the court on motion of  
17 the probation officer or on its own motion, or that of the  
18 State's Attorney, or, at the request of the minor after notice  
19 and hearing.

20 (7) If a petition is filed charging a violation of a  
21 condition of the continuance under supervision, the court  
22 shall conduct a hearing. If the court finds that a condition of  
23 supervision has not been fulfilled, the court may proceed to  
24 findings, adjudication, and disposition or adjudication and  
25 disposition. The filing of a petition for violation of a  
26 condition of the continuance under supervision shall toll the

1 period of continuance under supervision until the final  
2 determination of the charge, and the term of the continuance  
3 under supervision shall not run until the hearing and  
4 disposition of the petition for violation; provided where the  
5 petition alleges conduct that does not constitute a criminal  
6 offense, the hearing must be held within 30 days of the filing  
7 of the petition unless a delay shall continue the tolling of  
8 the period of continuance under supervision for the period of  
9 the delay.

10 (8) When a hearing in which a minor is alleged to be a  
11 delinquent for reasons that include a violation of Section  
12 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
13 2012 is continued under this Section, the court shall, as a  
14 condition of the continuance under supervision, require the  
15 minor to perform community service for not less than 30 and not  
16 more than 120 hours, if community service is available in the  
17 jurisdiction. The community service shall include, but need  
18 not be limited to, the cleanup and repair of the damage that  
19 was caused by the alleged violation or similar damage to  
20 property located in the municipality or county in which the  
21 alleged violation occurred. The condition may be in addition  
22 to any other condition.

23 (8.5) When a hearing in which a minor is alleged to be a  
24 delinquent for reasons that include a violation of Section  
25 3.02 or Section 3.03 of the Humane Care for Animals Act or  
26 paragraph (d) of subsection (1) of Section 21-1 of the

1 Criminal Code of 1961 or paragraph (4) of subsection (a) of  
2 Section 21-1 or the Criminal Code of 2012 is continued under  
3 this Section, the court shall, as a condition of the  
4 continuance under supervision, require the minor to undergo  
5 medical or psychiatric treatment rendered by a psychiatrist or  
6 psychological treatment rendered by a clinical psychologist.  
7 The condition may be in addition to any other condition.

8 (9) When a hearing in which a minor is alleged to be a  
9 delinquent is continued under this Section, the court, before  
10 continuing the case, shall make a finding whether the offense  
11 alleged to have been committed either: (i) was related to or in  
12 furtherance of the activities of an organized gang or was  
13 motivated by the minor's membership in or allegiance to an  
14 organized gang, or (ii) is a violation of paragraph (13) of  
15 subsection (a) of Section 12-2 or paragraph (2) of subsection  
16 (c) of Section 12-2 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012, a violation of any Section of Article 24  
18 of the Criminal Code of 1961 or the Criminal Code of 2012, or a  
19 violation of any statute that involved the unlawful use of a  
20 firearm. If the court determines the question in the  
21 affirmative the court shall, as a condition of the continuance  
22 under supervision and as part of or in addition to any other  
23 condition of the supervision, require the minor to perform  
24 community service for not less than 30 hours, provided that  
25 community service is available in the jurisdiction and is  
26 funded and approved by the county board of the county where the



1 offense was committed. The community service shall include,  
2 but need not be limited to, the cleanup and repair of any  
3 damage caused by an alleged violation of Section 21-1.3 of the  
4 Criminal Code of 1961 or the Criminal Code of 2012 and similar  
5 damage to property located in the municipality or county in  
6 which the alleged violation occurred. When possible and  
7 reasonable, the community service shall be performed in the  
8 minor's neighborhood. For the purposes of this Section,  
9 "organized gang" has the meaning ascribed to it in Section 10  
10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

11 (10) (Blank). ~~The court shall impose upon a minor placed~~  
12 ~~on supervision, as a condition of the supervision, a fee of \$50~~  
13 ~~for each month of supervision ordered by the court, unless~~  
14 ~~after determining the inability of the minor placed on~~  
15 ~~supervision to pay the fee, the court assesses a lesser~~  
16 ~~amount. The court may not impose the fee on a minor who is~~  
17 ~~placed in the guardianship or custody of the Department of~~  
18 ~~Children and Family Services under this Act while the minor is~~  
19 ~~in placement. The fee shall be imposed only upon a minor who is~~  
20 ~~actively supervised by the probation and court services~~  
21 ~~department. A court may order the parent, guardian, or legal~~  
22 ~~eustodian of the minor to pay some or all of the fee on the~~  
23 ~~minor's behalf.~~

24 (11) (Blank).

25 (Source: P.A. 100-159, eff. 8-18-17; 100-759, eff. 1-1-19;  
26 101-2, eff. 7-1-19.)

1 (705 ILCS 405/5-710)

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

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

5 (a) Except as provided in Sections 5-805, 5-810, and  
6 5-815, a minor who is found guilty under Section 5-620 may  
7 be:

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

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

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

22 (iv) on and after January 1, 2015 (the effective  
23 date of Public Act 98-803) and before January 1, 2017,  
24 placed in the guardianship of the Department of  
25 Children and Family Services, but only if the

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

15 (v) placed in detention for a period not to exceed  
16 30 days, either as the exclusive order of disposition  
17 or, where appropriate, in conjunction with any other  
18 order of disposition issued under this paragraph,  
19 provided that any such detention shall be in a  
20 juvenile detention home and the minor so detained  
21 shall be 10 years of age or older. However, the 30-day  
22 limitation may be extended by further order of the  
23 court for a minor under age 15 committed to the  
24 Department of Children and Family Services if the  
25 court finds that the minor is a danger to himself or  
26 others. The minor shall be given credit on the

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

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

23 (A) the age of the person;

24 (B) any previous delinquent or criminal  
25 history of the person;

26 (C) any previous abuse or neglect history of

1 the person;

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

3 and

4 (E) any educational history of the person;

5 (vi) ordered partially or completely emancipated  
6 in accordance with the provisions of the Emancipation  
7 of Minors Act;

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

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

21 (ix) ordered to undergo a medical or other  
22 procedure to have a tattoo symbolizing allegiance to a  
23 street gang removed from his or her body; or

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

26 (b) A minor found to be guilty may be committed to the

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

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

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

24 (3) Unless the sentencing order expressly so provides, it  
25 does not operate to close proceedings on the pending petition,  
26 but is subject to modification until final closing and

1 discharge of the proceedings under Section 5-750.

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

15 (5) Any sentencing order where the minor is committed or  
16 placed in accordance with Section 5-740 shall provide for the  
17 parents or guardian of the estate of the minor to pay to the  
18 legal custodian or guardian of the person of the minor such  
19 sums as are determined by the custodian or guardian of the  
20 person of the minor as necessary for the minor's needs. The  
21 payments may not exceed the maximum amounts provided for by  
22 Section 9.1 of the Children and Family Services Act. The court  
23 shall not assess or charge fees, fines, or administrative  
24 costs that arise from delinquency matters against a minor, the  
25 minor's parent, guardian, or legal custodian.

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. A minor or ward of the court, or the minor's  
11 parent, guardian, or legal custodian shall not be responsible  
12 for costs incurred by the county or Department for school  
13 services provided under this Section.

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 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  
24 be 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  
2 residence), 21-1 (criminal damage to property), 21-1.01  
3 (criminal damage to government supported property), 21-1.3  
4 (criminal defacement of property), 26-1 (disorderly conduct),  
5 or 31-4 (obstructing 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. The court shall not assess or charge to the minor or  
24 ward of the court, or the minor's parent, guardian, or legal  
25 custodian any fee, fine, or administrative court cost listed  
26 under the provisions of Article 9 of Chapter V of the Unified

1 Code of Corrections.

2 (8.5) A minor found to be guilty for reasons that include a  
3 violation of Section 3.02 or Section 3.03 of the Humane Care  
4 for Animals Act or paragraph (d) of subsection (1) of Section  
5 21-1 of the Criminal Code of 1961 or paragraph (4) of  
6 subsection (a) of Section 21-1 of the Criminal Code of 2012  
7 shall be ordered to undergo medical or psychiatric treatment  
8 rendered by a psychiatrist or psychological treatment rendered  
9 by a clinical psychologist. The order may be in addition to any  
10 other order authorized by this Section.

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

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

19 (10) When a court finds a minor to be guilty the court  
20 shall, before entering a sentencing order under this Section,  
21 make a finding whether the offense committed either: (a) was  
22 related to or in furtherance of the criminal activities of an  
23 organized gang or was motivated by the minor's membership in  
24 or allegiance to an organized gang, or (b) involved a  
25 violation of subsection (a) of Section 12-7.1 of the Criminal  
26 Code of 1961 or the Criminal Code of 2012, a violation of any

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

23 (11) If the court determines that the offense was  
24 committed in furtherance of the criminal activities of an  
25 organized gang, as provided in subsection (10), and that the  
26 offense involved the operation or use of a motor vehicle or the

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

18 (12) (Blank).

19 (Source: P.A. 101-2, eff. 7-1-19; 101-79, eff. 7-12-19;  
20 101-159, eff. 1-1-20; 102-558, eff. 8-20-21.)

21 (705 ILCS 405/5-715)

22 Sec. 5-715. Probation.

23 (1) The period of probation or conditional discharge shall  
24 not exceed 5 years or until the minor has attained the age of  
25 21 years, whichever is less, except as provided in this

1 Section for a minor who is found to be guilty for an offense  
2 which is first degree murder. The juvenile court may terminate  
3 probation or conditional discharge and discharge the minor at  
4 any time if warranted by the conduct of the minor and the ends  
5 of justice; provided, however, that the period of probation  
6 for a minor who is found to be guilty for an offense which is  
7 first degree murder shall be at least 5 years.

8 (1.5) The period of probation for a minor who is found  
9 guilty of aggravated criminal sexual assault, criminal sexual  
10 assault, or aggravated battery with a firearm shall be at  
11 least 36 months. The period of probation for a minor who is  
12 found to be guilty of any other Class X felony shall be at  
13 least 24 months. The period of probation for a Class 1 or Class  
14 2 forcible felony shall be at least 18 months. Regardless of  
15 the length of probation ordered by the court, for all offenses  
16 under this paragraph (1.5), the court shall schedule hearings  
17 to determine whether it is in the best interest of the minor  
18 and public safety to terminate probation after the minimum  
19 period of probation has been served. In such a hearing, there  
20 shall be a rebuttable presumption that it is in the best  
21 interest of the minor and public safety to terminate  
22 probation.

23 (2) The court may as a condition of probation or of  
24 conditional discharge require that the minor:

25 (a) not violate any criminal statute of any  
26 jurisdiction;

1           (b) make a report to and appear in person before any  
2 person or agency as directed by the court;

3           (c) work or pursue a course of study or vocational  
4 training;

5           (d) undergo medical or psychiatric treatment, rendered  
6 by a psychiatrist or psychological treatment rendered by a  
7 clinical psychologist or social work services rendered by  
8 a clinical social worker, or treatment for drug addiction  
9 or alcoholism;

10          (e) attend or reside in a facility established for the  
11 instruction or residence of persons on probation;

12          (f) support his or her dependents, if any;

13          (g) refrain from possessing a firearm or other  
14 dangerous weapon, or an automobile;

15          (h) permit the probation officer to visit him or her  
16 at his or her home or elsewhere;

17          (i) reside with his or her parents or in a foster home;

18          (j) attend school;

19           (j-5) with the consent of the superintendent of the  
20 facility, attend an educational program at a facility  
21 other than the school in which the offense was committed  
22 if he or she committed a crime of violence as defined in  
23 Section 2 of the Crime Victims Compensation Act in a  
24 school, on the real property comprising a school, or  
25 within 1,000 feet of the real property comprising a  
26 school;

- 1 (k) attend a non-residential program for youth;
- 2 (l) make restitution under the terms of subsection (4)
- 3 of Section 5-710;
- 4 (m) (blank); ~~contribute to his or her own support at~~
- 5 ~~home or in a foster home;~~
- 6 (n) perform some reasonable public or community
- 7 service;
- 8 (o) participate with community corrections programs
- 9 including unified delinquency intervention services
- 10 administered by the Department of Human Services subject
- 11 to Section 5 of the Children and Family Services Act;
- 12 (p) (blank); ~~pay costs;~~
- 13 (q) serve a term of home confinement. In addition to
- 14 any other applicable condition of probation or conditional
- 15 discharge, the conditions of home confinement shall be
- 16 that the minor:
- 17 (i) remain within the interior premises of the
- 18 place designated for his or her confinement during the
- 19 hours designated by the court;
- 20 (ii) admit any person or agent designated by the
- 21 court into the minor's place of confinement at any
- 22 time for purposes of verifying the minor's compliance
- 23 with the conditions of his or her confinement; and
- 24 (iii) use an approved electronic monitoring device
- 25 if ordered by the court subject to Article 8A of
- 26 Chapter V of the Unified Code of Corrections;



1 (r) refrain from entering into a designated geographic  
2 area except upon terms as the court finds appropriate. The  
3 terms may include consideration of the purpose of the  
4 entry, the time of day, other persons accompanying the  
5 minor, and advance approval by a probation officer, if the  
6 minor has been placed on probation, or advance approval by  
7 the court, if the minor has been placed on conditional  
8 discharge;

9 (s) refrain from having any contact, directly or  
10 indirectly, with certain specified persons or particular  
11 types of persons, including but not limited to members of  
12 street gangs and drug users or dealers;

13 (s-5) undergo a medical or other procedure to have a  
14 tattoo symbolizing allegiance to a street gang removed  
15 from his or her body;

16 (t) refrain from having in his or her body the  
17 presence of any illicit drug prohibited by the Cannabis  
18 Control Act, the Illinois Controlled Substances Act, or  
19 the Methamphetamine Control and Community Protection Act,  
20 unless prescribed by a physician, and shall submit samples  
21 of his or her blood or urine or both for tests to determine  
22 the presence of any illicit drug; or

23 (u) comply with other conditions as may be ordered by  
24 the court.

25 The court shall not, as a condition of probation or of  
26 conditional discharge, require the minor or ward of the court

1 or the minor's parent, guardian, or legal custodian to  
2 contribute or pay costs for placement in the home or  
3 out-of-home placement.

4 (3) The court may as a condition of probation or of  
5 conditional discharge require that a minor found guilty on any  
6 alcohol, cannabis, methamphetamine, or controlled substance  
7 violation, refrain from acquiring a driver's license during  
8 the period of probation or conditional discharge. If the minor  
9 is in possession of a permit or license, the court may require  
10 that the minor refrain from driving or operating any motor  
11 vehicle during the period of probation or conditional  
12 discharge, except as may be necessary in the course of the  
13 minor's lawful employment.

14 (3.5) The court shall, as a condition of probation or of  
15 conditional discharge, require that a minor found to be guilty  
16 and placed on probation for reasons that include a violation  
17 of Section 3.02 or Section 3.03 of the Humane Care for Animals  
18 Act or paragraph (4) of subsection (a) of Section 21-1 of the  
19 Criminal Code of 2012 undergo medical or psychiatric treatment  
20 rendered by a psychiatrist or psychological treatment rendered  
21 by a clinical psychologist. The condition may be in addition  
22 to any other condition.

23 (3.10) The court shall order that a minor placed on  
24 probation or conditional discharge for a sex offense as  
25 defined in the Sex Offender Management Board Act undergo and  
26 successfully complete sex offender treatment. The treatment

1 shall be in conformance with the standards developed under the  
2 Sex Offender Management Board Act and conducted by a treatment  
3 provider approved by the Board. The treatment shall be at the  
4 expense of the State of Illinois ~~person evaluated based upon~~  
5 ~~that person's ability to pay for the treatment.~~

6 (4) A minor on probation or conditional discharge shall be  
7 given a certificate setting forth the conditions upon which he  
8 or she is being released.

9 (5) (Blank). ~~The court shall impose upon a minor placed on~~  
10 ~~probation or conditional discharge, as a condition of the~~  
11 ~~probation or conditional discharge, a fee of \$50 for each~~  
12 ~~month of probation or conditional discharge supervision~~  
13 ~~ordered by the court, unless after determining the inability~~  
14 ~~of the minor placed on probation or conditional discharge to~~  
15 ~~pay the fee, the court assesses a lesser amount. The court may~~  
16 ~~not impose the fee on a minor who is placed in the guardianship~~  
17 ~~or custody of the Department of Children and Family Services~~  
18 ~~under this Act while the minor is in placement. The fee shall~~  
19 ~~be imposed only upon a minor who is actively supervised by the~~  
20 ~~probation and court services department. The court may order~~  
21 ~~the parent, guardian, or legal custodian of the minor to pay~~  
22 ~~some or all of the fee on the minor's behalf.~~

23 (5.5) Jurisdiction over an offender may be transferred  
24 from the sentencing court to the court of another circuit with  
25 the concurrence of both courts. Further transfers or  
26 retransfers of jurisdiction are also authorized in the same

1 manner. The court to which jurisdiction has been transferred  
2 shall have the same powers as the sentencing court. ~~The~~  
3 ~~probation department within the circuit to which jurisdiction~~  
4 ~~has been transferred, or which has agreed to provide~~  
5 ~~supervision, may impose probation fees upon receiving the~~  
6 ~~transferred offender, as provided in subsection (i) of Section~~  
7 ~~5-6-3 of the Unified Code of Corrections. For all transfer~~  
8 ~~cases, as defined in Section 9b of the Probation and Probation~~  
9 ~~Officers Act, the probation department from the original~~  
10 ~~sentencing court shall retain all probation fees collected~~  
11 ~~prior to the transfer. After the transfer, all probation fees~~  
12 ~~shall be paid to the probation department within the circuit~~  
13 ~~to which jurisdiction has been transferred.~~

14 ~~If the transfer case originated in another state and has~~  
15 ~~been transferred under the Interstate Compact for Juveniles to~~  
16 ~~the jurisdiction of an Illinois circuit court for supervision~~  
17 ~~by an Illinois probation department, probation fees may be~~  
18 ~~imposed only if permitted by the Interstate Commission for~~  
19 ~~Juveniles.~~

20 (6) The General Assembly finds that in order to protect  
21 the public, the juvenile justice system must compel compliance  
22 with the conditions of probation by responding to violations  
23 with swift, certain, and fair punishments and intermediate  
24 sanctions. The Chief Judge of each circuit shall adopt a  
25 system of structured, intermediate sanctions for violations of  
26 the terms and conditions of a sentence of supervision,

1 probation or conditional discharge, under this Act.

2 The court shall provide as a condition of a disposition of  
3 probation, conditional discharge, or supervision, that the  
4 probation agency may invoke any sanction from the list of  
5 intermediate sanctions adopted by the chief judge of the  
6 circuit court for violations of the terms and conditions of  
7 the sentence of probation, conditional discharge, or  
8 supervision, subject to the provisions of Section 5-720 of  
9 this Act.

10 (Source: P.A. 99-879, eff. 1-1-17; 100-159, eff. 8-18-17.)

11 (705 ILCS 405/5-915)

12 Sec. 5-915. Expungement of juvenile law enforcement and  
13 juvenile court records.

14 (0.05) (Blank).

15 (0.1) (a) The Illinois State Police and all law  
16 enforcement agencies within the State shall automatically  
17 expunge, on or before January 1 of each year, all juvenile law  
18 enforcement records relating to events occurring before an  
19 individual's 18th birthday if:

20 (1) one year or more has elapsed since the date of the  
21 arrest or law enforcement interaction documented in the  
22 records;

23 (2) no petition for delinquency or criminal charges  
24 were filed with the clerk of the circuit court relating to  
25 the arrest or law enforcement interaction documented in

1 the records; and

2 (3) 6 months have elapsed since the date of the arrest  
3 without an additional subsequent arrest or filing of a  
4 petition for delinquency or criminal charges whether  
5 related or not to the arrest or law enforcement  
6 interaction documented in the records.

7 (b) If the law enforcement agency is unable to verify  
8 satisfaction of conditions (2) and (3) of this subsection  
9 (0.1), records that satisfy condition (1) of this subsection  
10 (0.1) shall be automatically expunged if the records relate to  
11 an offense that if committed by an adult would not be an  
12 offense classified as a Class 2 felony or higher, an offense  
13 under Article 11 of the Criminal Code of 1961 or Criminal Code  
14 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,  
15 12-15, or 12-16 of the Criminal Code of 1961.

16 (0.15) If a juvenile law enforcement record meets  
17 paragraph (a) of subsection (0.1) of this Section, a juvenile  
18 law enforcement record created:

19 (1) prior to January 1, 2018, but on or after January  
20 1, 2013 shall be automatically expunged prior to January  
21 1, 2020;

22 (2) prior to January 1, 2013, but on or after January  
23 1, 2000, shall be automatically expunged prior to January  
24 1, 2023; and

25 (3) prior to January 1, 2000 shall not be subject to  
26 the automatic expungement provisions of this Act.

1 Nothing in this subsection (0.15) shall be construed to  
2 restrict or modify an individual's right to have his or her  
3 juvenile law enforcement records expunged except as otherwise  
4 may be provided in this Act.

5 (0.2) (a) Upon dismissal of a petition alleging  
6 delinquency or upon a finding of not delinquent, the  
7 successful termination of an order of supervision, or the  
8 successful termination of an adjudication for an offense which  
9 would be a Class B misdemeanor, Class C misdemeanor, or a petty  
10 or business offense if committed by an adult, the court shall  
11 automatically order the expungement of the juvenile court  
12 records and juvenile law enforcement records. The clerk shall  
13 deliver a certified copy of the expungement order to the  
14 Illinois State Police and the arresting agency. Upon request,  
15 the State's Attorney shall furnish the name of the arresting  
16 agency. The expungement shall be completed within 60 business  
17 days after the receipt of the expungement order.

18 (b) If the chief law enforcement officer of the agency, or  
19 his or her designee, certifies in writing that certain  
20 information is needed for a pending investigation involving  
21 the commission of a felony, that information, and information  
22 identifying the juvenile, may be retained until the statute of  
23 limitations for the felony has run. If the chief law  
24 enforcement officer of the agency, or his or her designee,  
25 certifies in writing that certain information is needed with  
26 respect to an internal investigation of any law enforcement

1 office, that information and information identifying the  
2 juvenile may be retained within an intelligence file until the  
3 investigation is terminated or the disciplinary action,  
4 including appeals, has been completed, whichever is later.  
5 Retention of a portion of a juvenile's law enforcement record  
6 does not disqualify the remainder of his or her record from  
7 immediate automatic expungement.

8 (0.3) (a) Upon an adjudication of delinquency based on any  
9 offense except a disqualified offense, the juvenile court  
10 shall automatically order the expungement of the juvenile  
11 court and law enforcement records 2 years after the juvenile's  
12 case was closed if no delinquency or criminal proceeding is  
13 pending and the person has had no subsequent delinquency  
14 adjudication or criminal conviction. The clerk shall deliver a  
15 certified copy of the expungement order to the Illinois State  
16 Police and the arresting agency. Upon request, the State's  
17 Attorney shall furnish the name of the arresting agency. The  
18 expungement shall be completed within 60 business days after  
19 the receipt of the expungement order. In this subsection  
20 (0.3), "disqualified offense" means any of the following  
21 offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2,  
22 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30,  
23 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05,  
24 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5,  
25 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4,  
26 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5,



1 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1,  
2 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or  
3 subsection (b) of Section 8-1, paragraph (4) of subsection (a)  
4 of Section 11-14.4, subsection (a-5) of Section 12-3.1,  
5 paragraph (1), (2), or (3) of subsection (a) of Section 12-6,  
6 subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or  
7 (2) of subsection (a) of Section 12-7.4, subparagraph (i) of  
8 paragraph (1) of subsection (a) of Section 12-9, subparagraph  
9 (H) of paragraph (3) of subsection (a) of Section 24-1.6,  
10 paragraph (1) of subsection (a) of Section 25-1, or subsection  
11 (a-7) of Section 31-1 of the Criminal Code of 2012.

12 (b) If the chief law enforcement officer of the agency, or  
13 his or her designee, certifies in writing that certain  
14 information is needed for a pending investigation involving  
15 the commission of a felony, that information, and information  
16 identifying the juvenile, may be retained in an intelligence  
17 file until the investigation is terminated or for one  
18 additional year, whichever is sooner. Retention of a portion  
19 of a juvenile's juvenile law enforcement record does not  
20 disqualify the remainder of his or her record from immediate  
21 automatic expungement.

22 (0.4) Automatic expungement for the purposes of this  
23 Section shall not require law enforcement agencies to  
24 obliterate or otherwise destroy juvenile law enforcement  
25 records that would otherwise need to be automatically expunged  
26 under this Act, except after 2 years following the subject

1 arrest for purposes of use in civil litigation against a  
2 governmental entity or its law enforcement agency or personnel  
3 which created, maintained, or used the records. However, these  
4 juvenile law enforcement records shall be considered expunged  
5 for all other purposes during this period and the offense,  
6 which the records or files concern, shall be treated as if it  
7 never occurred as required under Section 5-923.

8 (0.5) Subsection (0.1) or (0.2) of this Section does not  
9 apply to violations of traffic, boating, fish and game laws,  
10 or county or municipal ordinances.

11 (0.6) Juvenile law enforcement records of a plaintiff who  
12 has filed civil litigation against the governmental entity or  
13 its law enforcement agency or personnel that created,  
14 maintained, or used the records, or juvenile law enforcement  
15 records that contain information related to the allegations  
16 set forth in the civil litigation may not be expunged until  
17 after 2 years have elapsed after the conclusion of the  
18 lawsuit, including any appeal.

19 (0.7) Officer-worn body camera recordings shall not be  
20 automatically expunged except as otherwise authorized by the  
21 Law Enforcement Officer-Worn Body Camera Act.

22 (1) Whenever a person has been arrested, charged, or  
23 adjudicated delinquent for an incident occurring before his or  
24 her 18th birthday that if committed by an adult would be an  
25 offense, and that person's juvenile law enforcement and  
26 juvenile court records are not eligible for automatic

1 expungement under subsection (0.1), (0.2), or (0.3), the  
2 person may petition the court at any time for expungement of  
3 juvenile law enforcement records and juvenile court records  
4 relating to the incident and, upon termination of all juvenile  
5 court proceedings relating to that incident, the court shall  
6 order the expungement of all records in the possession of the  
7 Illinois State Police, the clerk of the circuit court, and law  
8 enforcement agencies relating to the incident, but only in any  
9 of the following circumstances:

10 (a) the minor was arrested and no petition for  
11 delinquency was filed with the clerk of the circuit court;

12 (a-5) the minor was charged with an offense and the  
13 petition or petitions were dismissed without a finding of  
14 delinquency;

15 (b) the minor was charged with an offense and was  
16 found not delinquent of that offense;

17 (c) the minor was placed under supervision under  
18 Section 5-615, and the order of supervision has since been  
19 successfully terminated; or

20 (d) the minor was adjudicated for an offense which  
21 would be a Class B misdemeanor, Class C misdemeanor, or a  
22 petty or business offense if committed by an adult.

23 (1.5) The Illinois State Police shall allow a person to  
24 use the Access and Review process, established in the Illinois  
25 State Police, for verifying that his or her juvenile law  
26 enforcement records relating to incidents occurring before his

1 or her 18th birthday eligible under this Act have been  
2 expunged.

3 (1.6) (Blank).

4 (1.7) (Blank).

5 (1.8) (Blank).

6 (2) Any person whose delinquency adjudications are not  
7 eligible for automatic expungement under subsection (0.3) of  
8 this Section may petition the court to expunge all juvenile  
9 law enforcement records relating to any incidents occurring  
10 before his or her 18th birthday which did not result in  
11 proceedings in criminal court and all juvenile court records  
12 with respect to any adjudications except those based upon  
13 first degree murder or an offense under Article 11 of the  
14 Criminal Code of 2012 if the person is required to register  
15 under the Sex Offender Registration Act at the time he or she  
16 petitions the court for expungement; provided that 2 years  
17 have elapsed since all juvenile court proceedings relating to  
18 him or her have been terminated and his or her commitment to  
19 the Department of Juvenile Justice under this Act has been  
20 terminated.

21 (2.5) If a minor is arrested and no petition for  
22 delinquency is filed with the clerk of the circuit court at the  
23 time the minor is released from custody, the youth officer, if  
24 applicable, or other designated person from the arresting  
25 agency, shall notify verbally and in writing to the minor or  
26 the minor's parents or guardians that the minor shall have an

1 arrest record and shall provide the minor and the minor's  
2 parents or guardians with an expungement information packet,  
3 information regarding this State's expungement laws including  
4 a petition to expunge juvenile law enforcement and juvenile  
5 court records obtained from the clerk of the circuit court.

6 (2.6) If a minor is referred to court, then, at the time of  
7 sentencing, dismissal of the case, or successful completion of  
8 supervision, the judge shall inform the delinquent minor of  
9 his or her rights regarding expungement and the clerk of the  
10 circuit court shall provide an expungement information packet  
11 to the minor, written in plain language, including information  
12 regarding this State's expungement laws and a petition for  
13 expungement, a sample of a completed petition, expungement  
14 instructions that shall include information informing the  
15 minor that (i) once the case is expunged, it shall be treated  
16 as if it never occurred, (ii) he or she shall not be charged a  
17 fee to petition for expungement ~~may apply to have petition~~  
18 ~~fees waived~~, (iii) once he or she obtains an expungement, he or  
19 she may not be required to disclose that he or she had a  
20 juvenile law enforcement or juvenile court record, and (iv) if  
21 petitioning he or she may file the petition on his or her own  
22 or with the assistance of an attorney. The failure of the judge  
23 to inform the delinquent minor of his or her right to petition  
24 for expungement as provided by law does not create a  
25 substantive right, nor is that failure grounds for: (i) a  
26 reversal of an adjudication of delinquency; (ii) a new trial;

1 or (iii) an appeal.

2 (2.7) (Blank).

3 (2.8) (Blank).

4 (3) (Blank).

5 (3.1) (Blank).

6 (3.2) (Blank).

7 (3.3) (Blank).

8 (4) (Blank).

9 (5) (Blank).

10 (5.5) Whether or not expunged, records eligible for  
11 automatic expungement under subdivision (0.1) (a), (0.2) (a), or  
12 (0.3) (a) may be treated as expunged by the individual subject  
13 to the records.

14 (6) (Blank).

15 (6.5) The Illinois State Police or any employee of the  
16 Illinois State Police shall be immune from civil or criminal  
17 liability for failure to expunge any records of arrest that  
18 are subject to expungement under this Section because of  
19 inability to verify a record. Nothing in this Section shall  
20 create Illinois State Police liability or responsibility for  
21 the expungement of juvenile law enforcement records it does  
22 not possess.

23 (7) (Blank).

24 (7.5) (Blank).

25 (8) The expungement of juvenile law enforcement or  
26 juvenile court records under subsection (0.1), (0.2), or (0.3)

1 of this Section shall be funded by appropriation by the  
2 General Assembly for that purpose.

3 (9) (Blank).

4 (10) (Blank).

5 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)

6 (705 ILCS 405/6-7) (from Ch. 37, par. 806-7)

7 Sec. 6-7. Financial responsibility of counties.

8 (1) Each county board shall provide in its annual  
9 appropriation ordinance or annual budget, as the case may be,  
10 a reasonable sum for payments for the care and support of  
11 minors, and for payments for court appointed counsel in  
12 accordance with orders entered under this Act in an amount  
13 which in the judgment of the county board may be needed for  
14 that purpose. Such appropriation or budget item constitutes a  
15 separate fund into which shall be paid ~~not only~~ the moneys  
16 appropriated by the county board, ~~and but also~~ all  
17 reimbursements by parents and other persons and by the State.  
18 Counties shall not levy payment or reimbursement orders  
19 against the parents, guardians, or legal custodians of minors  
20 or wards of the court in delinquency proceedings under the  
21 jurisdiction of the juvenile court.

22 (2) No county may be charged with the care and support of  
23 any minor who is not a resident of the county unless his  
24 parents or guardian are unknown or the minor's place of  
25 residence cannot be determined.

1           (3) No order upon the county for care and support of a  
2 minor may be entered until the president or chairman of the  
3 county board has had due notice that such a proceeding is  
4 pending.

5           (Source: P.A. 85-1235; 85-1443; 86-820.)

6           (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

7           Sec. 6-9. Enforcement of liability of parents and others.

8           (1) If parentage is at issue in any proceeding under this  
9 Act, other than cases involving those exceptions to the  
10 definition of parent set out in item (11) in Section 1-3, then  
11 the Illinois Parentage Act of 2015 shall apply and the court  
12 shall enter orders consistent with that Act. A parent or any  
13 other person named in the petition and liable under the law for  
14 the support of a minor shall not be ordered to pay for costs  
15 associated with a minor's detention, legal representation, or  
16 matters pertaining to delinquency cases or proceedings under  
17 the jurisdiction of the juvenile court. ~~If it appears at any~~  
18 ~~hearing that a parent or any other person named in the~~  
19 ~~petition, liable under the law for the support of the minor, is~~  
20 ~~able to contribute to his or her support, the court shall enter~~  
21 ~~an order requiring that parent or other person to pay the clerk~~  
22 ~~of the court, or to the guardian or custodian appointed under~~  
23 ~~Sections 2-27, 3-28, 4-25 or 5-740, a reasonable sum from time~~  
24 ~~to time for the care, support and necessary special care or~~  
25 ~~treatment, of the minor. If the court determines at any~~



1 ~~hearing that a parent or any other person named in the~~  
2 ~~petition, liable under the law for the support of the minor, is~~  
3 ~~able to contribute to help defray the costs associated with~~  
4 ~~the minor's detention in a county or regional detention~~  
5 ~~center, the court shall enter an order requiring that parent~~  
6 ~~or other person to pay the clerk of the court a reasonable sum~~  
7 ~~for the care and support of the minor. The court may require~~  
8 ~~reasonable security for the payments. Upon failure to pay, the~~  
9 ~~court may enforce obedience to the order by a proceeding as for~~  
10 ~~contempt of court.~~

11 ~~If it appears that the person liable for the support of the~~  
12 ~~minor is able to contribute to legal fees for representation~~  
13 ~~of the minor, the court shall enter an order requiring that~~  
14 ~~person to pay a reasonable sum for the representation, to the~~  
15 ~~attorney providing the representation or to the clerk of the~~  
16 ~~court for deposit in the appropriate account or fund. The sum~~  
17 ~~may be paid as the court directs, and the payment thereof~~  
18 ~~secured and enforced as provided in this Section for support.~~

19 ~~If it appears at the detention or shelter care hearing of a~~  
20 ~~minor before the court under Section 5-501 that a parent or any~~  
21 ~~other person liable for support of the minor is able to~~  
22 ~~contribute to his or her support, that parent or other person~~  
23 ~~shall be required to pay a fee for room and board at a rate not~~  
24 ~~to exceed \$10 per day established, with the concurrence of the~~  
25 ~~chief judge of the judicial circuit, by the county board of the~~  
26 ~~county in which the minor is detained unless the court~~

1 ~~determines that it is in the best interest and welfare of the~~  
2 ~~minor to waive the fee. The concurrence of the chief judge~~  
3 ~~shall be in the form of an administrative order. Each week, on~~  
4 ~~a day designated by the clerk of the circuit court, that parent~~  
5 ~~or other person shall pay the clerk for the minor's room and~~  
6 ~~board. All fees for room and board collected by the circuit~~  
7 ~~court clerk shall be disbursed into the separate county fund~~  
8 ~~under Section 6-7.~~

9 ~~Upon application, the court shall waive liability for~~  
10 ~~support or legal fees under this Section if the parent or other~~  
11 ~~person establishes that he or she is indigent and unable to pay~~  
12 ~~the incurred liability, and the court may reduce or waive~~  
13 ~~liability if the parent or other person establishes~~  
14 ~~circumstances showing that full payment of support or legal~~  
15 ~~fees would result in financial hardship to the person or his or~~  
16 ~~her family.~~

17 (2) (Blank). ~~When a person so ordered to pay for the care~~  
18 ~~and support of a minor is employed for wages, salary or~~  
19 ~~commission, the court may order him to make the support~~  
20 ~~payments for which he is liable under this Act out of his~~  
21 ~~wages, salary or commission and to assign so much thereof as~~  
22 ~~will pay the support. The court may also order him to make~~  
23 ~~discovery to the court as to his place of employment and the~~  
24 ~~amounts earned by him. Upon his failure to obey the orders of~~  
25 ~~court he may be punished as for contempt of court.~~

26 (3) If the minor is a recipient of public aid under the

1 Illinois Public Aid Code, the court shall order that payments  
2 made by a parent or through assignment of his wages, salary or  
3 commission be made directly to (a) the Department of  
4 Healthcare and Family Services if the minor is a recipient of  
5 aid under Article V of the Code, (b) the Department of Human  
6 Services if the minor is a recipient of aid under Article IV of  
7 the Code, or (c) the local governmental unit responsible for  
8 the support of the minor if he is a recipient under Articles VI  
9 or VII of the Code. The order shall permit the Department of  
10 Healthcare and Family Services, the Department of Human  
11 Services, or the local governmental unit, as the case may be,  
12 to direct that subsequent payments be made directly to the  
13 guardian or custodian of the minor, or to some other person or  
14 agency in the minor's behalf, upon removal of the minor from  
15 the public aid rolls; and upon such direction and removal of  
16 the minor from the public aid rolls, the Department of  
17 Healthcare and Family Services, Department of Human Services,  
18 or local governmental unit, as the case requires, shall give  
19 written notice of such action to the court. Payments received  
20 by the Department of Healthcare and Family Services,  
21 Department of Human Services, or local governmental unit are  
22 to be covered, respectively, into the General Revenue Fund of  
23 the State Treasury or General Assistance Fund of the  
24 governmental unit, as provided in Section 10-19 of the  
25 Illinois Public Aid Code.

26 (Source: P.A. 99-85, eff. 1-1-16.)

1 Section 10. The Juvenile Drug Court Treatment Act is  
2 amended by changing Section 25 as follows:

3 (705 ILCS 410/25)

4 Sec. 25. Procedure.

5 (a) The court shall order an eligibility screening and an  
6 assessment of the minor by an agent designated by the State of  
7 Illinois to provide assessment services for the Illinois  
8 Courts. An assessment need not be ordered if the court finds a  
9 valid assessment related to the present charge pending against  
10 the minor has been completed within the previous 60 days.

11 (b) The judge shall inform the minor that if the minor  
12 fails to meet the conditions of the drug court program,  
13 eligibility to participate in the program may be revoked and  
14 the minor may be sentenced or the prosecution continued as  
15 provided in the Juvenile Court Act of 1987 for the crime  
16 charged.

17 (c) The minor shall execute a written agreement as to his  
18 or her participation in the program and shall agree to all of  
19 the terms and conditions of the program, including but not  
20 limited to the possibility of ~~sanctions or~~ incarceration for  
21 failing to abide or comply with the terms of the program. The  
22 terms and conditions of the program shall not impose  
23 obligations to pay any fees, fines, or administrative costs  
24 against minors, wards of the court, or their parents,

1 guardians, or legal custodians.

2 (d) In addition to any conditions authorized under  
3 Sections 5-505, 5-710, and 5-715 of the Juvenile Court Act of  
4 1987, the court may order the minor to complete substance  
5 abuse treatment in an outpatient, inpatient, residential, or  
6 detention-based custodial treatment program. Any period of  
7 time a minor shall serve in a detention-based treatment  
8 program may not be reduced by the accumulation of good time or  
9 other credits and may be for a period of up to 120 days.

10 (e) The drug court program shall include a regimen of  
11 graduated requirements and rewards ~~and sanctions~~, including  
12 but not limited to: ~~finer, costs~~, restitution, public service  
13 employment, incarceration of up to 120 days, individual and  
14 group therapy, drug analysis testing, close monitoring by the  
15 court at a minimum of once every 30 days and supervision of  
16 progress, educational or vocational counseling as appropriate,  
17 and other requirements necessary to fulfill the drug court  
18 program. The graduated requirements under this Section shall  
19 not impose or charge any fees, fines, or administrative costs  
20 to minors, wards of the court, or their parents, guardians, or  
21 legal custodians.

22 (Source: P.A. 92-559, eff. 1-1-03.)

23 Section 15. The Criminal Code of 2012 is amended by  
24 changing Section 12C-60 as follows:

1 (720 ILCS 5/12C-60)

2 Sec. 12C-60. Curfew.

3 (a) Curfew offenses.

4 (1) A minor commits a curfew offense when he or she  
5 remains in any public place or on the premises of any  
6 establishment during curfew hours.

7 (2) A parent or guardian of a minor or other person in  
8 custody or control of a minor commits a curfew offense  
9 when he or she knowingly permits the minor to remain in any  
10 public place or on the premises of any establishment  
11 during curfew hours.

12 (b) Curfew defenses. It is a defense to prosecution under  
13 subsection (a) that the minor was:

14 (1) accompanied by the minor's parent or guardian or  
15 other person in custody or control of the minor;

16 (2) on an errand at the direction of the minor's  
17 parent or guardian, without any detour or stop;

18 (3) in a motor vehicle involved in interstate travel;

19 (4) engaged in an employment activity or going to or  
20 returning home from an employment activity, without any  
21 detour or stop;

22 (5) involved in an emergency;

23 (6) on the sidewalk abutting the minor's residence or  
24 abutting the residence of a next-door neighbor if the  
25 neighbor did not complain to the police department about  
26 the minor's presence;

1           (7) attending an official school, religious, or other  
2 recreational activity supervised by adults and sponsored  
3 by a government or governmental agency, a civic  
4 organization, or another similar entity that takes  
5 responsibility for the minor, or going to or returning  
6 home from, without any detour or stop, an official school,  
7 religious, or other recreational activity supervised by  
8 adults and sponsored by a government or governmental  
9 agency, a civic organization, or another similar entity  
10 that takes responsibility for the minor;

11           (8) exercising First Amendment rights protected by the  
12 United States Constitution, such as the free exercise of  
13 religion, freedom of speech, and the right of assembly; or

14           (9) married or had been married or is an emancipated  
15 minor under the Emancipation of Minors Act.

16           (c) Enforcement. Before taking any enforcement action  
17 under this Section, a law enforcement officer shall ask the  
18 apparent offender's age and reason for being in the public  
19 place. The officer shall not issue a citation or make an arrest  
20 under this Section unless the officer reasonably believes that  
21 an offense has occurred and that, based on any response and  
22 other circumstances, no defense in subsection (b) is present.

23           (d) Definitions. In this Section:

24           (1) "Curfew hours" means:

25                   (A) Between 12:01 a.m. and 6:00 a.m. on Saturday;

26                   (B) Between 12:01 a.m. and 6:00 a.m. on Sunday;

1           and

2                   (C) Between 11:00 p.m. on Sunday to Thursday,  
3           inclusive, and 6:00 a.m. on the following day.

4           (2) "Emergency" means an unforeseen combination of  
5           circumstances or the resulting state that calls for  
6           immediate action. The term includes, but is not limited  
7           to, a fire, a natural disaster, an automobile accident, or  
8           any situation requiring immediate action to prevent  
9           serious bodily injury or loss of life.

10          (3) "Establishment" means any privately-owned place of  
11          business operated for a profit to which the public is  
12          invited, including, but not limited to, any place of  
13          amusement or entertainment.

14          (4) "Guardian" means:

15                  (A) a person who, under court order, is the  
16          guardian of the person of a minor; or

17                  (B) a public or private agency with whom a minor  
18          has been placed by a court.

19          (5) "Minor" means any person under 17 years of age.

20          (6) "Parent" means a person who is:

21                  (A) a natural parent, adoptive parent, or  
22          step-parent of another person; or

23                  (B) at least 18 years of age and authorized by a  
24          parent or guardian to have the care and custody of a  
25          minor.

26          (7) "Public place" means any place to which the public



1 or a substantial group of the public has access and  
2 includes, but is not limited to, streets, highways, and  
3 the common areas of schools, hospitals, apartment houses,  
4 office buildings, transport facilities, and shops.

5 (8) "Remain" means to:

6 (A) linger or stay; or

7 (B) fail to leave premises when requested to do so  
8 by a police officer or the owner, operator, or other  
9 person in control of the premises.

10 (9) "Serious bodily injury" means bodily injury that  
11 creates a substantial risk of death or that causes death,  
12 serious permanent disfigurement, or protracted loss or  
13 impairment of the function of any bodily member or organ.

14 (e) Sentence. A violation of this Section is a petty  
15 offense. ~~The with a fine of not less than \$10 nor more than~~  
16 ~~\$500, except that neither a person who has been made a ward of~~  
17 ~~the court under the Juvenile Court Act of 1987, nor that~~  
18 ~~person's legal guardian, shall be subject to any fine. In~~  
19 ~~addition to or instead of the fine imposed by this Section, the~~  
20 court may order a parent, legal guardian, or other person  
21 convicted of a violation of subsection (a) of this Section to  
22 perform community service as determined by the court, except  
23 that the legal guardian of a person who has been made a ward of  
24 the court under the Juvenile Court Act of 1987 may not be  
25 ordered to perform community service. The dates and times  
26 established for the performance of community service by the

1 parent, legal guardian, or other person convicted of a  
2 violation of subsection (a) of this Section shall not conflict  
3 with the dates and times that the person is employed in his or  
4 her regular occupation.

5 (f) County, municipal and other local boards and bodies  
6 authorized to adopt local police laws and regulations under  
7 the constitution and laws of this State may exercise  
8 legislative or regulatory authority over this subject matter  
9 by ordinance or resolution incorporating the substance of this  
10 Section or increasing the requirements thereof or otherwise  
11 not in conflict with this Section.

12 (Source: P.A. 97-1109, eff. 1-1-13.)

13 Section 20. The Prevention of Tobacco Use by Persons under  
14 21 Years of Age and Sale and Distribution of Tobacco Products  
15 Act is amended by changing Section 2 as follows:

16 (720 ILCS 675/2) (from Ch. 23, par. 2358)

17 Sec. 2. Penalties.

18 (a) Notwithstanding subsection (a-1), any ~~Any~~ person who  
19 violates subsection (a), (a-5), (a-5.1), (a-8), (b), or (d) of  
20 Section 1 of this Act is guilty of a petty offense. For the  
21 first offense in a 24-month period, the person shall be fined  
22 \$200 if his or her employer has a training program that  
23 facilitates compliance with minimum-age tobacco laws. For the  
24 second offense in a 24-month period, the person shall be fined

1 \$400 if his or her employer has a training program that  
2 facilitates compliance with minimum-age tobacco laws. For the  
3 third offense in a 24-month period, the person shall be fined  
4 \$600 if his or her employer has a training program that  
5 facilitates compliance with minimum-age tobacco laws. For the  
6 fourth or subsequent offense in a 24-month period, the person  
7 shall be fined \$800 if his or her employer has a training  
8 program that facilitates compliance with minimum-age tobacco  
9 laws. For the purposes of this subsection, the 24-month period  
10 shall begin with the person's first violation of the Act. The  
11 penalties in this subsection are in addition to any other  
12 penalties prescribed under the Cigarette Tax Act and the  
13 Tobacco Products Tax Act of 1995.

14 (a-1) The fines and penalties provided in subsection (a)  
15 shall not apply to persons under 21 years of age.

16 (a-5) Any retailer who violates subsection (a), (a-5),  
17 (a-5.1), (a-8), (b), or (d) of Section 1 of this Act is guilty  
18 of a petty offense. For the first offense in a 24-month period,  
19 the retailer shall be fined \$200 if it does not have a training  
20 program that facilitates compliance with minimum-age tobacco  
21 laws. For the second offense in a 24-month period, the  
22 retailer shall be fined \$400 if it does not have a training  
23 program that facilitates compliance with minimum-age tobacco  
24 laws. For the third offense within a 24-month period, the  
25 retailer shall be fined \$600 if it does not have a training  
26 program that facilitates compliance with minimum-age tobacco

1 laws. For the fourth or subsequent offense in a 24-month  
2 period, the retailer shall be fined \$800 if it does not have a  
3 training program that facilitates compliance with minimum-age  
4 tobacco laws. For the purposes of this subsection, the  
5 24-month period shall begin with the person's first violation  
6 of the Act. The penalties in this subsection are in addition to  
7 any other penalties prescribed under the Cigarette Tax Act and  
8 the Tobacco Products Tax Act of 1995.

9 (a-6) For the purpose of this Act, a training program that  
10 facilitates compliance with minimum-age tobacco laws must  
11 include at least the following elements: (i) it must explain  
12 that only individuals displaying valid identification  
13 demonstrating that they are 21 years of age or older shall be  
14 eligible to purchase tobacco products, electronic cigarettes,  
15 or alternative nicotine products and (ii) it must explain  
16 where a clerk can check identification for a date of birth. The  
17 training may be conducted electronically. Each retailer that  
18 has a training program shall require each employee who  
19 completes the training program to sign a form attesting that  
20 the employee has received and completed tobacco training. The  
21 form shall be kept in the employee's file and may be used to  
22 provide proof of training.

23 (b) If a person under 21 years of age violates subsection  
24 (a-6) of Section 1, he or she is guilty of a Class A  
25 misdemeanor. The court shall not impose a fine or financial  
26 penalty as a sentence or punishment.

1 (c) (Blank).

2 (d) (Blank).

3 (e) (Blank).

4 (f) (Blank).

5 (g) (Blank).

6 (h) All moneys collected as fines for violations of  
7 subsection (a), (a-5), (a-5.1), (a-6), (a-8), (b), or (d) of  
8 Section 1 shall be distributed in the following manner:

9 (1) one-half of each fine shall be distributed to the  
10 unit of local government or other entity that successfully  
11 prosecuted the offender; and

12 (2) one-half shall be remitted to the State to be used  
13 for enforcing this Act.

14 Any violation of subsection (a) or (a-5) of Section 1  
15 shall be reported to the Department of Revenue within 7  
16 business days.

17 (Source: P.A. 101-2, eff. 7-1-19; 102-558, eff. 8-20-21.)

18 Section 25. The Unified Code of Corrections is amended by  
19 changing Sections 5-4.5-105, 5-5-10, 5-9-1.4, and 5-9-1.9 as  
20 follows:

21 (730 ILCS 5/5-4.5-105)

22 Sec. 5-4.5-105. SENTENCING OF INDIVIDUALS UNDER THE AGE OF  
23 18 AT THE TIME OF THE COMMISSION OF AN OFFENSE.

24 (a) On or after the effective date of this amendatory Act

1 of the 99th General Assembly, when a person commits an offense  
2 and the person is under 18 years of age at the time of the  
3 commission of the offense, the court, at the sentencing  
4 hearing conducted under Section 5-4-1, shall consider the  
5 following additional factors in mitigation in determining the  
6 appropriate sentence:

7 (1) the person's age, impetuosity, and level of  
8 maturity at the time of the offense, including the ability  
9 to consider risks and consequences of behavior, and the  
10 presence of cognitive or developmental disability, or  
11 both, if any;

12 (2) whether the person was subjected to outside  
13 pressure, including peer pressure, familial pressure, or  
14 negative influences;

15 (3) the person's family, home environment, educational  
16 and social background, including any history of parental  
17 neglect, physical abuse, or other childhood trauma;

18 (4) the person's potential for rehabilitation or  
19 evidence of rehabilitation, or both;

20 (5) the circumstances of the offense;

21 (6) the person's degree of participation and specific  
22 role in the offense, including the level of planning by  
23 the defendant before the offense;

24 (7) whether the person was able to meaningfully  
25 participate in his or her defense;

26 (8) the person's prior juvenile or criminal history;

1 and

2 (9) any other information the court finds relevant and  
3 reliable, including an expression of remorse, if  
4 appropriate. However, if the person, on advice of counsel  
5 chooses not to make a statement, the court shall not  
6 consider a lack of an expression of remorse as an  
7 aggravating factor.

8 (b) Except as provided in subsections (b-1) and subsection  
9 (c), the court may sentence the defendant to any disposition  
10 authorized for the class of the offense of which he or she was  
11 found guilty as described in Article 4.5 of this Code, and may,  
12 in its discretion, decline to impose any otherwise applicable  
13 sentencing enhancement based upon firearm possession,  
14 possession with personal discharge, or possession with  
15 personal discharge that proximately causes great bodily harm,  
16 permanent disability, permanent disfigurement, or death to  
17 another person.

18 (b-1) The court shall neither sentence nor order the  
19 defendant to pay fees, fines, or administrative costs relating  
20 to any disposition.

21 (c) Notwithstanding any other provision of law, if the  
22 defendant is convicted of first degree murder and would  
23 otherwise be subject to sentencing under clause (iii), (iv),  
24 (v), or (vii) of subparagraph (c) of paragraph (1) of  
25 subsection (a) of Section 5-8-1 of this Code based on the  
26 category of persons identified therein, the court shall impose

1 a sentence of not less than 40 years of imprisonment. In  
2 addition, the court may, in its discretion, decline to impose  
3 the sentencing enhancements based upon the possession or use  
4 of a firearm during the commission of the offense included in  
5 subsection (d) of Section 5-8-1.

6 (Source: P.A. 99-69, eff. 1-1-16; 99-258, eff. 1-1-16; 99-875,  
7 eff. 1-1-17.)

8 (730 ILCS 5/5-5-10)

9 Sec. 5-5-10. Community service fee. When an offender or  
10 defendant is ordered by the court to perform community service  
11 and the offender is not otherwise assessed a fee for probation  
12 services, the court shall impose a fee of \$50 for each month  
13 the community service ordered by the court is supervised by a  
14 probation and court services department, unless after  
15 determining the inability of the person sentenced to community  
16 service to pay the fee, the court assesses a lesser fee. This  
17 Section shall not apply to minors or wards of the court, and  
18 the ~~The~~ court may not impose a fee on a minor or ward of the  
19 court who is adjudicated delinquent nor placed in the  
20 guardianship or custody of the Department of Children and  
21 Family Services under the Juvenile Court Act of 1987 ~~while the~~  
22 ~~minor is in placement~~. The fee shall be imposed only on an  
23 offender who is actively supervised by the probation and court  
24 services department. The fee shall be collected by the clerk  
25 of the circuit court. The clerk of the circuit court shall pay



1 all monies collected from this fee to the county treasurer for  
2 deposit in the probation and court services fund under Section  
3 15.1 of the Probation and Probation Officers Act.

4 A circuit court shall ~~may~~ not impose a probation fee to  
5 youth under 21 years of age. In all other instances, a circuit  
6 court may not impose a probation fee in excess of \$25 per month  
7 unless: (1) the circuit court has adopted, by administrative  
8 order issued by the chief judge, a standard probation fee  
9 guide determining an offender's ability to pay, under  
10 guidelines developed by the Administrative Office of the  
11 Illinois Courts; and (2) the circuit court has authorized, by  
12 administrative order issued by the chief judge, the creation  
13 of a Crime Victim's Services Fund, to be administered by the  
14 Chief Judge or his or her designee, for services to crime  
15 victims and their families. Of the amount collected as a  
16 probation fee, not to exceed \$5 of that fee collected per month  
17 may be used to provide services to crime victims and their  
18 families.

19 (Source: P.A. 100-159, eff. 8-18-17.)

20 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

21 Sec. 5-9-1.4. (a) "Crime laboratory" means any  
22 not-for-profit laboratory registered with the Drug Enforcement  
23 Administration of the United States Department of Justice,  
24 substantially funded by a unit or combination of units of  
25 local government or the State of Illinois, which regularly

1 employs at least one person engaged in the analysis of  
2 controlled substances, cannabis, methamphetamine, or steroids  
3 for criminal justice agencies in criminal matters and provides  
4 testimony with respect to such examinations.

5 (b) (Blank).

6 (c) (Blank). ~~In addition to any other disposition made~~  
7 ~~pursuant to the provisions of the Juvenile Court Act of 1987,~~  
8 ~~any minor adjudicated delinquent for an offense which if~~  
9 ~~committed by an adult would constitute a violation of the~~  
10 ~~Cannabis Control Act, the Illinois Controlled Substances Act,~~  
11 ~~the Methamphetamine Control and Community Protection Act, or~~  
12 ~~the Steroid Control Act shall be required to pay a criminal~~  
13 ~~laboratory analysis assessment of \$100 for each adjudication.~~  
14 ~~Upon verified petition of the minor, the court may suspend~~  
15 ~~payment of all or part of the assessment if it finds that the~~  
16 ~~minor does not have the ability to pay the assessment. The~~  
17 ~~parent, guardian or legal custodian of the minor may pay some~~  
18 ~~or all of such assessment on the minor's behalf.~~

19 (c-1) The court shall not require or order the payment of a  
20 criminal laboratory analysis assessment, or an equivalent  
21 fine, fee, or administrative cost, by a minor or the minor's  
22 parent, guardian, or legal custodian.

23 (d) Notwithstanding subsection (c-1) of this Section, all  
24 funds ~~All criminal laboratory analysis fees~~ provided for by  
25 this Section shall be collected by the clerk of the court and  
26 forwarded to the appropriate crime laboratory fund as provided

1 in subsection (f).

2 (e) Crime laboratory funds shall be established as  
3 follows:

4 (1) Any unit of local government which maintains a  
5 crime laboratory may establish a crime laboratory fund  
6 within the office of the county or municipal treasurer.

7 (2) Any combination of units of local government which  
8 maintains a crime laboratory may establish a crime  
9 laboratory fund within the office of the treasurer of the  
10 county where the crime laboratory is situated.

11 (3) The State Crime Laboratory Fund is hereby created  
12 as a special fund in the State Treasury. Notwithstanding  
13 any other provision of law to the contrary, and in  
14 addition to any other transfers that may be provided by  
15 law, on August 20, 2021 (the effective date of Public Act  
16 102-505) ~~this amendatory Act of the 102nd General~~  
17 ~~Assembly~~, or as soon thereafter as practical, the State  
18 Comptroller shall direct and the State Treasurer shall  
19 transfer the remaining balance from the State Offender DNA  
20 Identification System Fund into the State Crime Laboratory  
21 Fund. Upon completion of the transfer, the State Offender  
22 DNA Identification System Fund is dissolved, and any  
23 future deposits due to that Fund and any outstanding  
24 obligations or liabilities of that Fund shall pass to the  
25 State Crime Laboratory Fund.

26 (f) Funds ~~The analysis assessment provided for in~~

1 ~~subsection (c) of this Section~~ shall be forwarded to the  
2 office of the treasurer of the unit of local government that  
3 performed the analysis if that unit of local government has  
4 established a crime laboratory fund, or to the State Crime  
5 Laboratory Fund if the analysis was performed by a laboratory  
6 operated by the Illinois State Police. If the analysis was  
7 performed by a crime laboratory funded by a combination of  
8 units of local government, the funds ~~analysis assessment~~ shall  
9 be forwarded to the treasurer of the county where the crime  
10 laboratory is situated if a crime laboratory fund has been  
11 established in that county. If the unit of local government or  
12 combination of units of local government has not established a  
13 crime laboratory fund, then the funds ~~analysis assessment~~  
14 shall be forwarded to the State Crime Laboratory Fund.

15 (g) Moneys deposited into a crime laboratory fund created  
16 pursuant to ~~paragraph paragraphs~~ (1) or (2) of subsection (e)  
17 of this Section shall be in addition to any allocations made  
18 pursuant to existing law and shall be designated for the  
19 exclusive use of the crime laboratory. These uses may include,  
20 but are not limited to, the following:

21 (1) costs incurred in providing analysis for  
22 controlled substances in connection with criminal  
23 investigations conducted within this State;

24 (2) purchase and maintenance of equipment for use in  
25 performing analyses; and

26 (3) continuing education, training, and professional

1 development of forensic scientists regularly employed by  
2 these laboratories.

3 (h) Moneys deposited in the State Crime Laboratory Fund  
4 created pursuant to paragraph (3) of subsection (d) of this  
5 Section shall be used by State crime laboratories as  
6 designated by the Director of the Illinois State Police. These  
7 funds shall be in addition to any allocations made pursuant to  
8 existing law and shall be designated for the exclusive use of  
9 State crime laboratories or for the sexual assault evidence  
10 tracking system created under Section 50 of the Sexual Assault  
11 Evidence Submission Act. These uses may include those  
12 enumerated in subsection (g) of this Section.

13 (Source: P.A. 101-377, eff. 8-16-19; 102-505, eff. 8-20-21;  
14 102-538, eff. 8-20-21; revised 10-12-21.)

15 (730 ILCS 5/5-9-1.9)

16 Sec. 5-9-1.9. DUI analysis ~~fee~~.

17 (a) "Crime laboratory" means a not-for-profit laboratory  
18 substantially funded by a single unit or combination of units  
19 of local government or the State of Illinois that regularly  
20 employs at least one person engaged in the DUI analysis of  
21 blood, other bodily substance, and urine for criminal justice  
22 agencies in criminal matters and provides testimony with  
23 respect to such examinations.

24 "DUI analysis" means an analysis of blood, other bodily  
25 substance, or urine for purposes of determining whether a

1 violation of Section 11-501 of the Illinois Vehicle Code has  
2 occurred.

3 (b) (Blank).

4 (c) (Blank). ~~In addition to any other disposition made~~  
5 ~~under the provisions of the Juvenile Court Act of 1987, any~~  
6 ~~minor adjudicated delinquent for an offense which if committed~~  
7 ~~by an adult would constitute a violation of Section 11 501 of~~  
8 ~~the Illinois Vehicle Code shall pay a crime laboratory DUI~~  
9 ~~analysis assessment of \$150 for each adjudication. Upon~~  
10 ~~verified petition of the minor, the court may suspend payment~~  
11 ~~of all or part of the assessment if it finds that the minor~~  
12 ~~does not have the ability to pay the assessment. The parent,~~  
13 ~~guardian, or legal custodian of the minor may pay some or all~~  
14 ~~of the assessment on the minor's behalf.~~

15 (c-1) The court shall not require or order the payment of a  
16 criminal laboratory DUI analysis assessment, or equivalent  
17 fine, fee, or administrative cost, by a minor or the minor's  
18 parent, guardian or legal custodian.

19 (d) Notwithstanding subsection (c-1) of this Section, all  
20 funds ~~All crime laboratory DUI analysis assessments~~ provided  
21 for by this Section shall be collected by the clerk of the  
22 court and forwarded to the appropriate crime laboratory DUI  
23 fund as provided in subsection (f).

24 (e) Crime laboratory funds shall be established as  
25 follows:

26 (1) A unit of local government that maintains a crime

1 laboratory may establish a crime laboratory DUI fund  
2 within the office of the county or municipal treasurer.

3 (2) Any combination of units of local government that  
4 maintains a crime laboratory may establish a crime  
5 laboratory DUI fund within the office of the treasurer of  
6 the county where the crime laboratory is situated.

7 (3) (Blank).

8 (f) Notwithstanding subsection (c-1) of this Section, all  
9 funds ~~The analysis assessment provided for in subsection (e)~~  
10 ~~of this Section~~ shall be forwarded to the office of the  
11 treasurer of the unit of local government that performed the  
12 analysis if that unit of local government has established a  
13 crime laboratory DUI fund, or remitted to the State Treasurer  
14 for deposit into the State Crime Laboratory Fund if the  
15 analysis was performed by a laboratory operated by the  
16 Illinois State Police. If the analysis was performed by a  
17 crime laboratory funded by a combination of units of local  
18 government, the funds ~~analysis assessment~~ shall be forwarded  
19 to the treasurer of the county where the crime laboratory is  
20 situated if a crime laboratory DUI fund has been established  
21 in that county. If the unit of local government or combination  
22 of units of local government has not established a crime  
23 laboratory DUI fund, then the funds ~~analysis assessment~~ shall  
24 be remitted to the State Treasurer for deposit into the State  
25 Crime Laboratory Fund.

26 (g) Moneys deposited into a crime laboratory DUI fund

1 created under paragraphs (1) and (2) of subsection (e) of this  
2 Section shall be in addition to any allocations made pursuant  
3 to existing law and shall be designated for the exclusive use  
4 of the crime laboratory. These uses may include, but are not  
5 limited to, the following:

6 (1) Costs incurred in providing analysis for DUI  
7 investigations conducted within this State.

8 (2) Purchase and maintenance of equipment for use in  
9 performing analyses.

10 (3) Continuing education, training, and professional  
11 development of forensic scientists regularly employed by  
12 these laboratories.

13 (h) Moneys deposited in the State Crime Laboratory Fund  
14 shall be used by State crime laboratories as designated by the  
15 Director of the Illinois State Police. These funds shall be in  
16 addition to any allocations made according to existing law and  
17 shall be designated for the exclusive use of State crime  
18 laboratories. These uses may include those enumerated in  
19 subsection (g) of this Section.

20 (i) Notwithstanding any other provision of law to the  
21 contrary and in addition to any other transfers that may be  
22 provided by law, on June 17, 2021 (the effective date of Public  
23 Act 102-16) ~~this amendatory Act of the 102nd General Assembly,~~  
24 or as soon thereafter as practical, the State Comptroller  
25 shall direct and the State Treasurer shall transfer the  
26 remaining balance from the State Police DUI Fund into the



1 State Police Operations Assistance Fund. Upon completion of  
2 the transfer, the State Police DUI Fund is dissolved, and any  
3 future deposits due to that Fund and any outstanding  
4 obligations or liabilities of that Fund shall pass to the  
5 State Police Operations Assistance Fund.

6 (Source: P.A. 102-16, eff. 6-17-21; 102-145, eff. 7-23-21;  
7 102-538, eff. 8-20-21; revised 10-20-21.)

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5	705 ILCS 405/3-19	from Ch. 37, par. 803-19
6	705 ILCS 405/3-21	from Ch. 37, par. 803-21
7	705 ILCS 405/3-24	from Ch. 37, par. 803-24
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9	705 ILCS 405/4-16	from Ch. 37, par. 804-16
10	705 ILCS 405/4-18	from Ch. 37, par. 804-18
11	705 ILCS 405/4-21	from Ch. 37, par. 804-21
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17	705 ILCS 405/6-7	from Ch. 37, par. 806-7
18	705 ILCS 405/6-9	from Ch. 37, par. 806-9
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22	730 ILCS 5/5-4.5-105	
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