



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2347

Introduced 2/14/2023, by Rep. Rita Mayfield

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-710  
705 ILCS 405/5-750

Amends the Juvenile Court Act of 1987. Provides that a minor found to be guilty may be committed to the Department of Juvenile Justice if the minor is at least 14 (rather than 13) years and under 20 years of age, provided that the commitment to the Department of Juvenile Justice shall be made only if the minor was found guilty of a felony offense or first degree murder. Provides that when a minor of the age of at least 14 (rather than 13) years is adjudged delinquent for the offense of first degree murder, the court shall declare the minor a ward of the court and order the minor committed to the Department of Juvenile Justice until the minor's 21st birthday, without the possibility of aftercare release, furlough, or nonemergency authorized absence for a period of 5 years from the date the minor was committed to the Department of Juvenile Justice.

LRB103 28294 RLC 54673 b

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

6 (705 ILCS 405/5-710)

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

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

10 (a) Except as provided in Sections 5-805, 5-810, and  
11 5-815, a minor who is found guilty under Section 5-620 may  
12 be:

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

21 (ii) placed in accordance with Section 5-740, with  
22 or without also being put on probation or conditional  
23 discharge;

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

4 (iv) on and after January 1, 2015 (the effective  
5 date of Public Act 98-803) and before January 1, 2017,  
6 placed in the guardianship of the Department of  
7 Children and Family Services, but only if the  
8 delinquent minor is under 16 years of age or, pursuant  
9 to Article II of this Act, a minor under the age of 18  
10 for whom an independent basis of abuse, neglect, or  
11 dependency exists. On and after January 1, 2017,  
12 placed in the guardianship of the Department of  
13 Children and Family Services, but only if the  
14 delinquent minor is under 15 years of age or, pursuant  
15 to Article II of this Act, a minor for whom an  
16 independent basis of abuse, neglect, or dependency  
17 exists. An independent basis exists when the  
18 allegations or adjudication of abuse, neglect, or  
19 dependency do not arise from the same facts, incident,  
20 or circumstances which give rise to a charge or  
21 adjudication of delinquency;

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

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

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

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

4 (A) the age of the person;

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

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

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

11 (E) any educational history of the person;

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

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

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

1 law;

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

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

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

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

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

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

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

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

1 person of the minor as necessary for the minor's needs. The  
2 payments may not exceed the maximum amounts provided for by  
3 Section 9.1 of the Children and Family Services Act.

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

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

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

26 (7.6) In no event shall a guilty minor be committed to the



1 Department of Juvenile Justice for an offense which is a Class  
2 4 felony under Section 19-4 (criminal trespass to a  
3 residence), 21-1 (criminal damage to property), 21-1.01  
4 (criminal damage to government supported property), 21-1.3  
5 (criminal defacement of property), 26-1 (disorderly conduct),  
6 or 31-4 (obstructing justice) of the Criminal Code of 2012.

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

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

25 (8.5) A minor found to be guilty for reasons that include a  
26 violation of Section 3.02 or Section 3.03 of the Humane Care

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

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

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

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

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

20 (11) If the court determines that the offense was  
21 committed in furtherance of the criminal activities of an  
22 organized gang, as provided in subsection (10), and that the  
23 offense involved the operation or use of a motor vehicle or the  
24 use of a driver's license or permit, the court shall notify the  
25 Secretary of State of that determination and of the period for  
26 which the minor shall be denied driving privileges. If, at the

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

15 (12) (Blank).

16 (Source: P.A. 101-2, eff. 7-1-19; 101-79, eff. 7-12-19;  
17 101-159, eff. 1-1-20; 102-558, eff. 8-20-21.)

18 (705 ILCS 405/5-750)

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

21 (1) Except as provided in subsection (2) of this Section,  
22 when any delinquent has been adjudged a ward of the court under  
23 this Act, the court may commit him or her to the Department of  
24 Juvenile Justice, if it finds that (a) his or her parents,  
25 guardian or legal custodian are unfit or are unable, for some

1 reason other than financial circumstances alone, to care for,  
2 protect, train or discipline the minor, or are unwilling to do  
3 so, and the best interests of the minor and the public will not  
4 be served by placement under Section 5-740, or it is necessary  
5 to ensure the protection of the public from the consequences  
6 of criminal activity of the delinquent; and (b) commitment to  
7 the Department of Juvenile Justice is the least restrictive  
8 alternative based on evidence that efforts were made to locate  
9 less restrictive alternatives to secure confinement and the  
10 reasons why efforts were unsuccessful in locating a less  
11 restrictive alternative to secure confinement. Before the  
12 court commits a minor to the Department of Juvenile Justice,  
13 it shall make a finding that secure confinement is necessary,  
14 following a review of the following individualized factors:

15 (A) Age of the minor.

16 (B) Criminal background of the minor.

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

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

23 (E) Physical, mental and emotional health of the  
24 minor, indicating whether the minor has ever been  
25 diagnosed with a health issue and if so what services were  
26 provided and whether the minor was compliant with

1 services.

2 (F) Community based services that have been provided  
3 to the minor, and whether the minor was compliant with the  
4 services, and the reason the services were unsuccessful.

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

7 (1.5) Before the court commits a minor to the Department  
8 of Juvenile Justice, the court must find reasonable efforts  
9 have been made to prevent or eliminate the need for the minor  
10 to be removed from the home, or reasonable efforts cannot, at  
11 this time, for good cause, prevent or eliminate the need for  
12 removal, and removal from home is in the best interests of the  
13 minor, the minor's family, and the public.

14 (2) When a minor of the age of at least 14 ~~13~~ years is  
15 adjudged delinquent for the offense of first degree murder,  
16 the court shall declare the minor a ward of the court and order  
17 the minor committed to the Department of Juvenile Justice  
18 until the minor's 21st birthday, without the possibility of  
19 aftercare release, furlough, or non-emergency authorized  
20 absence for a period of 5 years from the date the minor was  
21 committed to the Department of Juvenile Justice, except that  
22 the time that a minor spent in custody for the instant offense  
23 before being committed to the Department of Juvenile Justice  
24 shall be considered as time credited towards that 5 year  
25 period. Upon release from a Department facility, a minor  
26 adjudged delinquent for first degree murder shall be placed on

1 aftercare release until the age of 21, unless sooner  
2 discharged from aftercare release or custodianship is  
3 otherwise terminated in accordance with this Act or as  
4 otherwise provided for by law. Nothing in this subsection (2)  
5 shall preclude the State's Attorney from seeking to prosecute  
6 a minor as an adult as an alternative to proceeding under this  
7 Act.

8 (3) Except as provided in subsection (2), the commitment  
9 of a delinquent to the Department of Juvenile Justice shall be  
10 for an indeterminate term which shall automatically terminate  
11 upon the delinquent attaining the age of 21 years or upon  
12 completion of that period for which an adult could be  
13 committed for the same act, whichever occurs sooner, unless  
14 the delinquent is sooner discharged from aftercare release or  
15 custodianship is otherwise terminated in accordance with this  
16 Act or as otherwise provided for by law.

17 (3.5) Every delinquent minor committed to the Department  
18 of Juvenile Justice under this Act shall be eligible for  
19 aftercare release without regard to the length of time the  
20 minor has been confined or whether the minor has served any  
21 minimum term imposed. Aftercare release shall be administered  
22 by the Department of Juvenile Justice, under the direction of  
23 the Director. Unless sooner discharged, the Department of  
24 Juvenile Justice shall discharge a minor from aftercare  
25 release upon completion of the following aftercare release  
26 terms:



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

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

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

10          (4) When the court commits a minor to the Department of  
11 Juvenile Justice, it shall order him or her conveyed forthwith  
12 to the appropriate reception station or other place designated  
13 by the Department of Juvenile Justice, and shall appoint the  
14 Director of Juvenile Justice legal custodian of the minor. The  
15 clerk of the court shall issue to the Director of Juvenile  
16 Justice a certified copy of the order, which constitutes proof  
17 of the Director's authority. No other process need issue to  
18 warrant the keeping of the minor.

19          (5) If a minor is committed to the Department of Juvenile  
20 Justice, the clerk of the court shall forward to the  
21 Department:

22           (a) the sentencing order and copies of committing  
23 petition;

24           (b) all reports;

25           (c) the court's statement of the basis for ordering  
26 the disposition;

1 (d) any sex offender evaluations;

2 (e) any risk assessment or substance abuse treatment  
3 eligibility screening and assessment of the minor by an  
4 agent designated by the State to provide assessment  
5 services for the courts;

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

10 (g) any medical or mental health records or summaries  
11 of the minor;

12 (h) the municipality where the arrest of the minor  
13 occurred, the commission of the offense occurred, and the  
14 minor resided at the time of commission;

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

18 (i) all additional matters which the court directs the  
19 clerk to transmit; and

20 (j) all police reports for sex offenses as defined by  
21 the Sex Offender Management Board Act.

22 (6) Whenever the Department of Juvenile Justice lawfully  
23 discharges from its custody and control a minor committed to  
24 it, the Director of Juvenile Justice shall petition the court  
25 for an order terminating his or her custodianship. The  
26 custodianship shall terminate automatically 30 days after

1 receipt of the petition unless the court orders otherwise.

2 (7) If, while on aftercare release, a minor committed to  
3 the Department of Juvenile Justice who resides in this State  
4 is charged under the criminal laws of this State, the criminal  
5 laws of any other state, or federal law with an offense that  
6 could result in a sentence of imprisonment within the  
7 Department of Corrections, the penal system of any state, or  
8 the federal Bureau of Prisons, the commitment to the  
9 Department of Juvenile Justice and all rights and duties  
10 created by that commitment are automatically suspended pending  
11 final disposition of the criminal charge. If the minor is  
12 found guilty of the criminal charge and sentenced to a term of  
13 imprisonment in the penitentiary system of the Department of  
14 Corrections, the penal system of any state, or the federal  
15 Bureau of Prisons, the commitment to the Department of  
16 Juvenile Justice shall be automatically terminated. If the  
17 criminal charge is dismissed, the minor is found not guilty,  
18 or the minor completes a criminal sentence other than  
19 imprisonment within the Department of Corrections, the penal  
20 system of any state, or the federal Bureau of Prisons, the  
21 previously imposed commitment to the Department of Juvenile  
22 Justice and the full aftercare release term shall be  
23 automatically reinstated unless custodianship is sooner  
24 terminated. Nothing in this subsection (7) shall preclude the  
25 court from ordering another sentence under Section 5-710 of  
26 this Act or from terminating the Department's custodianship

1 while the commitment to the Department is suspended.

2 (Source: P.A. 101-159, eff. 1-1-20; 102-350, eff. 8-13-21.)