



Sen. John J. Cullerton

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LRB093 05557 RLC 50577 a

1 AMENDMENT TO HOUSE BILL 575

2 AMENDMENT NO. _____. Amend House Bill 575 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Civil Administrative Code of Illinois is
5 amended by changing Sections 5-15, 5-20, and 5-335 as follows:

6 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

7 Sec. 5-15. Departments of State government. The
8 Departments of State government are created as follows:

9 The Department on Aging.

10 The Department of Agriculture.

11 The Department of Central Management Services.

12 The Department of Children and Family Services.

13 The Department of Commerce and Economic Opportunity.

14 The Department of Corrections.

15 The Department of Employment Security.

16 The Department of Financial Institutions.

17 The Department of Human Rights.

18 The Department of Human Services.

19 The Department of Insurance.

20 The Department of Juvenile Justice.

21 The Department of Labor.

22 The Department of the Lottery.

23 The Department of Natural Resources.

24 The Department of Nuclear Safety.

1 The Department of Professional Regulation.

2 The Department of Public Aid.

3 The Department of Public Health.

4 The Department of Revenue.

5 The Department of State Police.

6 The Department of Transportation.

7 The Department of Veterans' Affairs.

8 (Source: P.A. 93-25, eff. 6-20-03.)

9 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

10 Sec. 5-20. Heads of departments. Each department shall have
11 an officer as its head who shall be known as director or
12 secretary and who shall, subject to the provisions of the Civil
13 Administrative Code of Illinois, execute the powers and
14 discharge the duties vested by law in his or her respective
15 department.

16 The following officers are hereby created:

17 Director of Aging, for the Department on Aging.

18 Director of Agriculture, for the Department of
19 Agriculture.

20 Director of Central Management Services, for the
21 Department of Central Management Services.

22 Director of Children and Family Services, for the
23 Department of Children and Family Services.

24 Director of Commerce and Economic Opportunity, for the
25 Department of Commerce and Economic Opportunity.

26 Director of Corrections, for the Department of
27 Corrections.

28 Director of Employment Security, for the Department of
29 Employment Security.

30 Director of Financial Institutions, for the Department of
31 Financial Institutions.

32 Director of Human Rights, for the Department of Human
33 Rights.

1 Secretary of Human Services, for the Department of Human
2 Services.

3 Director of Insurance, for the Department of Insurance.

4 Director of Juvenile Justice, for the Department of
5 Juvenile Justice.

6 Director of Labor, for the Department of Labor.

7 Director of the Lottery, for the Department of the Lottery.

8 Director of Natural Resources, for the Department of
9 Natural Resources.

10 Director of Nuclear Safety, for the Department of Nuclear
11 Safety.

12 Director of Professional Regulation, for the Department of
13 Professional Regulation.

14 Director of Public Aid, for the Department of Public Aid.

15 Director of Public Health, for the Department of Public
16 Health.

17 Director of Revenue, for the Department of Revenue.

18 Director of State Police, for the Department of State
19 Police.

20 Secretary of Transportation, for the Department of
21 Transportation.

22 Director of Veterans' Affairs, for the Department of
23 Veterans' Affairs.

24 (Source: P.A. 93-25, eff. 6-20-03.)

25 (20 ILCS 5/5-335) (was 20 ILCS 5/9.11a)

26 Sec. 5-335. In the Department of Corrections. The Director
27 of Corrections shall receive an annual salary as set by the
28 Governor from time to time or as set by the Compensation Review
29 Board, whichever is greater.

30 ~~The Assistant Director of Corrections - Juvenile Division~~
31 ~~shall receive an annual salary as set by the Governor from time~~
32 ~~to time or as set by the Compensation Review Board, whichever~~
33 ~~is greater.~~

1 The Assistant Director of Corrections - Adult Division
2 shall receive an annual salary as set by the Governor from time
3 to time or as set by the Compensation Review Board, whichever
4 is greater.

5 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
6 eff. 6-28-01.)

7 Section 10. The Counties Code is amended by changing
8 Section 3-6039 as follows:

9 (55 ILCS 5/3-6039)

10 Sec. 3-6039. County juvenile impact incarceration program.

11 (a) With the approval of the county board, the Department
12 of Probation and Court Services in any county shall have the
13 power to operate a county juvenile impact incarceration program
14 for eligible delinquent minors. If the court finds that a minor
15 adjudicated a delinquent meets the eligibility requirements of
16 this Section, the court may in its dispositional order approve
17 the delinquent minor for placement in the county juvenile
18 impact incarceration program conditioned upon his or her
19 acceptance in the program by the Department of Probation and
20 Court Services. The dispositional order also shall provide that
21 if the Department of Probation and Court Services accepts the
22 delinquent minor in the program and determines that the
23 delinquent minor has successfully completed the county
24 juvenile impact incarceration program, the delinquent minor's
25 detention shall be reduced to time considered served upon
26 certification to the court by the Department of Probation and
27 Court Services that the delinquent minor has successfully
28 completed the program. If the delinquent minor is not accepted
29 for placement in the county juvenile impact incarceration
30 program or the delinquent minor does not successfully complete
31 the program, his or her term of commitment shall be as set
32 forth by the court in its dispositional order. If the

1 delinquent minor does not successfully complete the program,
2 time spent in the program does not count as time served against
3 the time limits as set forth in subsection (f) of this Section.

4 (b) In order to be eligible to participate in the county
5 juvenile impact incarceration program, the delinquent minor
6 must meet all of the following requirements:

7 (1) The delinquent minor is at least 13 years of age.

8 (2) The act for which the minor is adjudicated
9 delinquent does not constitute a Class X felony, criminal
10 sexual assault, first degree murder, aggravated
11 kidnapping, second degree murder, armed violence, arson,
12 forcible detention, aggravated criminal sexual abuse or a
13 subsequent conviction for criminal sexual abuse.

14 (3) The delinquent minor has not previously
15 participated in a county juvenile impact incarceration
16 program and has not previously served a prior commitment
17 for an act constituting a felony in a Department of
18 Juvenile Justice ~~Corrections~~ juvenile correctional
19 facility. This provision shall not exclude a delinquent
20 minor who is committed to the Illinois Department of
21 Juvenile Justice ~~Corrections~~ and is participating in the
22 county juvenile impact incarceration program under an
23 intergovernmental cooperation agreement with the Illinois
24 Department of Juvenile Justice ~~Corrections, Juvenile~~
25 ~~Division~~.

26 (4) The delinquent minor is physically able to
27 participate in strenuous physical activities or labor.

28 (5) The delinquent minor does not have a mental
29 disorder or disability that would prevent participation in
30 the county juvenile impact incarceration program.

31 (6) The delinquent minor is recommended and approved
32 for placement in the county juvenile impact incarceration
33 program in the court's dispositional order.

34 The court and the Department of Probation and Court

1 Services may also consider, among other matters, whether the
2 delinquent minor has a history of escaping or absconding,
3 whether participation in the county juvenile impact
4 incarceration program may pose a risk to the safety or security
5 of any person, and whether space is available.

6 (c) The county juvenile impact incarceration program shall
7 include, among other matters, mandatory physical training and
8 labor, military formation and drills, regimented activities,
9 uniformity of dress and appearance, education and counseling,
10 including drug counseling if appropriate, and must impart to
11 the delinquent minor principles of honor, integrity,
12 self-sufficiency, self-discipline, self-respect, and respect
13 for others.

14 (d) Privileges of delinquent minors participating in the
15 county juvenile impact incarceration program, including
16 visitation, commissary, receipt and retention of property and
17 publications, and access to television, radio, and a library,
18 may be suspended or restricted, at the discretion of the
19 Department of Probation and Court Services.

20 (e) Delinquent minors participating in the county juvenile
21 impact incarceration program shall adhere to all rules
22 promulgated by the Department of Probation and Court Services
23 and all requirements of the program. Delinquent minors shall be
24 informed of rules of behavior and conduct. Disciplinary
25 procedures required by any other law or county ordinance are
26 not applicable.

27 (f) Participation in the county juvenile impact
28 incarceration program by a minor adjudicated delinquent for an
29 act constituting a misdemeanor shall be for a period of at
30 least 7 days but less than 120 days as determined by the
31 Department of Probation and Court Services. Participation in
32 the county juvenile impact incarceration program by a minor
33 adjudicated delinquent for an act constituting a felony shall
34 be for a period of 120 to 180 days as determined by the

1 Department of Probation and Court Services.

2 (g) A delinquent minor may be removed from the program for
3 a violation of the terms or conditions of the program or if he
4 or she is for any reason unable to participate. The Department
5 of Probation and Court Services shall promulgate rules
6 governing conduct that could result in removal from the program
7 or in a determination that the delinquent minor has not
8 successfully completed the program. Delinquent minors shall
9 have access to these rules. The rules shall provide that the
10 delinquent minor shall receive notice and have the opportunity
11 to appear before and address the Department of Probation and
12 Court Services or a person appointed by the Department of
13 Probation and Court Services for this purpose. A delinquent
14 minor may be transferred to any juvenile facilities prior to
15 the hearing.

16 (h) If the Department of Probation and Court Services
17 accepts the delinquent minor in the program and determines that
18 the delinquent minor has successfully completed the county
19 juvenile impact incarceration program, the court shall
20 discharge the minor from custody upon certification to the
21 court by the Department of Probation and Court Services that
22 the delinquent minor has successfully completed the program. In
23 the event the delinquent minor is not accepted for placement in
24 the county juvenile impact incarceration program or the
25 delinquent minor does not successfully complete the program,
26 his or her commitment to the Department of Juvenile Justice
27 ~~Corrections, Juvenile Division~~, or juvenile detention shall be
28 as set forth by the court in its dispositional order.

29 (i) The Department of Probation and Court Services, with
30 the approval of the county board, shall have the power to enter
31 into intergovernmental cooperation agreements with the
32 Illinois Department of Juvenile Justice ~~Corrections, Juvenile~~
33 ~~Division~~, under which delinquent minors committed to the
34 Illinois Department of Juvenile Justice ~~Corrections, Juvenile~~

1 ~~Division~~, may participate in the county juvenile impact
2 incarceration program. A delinquent minor who successfully
3 completes the county juvenile impact incarceration program
4 shall be discharged from custody upon certification to the
5 court by the Illinois Department of Juvenile Justice
6 ~~Corrections, Juvenile Division~~, that the delinquent minor has
7 successfully completed the program.

8 (Source: P.A. 89-302, eff. 8-11-95; 89-626, eff. 8-9-96;
9 89-689, eff. 12-31-96; 90-256, eff. 1-1-98.)

10 Section 15. The School Code is amended by changing Sections
11 2-3.13a, 13-40, 13-41, 13-43.8, 13-43.20, 13-44, 13-44.3, and
12 13-45 and the heading preceding Section 13-40 as follows:

13 (105 ILCS 5/2-3.13a) (from Ch. 122, par. 2-3.13a)

14 Sec. 2-3.13a. Scholastic records; transferring students.
15 The State Board of Education shall establish and implement
16 rules requiring all of the public schools and all private or
17 nonpublic elementary and secondary schools located in this
18 State, whenever any such school has a student who is
19 transferring to any other public elementary or secondary school
20 located in this or in any other state, to forward within 10
21 days of notice of the student's transfer an unofficial record
22 of that student's grades to the school to which such student is
23 transferring. Each public school at the same time also shall
24 forward to the school to which the student is transferring the
25 remainder of the student's school student records as required
26 by the Illinois School Student Records Act. In addition, if a
27 student is transferring from a public school, whether located
28 in this or any other state, from which the student has been
29 suspended or expelled for knowingly possessing in a school
30 building or on school grounds a weapon as defined in the Gun
31 Free Schools Act (20 U.S.C. 8921 et seq.), for knowingly
32 possessing, selling, or delivering in a school building or on

1 school grounds a controlled substance or cannabis, or for
2 battering a staff member of the school, and if the period of
3 suspension or expulsion has not expired at the time the student
4 attempts to transfer into another public school in the same or
5 any other school district: (i) any school student records
6 required to be transferred shall include the date and duration
7 of the period of suspension or expulsion; and (ii) with the
8 exception of transfers into the Department of Corrections and
9 Department of Juvenile Justice school district, the student
10 shall not be permitted to attend class in the public school
11 into which he or she is transferring until the student has
12 served the entire period of the suspension or expulsion imposed
13 by the school from which the student is transferring, provided
14 that the school board may approve the placement of the student
15 in an alternative school program established under Article 13A
16 of this Code. A school district may adopt a policy providing
17 that if a student is suspended or expelled for any reason from
18 any public or private school in this or any other state, the
19 student must complete the entire term of the suspension or
20 expulsion before being admitted into the school district. This
21 policy may allow placement of the student in an alternative
22 school program established under Article 13A of this Code, if
23 available, for the remainder of the suspension or expulsion.
24 Each public school and each private or nonpublic elementary or
25 secondary school in this State shall within 10 days after the
26 student has paid all of his or her outstanding fines and fees
27 and at its own expense forward an official transcript of the
28 scholastic records of each student transferring from that
29 school in strict accordance with the provisions of this Section
30 and the rules established by the State Board of Education as
31 herein provided.

32 The State Board of Education shall develop a one-page
33 standard form that Illinois school districts are required to
34 provide to any student who is moving out of the school district

1 and that contains the information about whether or not the
2 student is "in good standing" and whether or not his or her
3 medical records are up-to-date and complete. As used in this
4 Section, "in good standing" means that the student is not being
5 disciplined by a suspension or expulsion, but is entitled to
6 attend classes. No school district is required to admit a new
7 student who is transferring from another Illinois school
8 district unless he or she can produce the standard form from
9 the student's previous school district enrollment. No school
10 district is required to admit a new student who is transferring
11 from an out-of-state public school unless the parent or
12 guardian of the student certifies in writing that the student
13 is not currently serving a suspension or expulsion imposed by
14 the school from which the student is transferring.

15 (Source: P.A. 91-365, eff. 7-30-99; 92-64, eff. 7-12-01.)

16 (105 ILCS 5/prec. Sec. 13-40 heading)

17 DEPARTMENT OF CORRECTIONS AND DEPARTMENT OF JUVENILE JUSTICE
18 SCHOOL DISTRICTS

19 (105 ILCS 5/13-40) (from Ch. 122, par. 13-40)

20 Sec. 13-40. To increase the effectiveness of the Department
21 of Corrections and the Department of Juvenile Justice and
22 thereby to better serve the interests of the people of Illinois
23 the following bill is presented.

24 Its purpose is to enhance the quality and scope of
25 education for inmates and wards within the Department of
26 Corrections and the Department of Juvenile Justice so that they
27 will be better motivated and better equipped to restore
28 themselves to constructive and law abiding lives in the
29 community. The specific measure sought is the creation of a
30 school district within the Departments ~~Department~~ so that their
31 ~~its~~ educational programs can meet the needs of persons
32 committed and so the resources of public education at the state

1 and federal levels are best used, all of the same being
2 contemplated within the provisions of the Illinois State
3 Constitution of 1970 which provides that "A fundamental goal of
4 the People of the State is the educational development of all
5 persons to the limits of their capacities." Therefore, on July
6 1, 1972, a Department of Corrections and Department of Juvenile
7 Justice school district is established for the education of
8 inmates and wards within the Department of Corrections and the
9 Department of Juvenile Justice and the said district may
10 establish primary, secondary, vocational, adult, special and
11 advanced educational schools as provided in this Act. The Board
12 of Education for this district shall with the aid and advice of
13 professional educational personnel of the Department of
14 Corrections and the Department of Juvenile Justice and the
15 State Board of Education determine the needs and type of
16 schools and the curriculum for each school within the school
17 district and may proceed to establish the same through existing
18 means within present and future appropriations, federal and
19 state school funds, vocational rehabilitation grants and funds
20 and all other funds, gifts and grants, private or public,
21 including federal funds, but not exclusive to the said sources
22 but inclusive of all funds which might be available for school
23 purposes. The school district shall first organize a school
24 system for the Adult Division of the Department of Corrections
25 to go into effect July 1, 1972. A school system for the
26 Department of Juvenile Justice ~~Juvenile Division~~ shall
27 subsequently be organized and put into effect under this school
28 district at such time as the school board shall determine
29 necessary.

30 (Source: P.A. 81-1508.)

31 (105 ILCS 5/13-41) (from Ch. 122, par. 13-41)

32 Sec. 13-41. The Board of Education for this school district
33 shall be composed of the Director of the Department of

1 Corrections, the ~~Assistant~~ Director of the Department of
2 Juvenile Justice ~~Division~~ and the Assistant Director of the
3 Adult Division of the said Department of Corrections. Of the
4 remaining members, 2 shall be appointed by the Director of the
5 Department of Corrections and 4 shall be appointed by the State
6 Board of Education, at least one of whom shall have knowledge
7 of, or experience in, vocational education and one of whom
8 shall have knowledge of, or experience in, higher and
9 continuing education. Subsequent to the initial appointments
10 all members of the Board shall hold office for a period of 3
11 years. One of the initial appointees of the Director of the
12 Department of Corrections and the State Board of Education
13 shall be for a one-year term. One of the initial appointees of
14 the State Board of Education shall be for a two-year term. The
15 remaining initial appointees shall serve for a three-year term.
16 Vacancies shall be filled in like manner for the unexpired
17 balance of the term. The members appointed shall be selected so
18 far as is practicable on the basis of their knowledge of, or
19 experience in, problems of education in correctional,
20 vocational and general educational institutions. Members shall
21 serve without compensation, but shall be reimbursed for
22 reasonable expenses incurred in the performance of their
23 duties.

24 (Source: P.A. 81-1508.)

25 (105 ILCS 5/13-43.8) (from Ch. 122, par. 13-43.8)

26 Sec. 13-43.8. To enter agreements with school districts,
27 private junior colleges and public community colleges, and
28 public and private colleges and universities for the purpose of
29 providing advanced vocational training of students who desire
30 preparation for a trade. Such program would utilize private
31 junior college and public community college facilities with
32 transportation to and from those facilities provided by the
33 participating school district, or by the participating school

1 district in conjunction with other school districts. The
2 duration of the advanced vocational training program shall be
3 such period as the school district may approve, but it may not
4 exceed 2 years. Participation in the program is accorded the
5 same credit toward a high school diploma as time spent in other
6 courses. If a student of this school district, because of his
7 educational needs, attends a class or school in another school
8 district or educational facility, the Department of
9 Corrections and Department of Juvenile Justice school district
10 where he resides shall be granted the proper permit, provide
11 any necessary transportation, and pay to the school district or
12 educational facility maintaining the educational facility the
13 proportional per capita cost of educating such student.

14 (Source: P.A. 82-622.)

15 (105 ILCS 5/13-43.20) (from Ch. 122, par. 13-43.20)

16 Sec. 13-43.20. To develop a method or methods for
17 allocating state funds to the Board for expenditure within the
18 various divisions and/or for programs conducted by the Board,
19 and to annually determine the average per capita cost of
20 students in the Department of Juvenile Justice ~~Juvenile~~
21 ~~Division~~ and the average per capita cost of students in the
22 Adult Division of the Department of Corrections for education
23 classes and/or programs required to accomplish the educational
24 goals and objectives and programs specified in Sections
25 13-43.18 and 13-43.19 and recommend to the State Board of
26 Education by July 15 of each year the per capita amount
27 necessary to operate the correction school district's
28 educational program for the following fiscal year.

29 (Source: P.A. 81-1508.)

30 (105 ILCS 5/13-44) (from Ch. 122, par. 13-44)

31 Sec. 13-44.

32 Other provisions, duties and conditions of the Department

1 of Corrections and Department of Juvenile Justice School
2 District are set out in Sections 13-44.1 through 13-44.5.

3 (Source: P.A. 77-1779.)

4 (105 ILCS 5/13-44.3) (from Ch. 122, par. 13-44.3)

5 Sec. 13-44.3. In order to fully carry out the purpose of
6 this Act, the School District through its Board or designated
7 supervisory personnel, with the approval of the Director of the
8 Department of Corrections or the Director of Juvenile Justice,
9 may authorize field trips outside of the particular institution
10 or facility where a school is established and may remove
11 students therefrom or may with the approval of the Director of
12 the Department of Corrections or the Director of Juvenile
13 Justice transfer inmates and wards to other schools and other
14 facilities where particular subject matter or facilities are
15 more suited to or are needed to complete the inmates' or wards'
16 education. The Assistant Director of the Adult Division of the
17 Department of Corrections or the ~~Assistant~~ Director of the
18 Department of Juvenile Justice ~~Division~~ may authorize an
19 educational furlough for an inmate or ward to attend
20 institutions of higher education, other schools, vocational or
21 technical schools or enroll and attend classes in subjects not
22 available within the School District, to be financed by the
23 inmate or ward or any grant or scholarship which may be
24 available, including school aid funds of any kind when approved
25 by the Board and the Director of the respective Department.

26 The Department of Corrections or the Department of Juvenile
27 Justice may extend the limits of the place of confinement of an
28 inmate or ward under the above conditions and for the above
29 purposes, to leave for the aforesaid reasons, the confines of
30 such place, accompanied or unaccompanied, in the discretion of
31 the Director of such Department by a custodial agent or
32 educational personnel.

33 The willful failure of an inmate or ward to remain within

1 the extended limits of his confinement or to return within the
2 time prescribed to the place of confinement designated by the
3 Department of Corrections or Department of Juvenile Justice in
4 granting such extension or when ordered to return by the
5 custodial personnel or the educational personnel or other
6 departmental order shall be deemed an escape from the custody
7 of such Department and punishable as provided in the Unified
8 Code of Corrections as to the Adult Division inmates, and the
9 applicable provision of the Juvenile Court Act of 1987 shall
10 apply to wards of the Department of Juvenile Justice ~~Juvenile~~
11 ~~Division~~ who might abscond.

12 (Source: P.A. 85-1209; 86-1475.)

13 (105 ILCS 5/13-45) (from Ch. 122, par. 13-45)

14 Sec. 13-45.

15 Other provisions of this Code shall not apply to the
16 Department of Corrections and Department of Juvenile Justice
17 School District being all of the following Articles and
18 Sections: Articles 7, 8, 9, those sections of Article 10 in
19 conflict with any provisions of Sections 13-40 through 13-45,
20 and Articles 11, 12, 15, 17, 18, 19, 19A, 20, 22, 24, 26, 31,
21 32, 33, 34, 35. Also Article 28 shall not apply except that
22 this School District may use any funds available from State,
23 Federal and other funds for the purchase of textbooks,
24 apparatus and equipment.

25 (Source: P.A. 77-1779.)

26 Section 20. The Juvenile Court Act of 1987 is amended by
27 changing Sections 1-4.1, 5-130, 5-705, 5-710, 5-750, 5-815,
28 5-820, 5-901, 5-905, 5-915, and 6-6 as follows:

29 (705 ILCS 405/1-4.1) (from Ch. 37, par. 801-4.1)

30 Sec. 1-4.1. Except for minors accused of violation of an
31 order of the court and determined by the Court to be a danger

1 to themselves or the community, any minor accused of any act
2 under federal or State law, or a municipal ordinance that would
3 not be illegal if committed by an adult, cannot be placed in a
4 jail, municipal lockup, detention center or secure
5 correctional facility. Confinement in a county jail of a minor
6 accused of a violation of an order of the court, or of a minor
7 for whom there is reasonable cause to believe that the minor is
8 a person described in subsection (3) of Section 5-105, shall be
9 in accordance with the restrictions set forth in Sections 5-410
10 and 5-501 of this Act.

11 (Source: P.A. 89-656, eff. 1-1-97; 90-590, eff. 1-1-99.)

12 (705 ILCS 405/5-130)

13 Sec. 5-130. Excluded jurisdiction.

14 (1) (a) The definition of delinquent minor under Section
15 5-120 of this Article shall not apply to any minor who at the
16 time of an offense was at least 15 years of age and who is
17 charged with first degree murder, aggravated criminal sexual
18 assault, aggravated battery with a firearm committed in a
19 school, on the real property comprising a school, within 1,000
20 feet of the real property comprising a school, at a school
21 related activity, or on, boarding, or departing from any
22 conveyance owned, leased, or contracted by a school or school
23 district to transport students to or from school or a school
24 related activity regardless of the time of day or time of year
25 that the offense was committed, armed robbery when the armed
26 robbery was committed with a firearm, or aggravated vehicular
27 hijacking when the hijacking was committed with a firearm.

28 These charges and all other charges arising out of the same
29 incident shall be prosecuted under the criminal laws of this
30 State.

31 For purposes of this paragraph (a) of subsection (1):

32 "School" means a public or private elementary or secondary
33 school, community college, college, or university.

1 "School related activity" means any sporting, social,
2 academic or other activity for which students' attendance or
3 participation is sponsored, organized, or funded in whole or in
4 part by a school or school district.

5 (b) (i) If before trial or plea an information or
6 indictment is filed that does not charge an offense specified
7 in paragraph (a) of this subsection (1) the State's Attorney
8 may proceed on any lesser charge or charges, but only in
9 Juvenile Court under the provisions of this Article. The
10 State's Attorney may proceed under the Criminal Code of 1961 on
11 a lesser charge if before trial the minor defendant knowingly
12 and with advice of counsel waives, in writing, his or her right
13 to have the matter proceed in Juvenile Court.

14 (ii) If before trial or plea an information or indictment
15 is filed that includes one or more charges specified in
16 paragraph (a) of this subsection (1) and additional charges
17 that are not specified in that paragraph, all of the charges
18 arising out of the same incident shall be prosecuted under the
19 Criminal Code of 1961.

20 (c) (i) If after trial or plea the minor is convicted of
21 any offense covered by paragraph (a) of this subsection (1),
22 then, in sentencing the minor, the court shall have available
23 any or all dispositions prescribed for that offense under
24 Chapter V of the Unified Code of Corrections.

25 (ii) If after trial or plea the court finds that the minor
26 committed an offense not covered by paragraph (a) of this
27 subsection (1), that finding shall not invalidate the verdict
28 or the prosecution of the minor under the criminal laws of the
29 State; however, unless the State requests a hearing for the
30 purpose of sentencing the minor under Chapter V of the Unified
31 Code of Corrections, the Court must proceed under Sections
32 5-705 and 5-710 of this Article. To request a hearing, the
33 State must file a written motion within 10 days following the
34 entry of a finding or the return of a verdict. Reasonable

1 notice of the motion shall be given to the minor or his or her
2 counsel. If the motion is made by the State, the court shall
3 conduct a hearing to determine if the minor should be sentenced
4 under Chapter V of the Unified Code of Corrections. In making
5 its determination, the court shall consider among other
6 matters: (a) whether there is evidence that the offense was
7 committed in an aggressive and premeditated manner; (b) the age
8 of the minor; (c) the previous history of the minor; (d)
9 whether there are facilities particularly available to the
10 Department of Juvenile Justice ~~Juvenile Court or the Department~~
11 ~~of Corrections, Juvenile Division,~~ for the treatment and
12 rehabilitation of the minor; (e) whether the security of the
13 public requires sentencing under Chapter V of the Unified Code
14 of Corrections; and (f) whether the minor possessed a deadly
15 weapon when committing the offense. The rules of evidence shall
16 be the same as if at trial. If after the hearing the court
17 finds that the minor should be sentenced under Chapter V of the
18 Unified Code of Corrections, then the court shall sentence the
19 minor accordingly having available to it any or all
20 dispositions so prescribed.

21 (2) (a) The definition of a delinquent minor under Section
22 5-120 of this Article shall not apply to any minor who at the
23 time of the offense was at least 15 years of age and who is
24 charged with an offense under Section 401 of the Illinois
25 Controlled Substances Act, while in a school, regardless of the
26 time of day or the time of year, or any conveyance owned,
27 leased or contracted by a school to transport students to or
28 from school or a school related activity, or residential
29 property owned, operated or managed by a public housing agency
30 or leased by a public housing agency as part of a scattered
31 site or mixed-income development, on the real property
32 comprising any school, regardless of the time of day or the
33 time of year, or residential property owned, operated or
34 managed by a public housing agency or leased by a public

1 housing agency as part of a scattered site or mixed-income
2 development, or on a public way within 1,000 feet of the real
3 property comprising any school, regardless of the time of day
4 or the time of year, or residential property owned, operated or
5 managed by a public housing agency or leased by a public
6 housing agency as part of a scattered site or mixed-income
7 development. School is defined, for the purposes of this
8 Section, as any public or private elementary or secondary
9 school, community college, college, or university. These
10 charges and all other charges arising out of the same incident
11 shall be prosecuted under the criminal laws of this State.

12 (b) (i) If before trial or plea an information or
13 indictment is filed that does not charge an offense specified
14 in paragraph (a) of this subsection (2) the State's Attorney
15 may proceed on any lesser charge or charges, but only in
16 Juvenile Court under the provisions of this Article. The
17 State's Attorney may proceed under the criminal laws of this
18 State on a lesser charge if before trial the minor defendant
19 knowingly and with advice of counsel waives, in writing, his or
20 her right to have the matter proceed in Juvenile Court.

21 (ii) If before trial or plea an information or indictment
22 is filed that includes one or more charges specified in
23 paragraph (a) of this subsection (2) and additional charges
24 that are not specified in that paragraph, all of the charges
25 arising out of the same incident shall be prosecuted under the
26 criminal laws of this State.

27 (c) (i) If after trial or plea the minor is convicted of
28 any offense covered by paragraph (a) of this subsection (2),
29 then, in sentencing the minor, the court shall have available
30 any or all dispositions prescribed for that offense under
31 Chapter V of the Unified Code of Corrections.

32 (ii) If after trial or plea the court finds that the minor
33 committed an offense not covered by paragraph (a) of this
34 subsection (2), that finding shall not invalidate the verdict

1 or the prosecution of the minor under the criminal laws of the
2 State; however, unless the State requests a hearing for the
3 purpose of sentencing the minor under Chapter V of the Unified
4 Code of Corrections, the Court must proceed under Sections
5 5-705 and 5-710 of this Article. To request a hearing, the
6 State must file a written motion within 10 days following the
7 entry of a finding or the return of a verdict. Reasonable
8 notice of the motion shall be given to the minor or his or her
9 counsel. If the motion is made by the State, the court shall
10 conduct a hearing to determine if the minor should be sentenced
11 under Chapter V of the Unified Code of Corrections. In making
12 its determination, the court shall consider among other
13 matters: (a) whether there is evidence that the offense was
14 committed in an aggressive and premeditated manner; (b) the age
15 of the minor; (c) the previous history of the minor; (d)
16 whether there are facilities particularly available to the
17 Juvenile Court or the Department of Juvenile Justice
18 ~~Corrections, Juvenile Division~~, for the treatment and
19 rehabilitation of the minor; (e) whether the security of the
20 public requires sentencing under Chapter V of the Unified Code
21 of Corrections; and (f) whether the minor possessed a deadly
22 weapon when committing the offense. The rules of evidence shall
23 be the same as if at trial. If after the hearing the court
24 finds that the minor should be sentenced under Chapter V of the
25 Unified Code of Corrections, then the court shall sentence the
26 minor accordingly having available to it any or all
27 dispositions so prescribed.

28 (3) (a) The definition of delinquent minor under Section
29 5-120 of this Article shall not apply to any minor who at the
30 time of the offense was at least 15 years of age and who is
31 charged with a violation of the provisions of paragraph (1),
32 (3), (4), or (10) of subsection (a) of Section 24-1 of the
33 Criminal Code of 1961 while in school, regardless of the time
34 of day or the time of year, or on the real property comprising

1 any school, regardless of the time of day or the time of year.
2 School is defined, for purposes of this Section as any public
3 or private elementary or secondary school, community college,
4 college, or university. These charges and all other charges
5 arising out of the same incident shall be prosecuted under the
6 criminal laws of this State.

7 (b) (i) If before trial or plea an information or
8 indictment is filed that does not charge an offense specified
9 in paragraph (a) of this subsection (3) the State's Attorney
10 may proceed on any lesser charge or charges, but only in
11 Juvenile Court under the provisions of this Article. The
12 State's Attorney may proceed under the criminal laws of this
13 State on a lesser charge if before trial the minor defendant
14 knowingly and with advice of counsel waives, in writing, his or
15 her right to have the matter proceed in Juvenile Court.

16 (ii) If before trial or plea an information or indictment
17 is filed that includes one or more charges specified in
18 paragraph (a) of this subsection (3) and additional charges
19 that are not specified in that paragraph, all of the charges
20 arising out of the same incident shall be prosecuted under the
21 criminal laws of this State.

22 (c) (i) If after trial or plea the minor is convicted of
23 any offense covered by paragraph (a) of this subsection (3),
24 then, in sentencing the minor, the court shall have available
25 any or all dispositions prescribed for that offense under
26 Chapter V of the Unified Code of Corrections.

27 (ii) If after trial or plea the court finds that the minor
28 committed an offense not covered by paragraph (a) of this
29 subsection (3), that finding shall not invalidate the verdict
30 or the prosecution of the minor under the criminal laws of the
31 State; however, unless the State requests a hearing for the
32 purpose of sentencing the minor under Chapter V of the Unified
33 Code of Corrections, the Court must proceed under Sections
34 5-705 and 5-710 of this Article. To request a hearing, the

1 State must file a written motion within 10 days following the
2 entry of a finding or the return of a verdict. Reasonable
3 notice of the motion shall be given to the minor or his or her
4 counsel. If the motion is made by the State, the court shall
5 conduct a hearing to determine if the minor should be sentenced
6 under Chapter V of the Unified Code of Corrections. In making
7 its determination, the court shall consider among other
8 matters: (a) whether there is evidence that the offense was
9 committed in an aggressive and premeditated manner; (b) the age
10 of the minor; (c) the previous history of the minor; (d)
11 whether there are facilities particularly available to the
12 Juvenile Court or the Department of Juvenile Justice
13 ~~Corrections, Juvenile Division,~~ for the treatment and
14 rehabilitation of the minor; (e) whether the security of the
15 public requires sentencing under Chapter V of the Unified Code
16 of Corrections; and (f) whether the minor possessed a deadly
17 weapon when committing the offense. The rules of evidence shall
18 be the same as if at trial. If after the hearing the court
19 finds that the minor should be sentenced under Chapter V of the
20 Unified Code of Corrections, then the court shall sentence the
21 minor accordingly having available to it any or all
22 dispositions so prescribed.

23 (4) (a) The definition of delinquent minor under Section
24 5-120 of this Article shall not apply to any minor who at the
25 time of an offense was at least 13 years of age and who is
26 charged with first degree murder committed during the course of
27 either aggravated criminal sexual assault, criminal sexual
28 assault, or aggravated kidnaping. However, this subsection (4)
29 does not include a minor charged with first degree murder based
30 exclusively upon the accountability provisions of the Criminal
31 Code of 1961.

32 (b) (i) If before trial or plea an information or
33 indictment is filed that does not charge first degree murder
34 committed during the course of aggravated criminal sexual

1 assault, criminal sexual assault, or aggravated kidnaping, the
2 State's Attorney may proceed on any lesser charge or charges,
3 but only in Juvenile Court under the provisions of this
4 Article. The State's Attorney may proceed under the criminal
5 laws of this State on a lesser charge if before trial the minor
6 defendant knowingly and with advice of counsel waives, in
7 writing, his or her right to have the matter proceed in
8 Juvenile Court.

9 (ii) If before trial or plea an information or indictment
10 is filed that includes first degree murder committed during the
11 course of aggravated criminal sexual assault, criminal sexual
12 assault, or aggravated kidnaping, and additional charges that
13 are not specified in paragraph (a) of this subsection, all of
14 the charges arising out of the same incident shall be
15 prosecuted under the criminal laws of this State.

16 (c) (i) If after trial or plea the minor is convicted of
17 first degree murder committed during the course of aggravated
18 criminal sexual assault, criminal sexual assault, or
19 aggravated kidnaping, in sentencing the minor, the court shall
20 have available any or all dispositions prescribed for that
21 offense under Chapter V of the Unified Code of Corrections.

22 (ii) If the minor was not yet 15 years of age at the time of
23 the offense, and if after trial or plea the court finds that
24 the minor committed an offense other than first degree murder
25 committed during the course of either aggravated criminal
26 sexual assault, criminal sexual assault, or aggravated
27 kidnaping, the finding shall not invalidate the verdict or the
28 prosecution of the minor under the criminal laws of the State;
29 however, unless the State requests a hearing for the purpose of
30 sentencing the minor under Chapter V of the Unified Code of
31 Corrections, the Court must proceed under Sections 5-705 and
32 5-710 of this Article. To request a hearing, the State must
33 file a written motion within 10 days following the entry of a
34 finding or the return of a verdict. Reasonable notice of the

1 motion shall be given to the minor or his or her counsel. If
2 the motion is made by the State, the court shall conduct a
3 hearing to determine whether the minor should be sentenced
4 under Chapter V of the Unified Code of Corrections. In making
5 its determination, the court shall consider among other
6 matters: (a) whether there is evidence that the offense was
7 committed in an aggressive and premeditated manner; (b) the age
8 of the minor; (c) the previous delinquent history of the minor;
9 (d) whether there are facilities particularly available to the
10 Juvenile Court or the Department of Juvenile Justice
11 ~~Corrections, Juvenile Division~~, for the treatment and
12 rehabilitation of the minor; (e) whether the best interest of
13 the minor and the security of the public require sentencing
14 under Chapter V of the Unified Code of Corrections; and (f)
15 whether the minor possessed a deadly weapon when committing the
16 offense. The rules of evidence shall be the same as if at
17 trial. If after the hearing the court finds that the minor
18 should be sentenced under Chapter V of the Unified Code of
19 Corrections, then the court shall sentence the minor
20 accordingly having available to it any or all dispositions so
21 prescribed.

22 (5) (a) The definition of delinquent minor under Section
23 5-120 of this Article shall not apply to any minor who is
24 charged with a violation of subsection (a) of Section 31-6 or
25 Section 32-10 of the Criminal Code of 1961 when the minor is
26 subject to prosecution under the criminal laws of this State as
27 a result of the application of the provisions of Section 5-125,
28 or subsection (1) or (2) of this Section. These charges and all
29 other charges arising out of the same incident shall be
30 prosecuted under the criminal laws of this State.

31 (b) (i) If before trial or plea an information or
32 indictment is filed that does not charge an offense specified
33 in paragraph (a) of this subsection (5), the State's Attorney
34 may proceed on any lesser charge or charges, but only in

1 Juvenile Court under the provisions of this Article. The
2 State's Attorney may proceed under the criminal laws of this
3 State on a lesser charge if before trial the minor defendant
4 knowingly and with advice of counsel waives, in writing, his or
5 her right to have the matter proceed in Juvenile Court.

6 (ii) If before trial or plea an information or indictment
7 is filed that includes one or more charges specified in
8 paragraph (a) of this subsection (5) and additional charges
9 that are not specified in that paragraph, all of the charges
10 arising out of the same incident shall be prosecuted under the
11 criminal laws of this State.

12 (c) (i) If after trial or plea the minor is convicted of
13 any offense covered by paragraph (a) of this subsection (5),
14 then, in sentencing the minor, the court shall have available
15 any or all dispositions prescribed for that offense under
16 Chapter V of the Unified Code of Corrections.

17 (ii) If after trial or plea the court finds that the minor
18 committed an offense not covered by paragraph (a) of this
19 subsection (5), the conviction shall not invalidate the verdict
20 or the prosecution of the minor under the criminal laws of this
21 State; however, unless the State requests a hearing for the
22 purpose of sentencing the minor under Chapter V of the Unified
23 Code of Corrections, the Court must proceed under Sections
24 5-705 and 5-710 of this Article. To request a hearing, the
25 State must file a written motion within 10 days following the
26 entry of a finding or the return of a verdict. Reasonable
27 notice of the motion shall be given to the minor or his or her
28 counsel. If the motion is made by the State, the court shall
29 conduct a hearing to determine if whether the minor should be
30 sentenced under Chapter V of the Unified Code of Corrections.
31 In making its determination, the court shall consider among
32 other matters: (a) whether there is evidence that the offense
33 was committed in an aggressive and premeditated manner; (b) the
34 age of the minor; (c) the previous delinquent history of the

1 minor; (d) whether there are facilities particularly available
2 to the Juvenile Court or the Department of Juvenile Justice
3 ~~Corrections, Juvenile Division~~, for the treatment and
4 rehabilitation of the minor; (e) whether the security of the
5 public requires sentencing under Chapter V of the Unified Code
6 of Corrections; and (f) whether the minor possessed a deadly
7 weapon when committing the offense. The rules of evidence shall
8 be the same as if at trial. If after the hearing the court
9 finds that the minor should be sentenced under Chapter V of the
10 Unified Code of Corrections, then the court shall sentence the
11 minor accordingly having available to it any or all
12 dispositions so prescribed.

13 (6) The definition of delinquent minor under Section 5-120
14 of this Article shall not apply to any minor who, pursuant to
15 subsection (1), (2), or (3) or Section 5-805, or 5-810, has
16 previously been placed under the jurisdiction of the criminal
17 court and has been convicted of a crime under an adult criminal
18 or penal statute. Such a minor shall be subject to prosecution
19 under the criminal laws of this State.

20 (7) The procedures set out in this Article for the
21 investigation, arrest and prosecution of juvenile offenders
22 shall not apply to minors who are excluded from jurisdiction of
23 the Juvenile Court, except that minors under 17 years of age
24 shall be kept separate from confined adults.

25 (8) Nothing in this Act prohibits or limits the prosecution
26 of any minor for an offense committed on or after his or her
27 17th birthday even though he or she is at the time of the
28 offense a ward of the court.

29 (9) If an original petition for adjudication of wardship
30 alleges the commission by a minor 13 years of age or over of an
31 act that constitutes a crime under the laws of this State, the
32 minor, with the consent of his or her counsel, may, at any time
33 before commencement of the adjudicatory hearing, file with the
34 court a motion that criminal prosecution be ordered and that

1 the petition be dismissed insofar as the act or acts involved
2 in the criminal proceedings are concerned. If such a motion is
3 filed as herein provided, the court shall enter its order
4 accordingly.

5 (10) If a minor is subject to the provisions of subsection
6 (2) of this Section, other than a minor charged with a Class X
7 felony violation of the Illinois Controlled Substances Act, any
8 party including the minor or the court sua sponte may, before
9 trial, move for a hearing for the purpose of trying and
10 sentencing the minor as a delinquent minor. To request a
11 hearing, the party must file a motion prior to trial.
12 Reasonable notice of the motion shall be given to all parties.
13 On its own motion or upon the filing of a motion by one of the
14 parties including the minor, the court shall conduct a hearing
15 to determine whether the minor should be tried and sentenced as
16 a delinquent minor under this Article. In making its
17 determination, the court shall consider among other matters:

18 (a) The age of the minor;

19 (b) Any previous delinquent or criminal history of the
20 minor;

21 (c) Any previous abuse or neglect history of the minor;

22 (d) Any mental health or educational history of the minor,
23 or both; and

24 (e) Whether there is probable cause to support the charge,
25 whether the minor is charged through accountability, and
26 whether there is evidence the minor possessed a deadly weapon
27 or caused serious bodily harm during the offense.

28 Any material that is relevant and reliable shall be
29 admissible at the hearing. In all cases, the judge shall enter
30 an order permitting prosecution under the criminal laws of
31 Illinois unless the judge makes a finding based on a
32 preponderance of the evidence that the minor would be amenable
33 to the care, treatment, and training programs available through
34 the facilities of the juvenile court based on an evaluation of

1 the factors listed in this subsection (10).

2 (Source: P.A. 91-15, eff. 1-1-00; 91-673, eff. 12-22-99; 92-16,
3 eff. 6-28-01; 92-665, eff. 1-1-03.)

4 (705 ILCS 405/5-705)

5 Sec. 5-705. Sentencing hearing; evidence; continuance.

6 (1) At the sentencing hearing, the court shall determine
7 whether it is in the best interests of the minor or the public
8 that he or she be made a ward of the court, and, if he or she is
9 to be made a ward of the court, the court shall determine the
10 proper disposition best serving the interests of the minor and
11 the public. All evidence helpful in determining these
12 questions, including oral and written reports, may be admitted
13 and may be relied upon to the extent of its probative value,
14 even though not competent for the purposes of the trial. A
15 record of a prior continuance under supervision under Section
16 5-615, whether successfully completed or not, is admissible at
17 the sentencing hearing. No order of commitment to the
18 Department of Juvenile Justice ~~Corrections, Juvenile Division,~~
19 shall be entered against a minor before a written report of
20 social investigation, which has been completed within the
21 previous 60 days, is presented to and considered by the court.

22 (2) Once a party has been served in compliance with Section
23 5-525, no further service or notice must be given to that party
24 prior to proceeding to a sentencing hearing. Before imposing
25 sentence the court shall advise the State's Attorney and the
26 parties who are present or their counsel of the factual
27 contents and the conclusions of the reports prepared for the
28 use of the court and considered by it, and afford fair
29 opportunity, if requested, to controvert them. Factual
30 contents, conclusions, documents and sources disclosed by the
31 court under this paragraph shall not be further disclosed
32 without the express approval of the court.

33 (3) On its own motion or that of the State's Attorney, a

1 parent, guardian, legal custodian, or counsel, the court may
2 adjourn the hearing for a reasonable period to receive reports
3 or other evidence and, in such event, shall make an appropriate
4 order for detention of the minor or his or her release from
5 detention subject to supervision by the court during the period
6 of the continuance. In the event the court shall order
7 detention hereunder, the period of the continuance shall not
8 exceed 30 court days. At the end of such time, the court shall
9 release the minor from detention unless notice is served at
10 least 3 days prior to the hearing on the continued date that
11 the State will be seeking an extension of the period of
12 detention, which notice shall state the reason for the request
13 for the extension. The extension of detention may be for a
14 maximum period of an additional 15 court days or a lesser
15 number of days at the discretion of the court. However, at the
16 expiration of the period of extension, the court shall release
17 the minor from detention if a further continuance is granted.
18 In scheduling investigations and hearings, the court shall give
19 priority to proceedings in which a minor is in detention or has
20 otherwise been removed from his or her home before a sentencing
21 order has been made.

22 (4) When commitment to the Department of Juvenile Justice
23 ~~Corrections, Juvenile Division~~, is ordered, the court shall
24 state the basis for selecting the particular disposition, and
25 the court shall prepare such a statement for inclusion in the
26 record.

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

28 (705 ILCS 405/5-710)

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

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

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

1 (i) put on probation or conditional discharge and
2 released to his or her parents, guardian or legal
3 custodian, provided, however, that any such minor who
4 is not committed to the Department of Juvenile Justice
5 ~~Corrections, Juvenile Division~~ under this subsection
6 and who is found to be a delinquent for an offense
7 which is first degree murder, a Class X felony, or a
8 forcible felony shall be placed on probation;

9 (ii) placed in accordance with Section 5-740, with
10 or without also being put on probation or conditional
11 discharge;

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

15 (iv) placed in the guardianship of the Department
16 of Children and Family Services, but only if the
17 delinquent minor is under 13 years of age;

18 (v) placed in detention for a period not to exceed
19 30 days, either as the exclusive order of disposition
20 or, where appropriate, in conjunction with any other
21 order of disposition issued under this paragraph,
22 provided that any such detention shall be in a juvenile
23 detention home and the minor so detained shall be 10
24 years of age or older. However, the 30-day limitation
25 may be extended by further order of the court for a
26 minor under age 13 committed to the Department of
27 Children and Family Services if the court finds that
28 the minor is a danger to himself or others. The minor
29 shall be given credit on the sentencing order of
30 detention for time spent in detention under Sections
31 5-501, 5-601, 5-710, or 5-720 of this Article as a
32 result of the offense for which the sentencing order
33 was imposed. The court may grant credit on a sentencing
34 order of detention entered under a violation of

1 probation or violation of conditional discharge under
2 Section 5-720 of this Article for time spent in
3 detention before the filing of the petition alleging
4 the violation. A minor shall not be deprived of credit
5 for time spent in detention before the filing of a
6 violation of probation or conditional discharge
7 alleging the same or related act or acts;

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

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

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

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

26 (b) A minor found to be guilty may be committed to the
27 Department of Juvenile Justice ~~Corrections, Juvenile~~
28 ~~Division~~, under Section 5-750 if the minor is 13 years of
29 age or older, provided that the commitment to the
30 Department of Juvenile Justice ~~Corrections, Juvenile~~
31 ~~Division~~, shall be made only if a term of incarceration is
32 permitted by law for adults found guilty of the offense for
33 which the minor was adjudicated delinquent. The time during
34 which a minor is in custody before being released upon the

1 request of a parent, guardian or legal custodian shall be
2 considered as time spent in detention.

3 (c) When a minor is found to be guilty for an offense
4 which is a violation of the Illinois Controlled Substances
5 Act or the Cannabis Control Act and made a ward of the
6 court, the court may enter a disposition order requiring
7 the minor to undergo assessment, counseling or treatment in
8 a substance abuse program approved by the Department of
9 Human Services.

10 (2) Any sentencing order other than commitment to the
11 Department of Juvenile Justice ~~Corrections, Juvenile Division,~~
12 may provide for protective supervision under Section 5-725 and
13 may include an order of protection under Section 5-730.

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

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

31 (5) Any sentencing order where the minor is committed or
32 placed in accordance with Section 5-740 shall provide for the
33 parents or guardian of the estate of the minor to pay to the
34 legal custodian or guardian of the person of the minor such

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

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

10 (7) In no event shall a guilty minor be committed to the
11 Department of Juvenile Justice ~~Corrections, Juvenile Division~~
12 for a period of time in excess of that period for which an
13 adult could be committed for the same act.

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 shall
16 be ordered to perform community service for not less than 30
17 and not more than 120 hours, if community service is available
18 in the jurisdiction. The community service shall include, but
19 need not be limited to, the cleanup and repair of the damage
20 that was caused by the violation or similar damage to property
21 located in the municipality or county in which the violation
22 occurred. The order may be in addition to any other order
23 authorized by this Section.

24 (8.5) A minor found to be guilty for reasons that include a
25 violation of Section 3.02 or Section 3.03 of the Humane Care
26 for Animals Act or paragraph (d) of subsection (1) of Section
27 21-1 of the Criminal Code of 1961 shall be ordered to undergo
28 medical or psychiatric treatment rendered by a psychiatrist or
29 psychological treatment rendered by a clinical psychologist.
30 The order may be in addition to any other order authorized by
31 this Section.

32 (9) In addition to any other sentencing order, the court
33 shall order any minor found to be guilty for an act which would
34 constitute, predatory criminal sexual assault of a child,

1 aggravated criminal sexual assault, criminal sexual assault,
2 aggravated criminal sexual abuse, or criminal sexual abuse if
3 committed by an adult to undergo medical testing to determine
4 whether the defendant has any sexually transmissible disease
5 including a test for infection with human immunodeficiency
6 virus (HIV) or any other identified causative agency of
7 acquired immunodeficiency syndrome (AIDS). Any medical test
8 shall be performed only by appropriately licensed medical
9 practitioners and may include an analysis of any bodily fluids
10 as well as an examination of the minor's person. Except as
11 otherwise provided by law, the results of the test shall be
12 kept strictly confidential by all medical personnel involved in
13 the testing and must be personally delivered in a sealed
14 envelope to the judge of the court in which the sentencing
15 order was entered for the judge's inspection in camera. Acting
16 in accordance with the best interests of the victim and the
17 public, the judge shall have the discretion to determine to
18 whom the results of the testing may be revealed. The court
19 shall notify the minor of the results of the test for infection
20 with the human immunodeficiency virus (HIV). The court shall
21 also notify the victim if requested by the victim, and if the
22 victim is under the age of 15 and if requested by the victim's
23 parents or legal guardian, the court shall notify the victim's
24 parents or the legal guardian, of the results of the test for
25 infection with the human immunodeficiency virus (HIV). The
26 court shall provide information on the availability of HIV
27 testing and counseling at the Department of Public Health
28 facilities to all parties to whom the results of the testing
29 are revealed. The court shall order that the cost of any test
30 shall be paid by the county and may be taxed as costs against
31 the minor.

32 (10) When a court finds a minor to be guilty the court
33 shall, before entering a sentencing order under this Section,
34 make a finding whether the offense committed either: (a) was

1 related to or in furtherance of the criminal activities of an
2 organized gang or was motivated by the minor's membership in or
3 allegiance to an organized gang, or (b) involved a violation of
4 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,
5 a violation of any Section of Article 24 of the Criminal Code
6 of 1961, or a violation of any statute that involved the
7 wrongful use of a firearm. If the court determines the question
8 in the affirmative, and the court does not commit the minor to
9 the Department of Juvenile Justice ~~Corrections, Juvenile~~
10 ~~Division~~, the court shall order the minor to perform community
11 service for not less than 30 hours nor more than 120 hours,
12 provided that community service is available in the
13 jurisdiction and is funded and approved by the county board of
14 the county where the offense was committed. The community
15 service shall include, but need not be limited to, the cleanup
16 and repair of any damage caused by a violation of Section
17 21-1.3 of the Criminal Code of 1961 and similar damage to
18 property located in the municipality or county in which the
19 violation occurred. When possible and reasonable, the
20 community service shall be performed in the minor's
21 neighborhood. This order shall be in addition to any other
22 order authorized by this Section except for an order to place
23 the minor in the custody of the Department of Juvenile Justice
24 ~~Corrections, Juvenile Division~~. For the purposes of this
25 Section, "organized gang" has the meaning ascribed to it in
26 Section 10 of the Illinois Streetgang Terrorism Omnibus
27 Prevention Act.

28 (Source: P.A. 91-98, eff. 1-1-00; 92-454, eff. 1-1-02; revised
29 10-9-03.)

30 (705 ILCS 405/5-750)

31 Sec. 5-750. Commitment to the Department of Juvenile
32 Justice ~~Corrections, Juvenile Division~~.

33 (1) Except as provided in subsection (2) of this Section,

1 when any delinquent has been adjudged a ward of the court under
2 this Act, the court may commit him or her to the Department of
3 Juvenile Justice ~~Corrections, Juvenile Division~~, if it finds
4 that (a) his or her parents, guardian or legal custodian are
5 unfit or are unable, for some reason other than financial
6 circumstances alone, to care for, protect, train or discipline
7 the minor, or are unwilling to do so, and the best interests of
8 the minor and the public will not be served by placement under
9 Section 5-740 or; (b) it is necessary to ensure the protection
10 of the public from the consequences of criminal activity of the
11 delinquent.

12 (2) When a minor of the age of at least 13 years is
13 adjudged delinquent for the offense of first degree murder, the
14 court shall declare the minor a ward of the court and order the
15 minor committed to the Department of Juvenile Justice
16 ~~Corrections, Juvenile Division~~, until the minor's 21st
17 birthday, without the possibility of parole, furlough, or
18 non-emergency authorized absence for a period of 5 years from
19 the date the minor was committed to the Department of Juvenile
20 Justice ~~Corrections~~, except that the time that a minor spent in
21 custody for the instant offense before being committed to the
22 Department of Juvenile Justice shall be considered as time
23 credited towards that 5 year period. Nothing in this subsection
24 (2) shall preclude the State's Attorney from seeking to
25 prosecute a minor as an adult as an alternative to proceeding
26 under this Act.

27 (3) Except as provided in subsection (2), the commitment of
28 a delinquent to the Department of Juvenile Justice ~~Corrections~~
29 shall be for an indeterminate term which shall automatically
30 terminate upon the delinquent attaining the age of 21 years
31 unless the delinquent is sooner discharged from parole or
32 custodianship is otherwise terminated in accordance with this
33 Act or as otherwise provided for by law.

34 (4) When the court commits a minor to the Department of

1 Juvenile Justice Corrections, it shall order him or her
2 conveyed forthwith to the appropriate reception station or
3 other place designated by the Department of Juvenile Justice
4 Corrections, and shall appoint the ~~Assistant~~ Director of
5 Juvenile Justice Corrections, ~~Juvenile Division~~, legal
6 custodian of the minor. The clerk of the court shall issue to
7 the ~~Assistant~~ Director of Juvenile Justice Corrections,
8 ~~Juvenile Division~~, a certified copy of the order, which
9 constitutes proof of the Director's authority. No other process
10 need issue to warrant the keeping of the minor.

11 (5) If a minor is committed to the Department of Juvenile
12 Justice Corrections, ~~Juvenile Division~~, the clerk of the court
13 shall forward to the Department:

14 (a) the disposition ordered;

15 (b) all reports;

16 (c) the court's statement of the basis for ordering the
17 disposition; and

18 (d) all additional matters which the court directs the
19 clerk to transmit.

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

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

28 (705 ILCS 405/5-815)

29 Sec. 5-815. Habitual Juvenile Offender.

30 (a) Definition. Any minor having been twice adjudicated a
31 delinquent minor for offenses which, had he been prosecuted as
32 an adult, would have been felonies under the laws of this
33 State, and who is thereafter adjudicated a delinquent minor for

1 a third time shall be adjudged an Habitual Juvenile Offender
2 where:

3 1. the third adjudication is for an offense occurring
4 after adjudication on the second; and

5 2. the second adjudication was for an offense occurring
6 after adjudication on the first; and

7 3. the third offense occurred after January 1, 1980;
8 and

9 4. the third offense was based upon the commission of
10 or attempted commission of the following offenses: first
11 degree murder, second degree murder or involuntary
12 manslaughter; criminal sexual assault or aggravated
13 criminal sexual assault; aggravated or heinous battery
14 involving permanent disability or disfigurement or great
15 bodily harm to the victim; burglary of a home or other
16 residence intended for use as a temporary or permanent
17 dwelling place for human beings; home invasion; robbery or
18 armed robbery; or aggravated arson.

19 Nothing in this Section shall preclude the State's Attorney
20 from seeking to prosecute a minor as an adult as an alternative
21 to prosecution as an habitual juvenile offender.

22 A continuance under supervision authorized by Section
23 5-615 of this Act shall not be permitted under this Section.

24 (b) Notice to minor. The State shall serve upon the minor
25 written notice of intention to prosecute under the provisions
26 of this Section within 5 judicial days of the filing of any
27 delinquency petition, adjudication upon which would mandate
28 the minor's disposition as an Habitual Juvenile Offender.

29 (c) Petition; service. A notice to seek adjudication as an
30 Habitual Juvenile Offender shall be filed only by the State's
31 Attorney.

32 The petition upon which such Habitual Juvenile Offender
33 notice is based shall contain the information and averments
34 required for all other delinquency petitions filed under this

1 Act and its service shall be according to the provisions of
2 this Act.

3 No prior adjudication shall be alleged in the petition.

4 (d) Trial. Trial on such petition shall be by jury unless
5 the minor demands, in open court and with advice of counsel, a
6 trial by the court without jury.

7 Except as otherwise provided herein, the provisions of this
8 Act concerning delinquency proceedings generally shall be
9 applicable to Habitual Juvenile Offender proceedings.

10 (e) Proof of prior adjudications. No evidence or other
11 disclosure of prior adjudications shall be presented to the
12 court or jury during any adjudicatory hearing provided for
13 under this Section unless otherwise permitted by the issues
14 properly raised in such hearing. In the event the minor who is
15 the subject of these proceedings elects to testify on his own
16 behalf, it shall be competent to introduce evidence, for
17 purposes of impeachment, that he has previously been
18 adjudicated a delinquent minor upon facts which, had he been
19 tried as an adult, would have resulted in his conviction of a
20 felony or of any offense that involved dishonesty or false
21 statement. Introduction of such evidence shall be according to
22 the rules and procedures applicable to the impeachment of an
23 adult defendant by prior conviction.

24 After an admission of the facts in the petition or
25 adjudication of delinquency, the State's Attorney may file with
26 the court a verified written statement signed by the State's
27 Attorney concerning any prior adjudication of an offense set
28 forth in subsection (a) of this Section which offense would
29 have been a felony or of any offense that involved dishonesty
30 or false statement had the minor been tried as an adult.

31 The court shall then cause the minor to be brought before
32 it; shall inform him of the allegations of the statement so
33 filed, and of his right to a hearing before the court on the
34 issue of such prior adjudication and of his right to counsel at

1 such hearing; and unless the minor admits such adjudication,
2 the court shall hear and determine such issue, and shall make a
3 written finding thereon.

4 A duly authenticated copy of the record of any such alleged
5 prior adjudication shall be prima facie evidence of such prior
6 adjudication or of any offense that involved dishonesty or
7 false statement.

8 Any claim that a previous adjudication offered by the
9 State's Attorney is not a former adjudication of an offense
10 which, had the minor been prosecuted as an adult, would have
11 resulted in his conviction of a felony or of any offense that
12 involved dishonesty or false statement, is waived unless duly
13 raised at the hearing on such adjudication, or unless the
14 State's Attorney's proof shows that such prior adjudication was
15 not based upon proof of what would have been a felony.

16 (f) Disposition. If the court finds that the prerequisites
17 established in subsection (a) of this Section have been proven,
18 it shall adjudicate the minor an Habitual Juvenile Offender and
19 commit him to the Department of Juvenile Justice ~~Corrections,~~
20 ~~Juvenile Division,~~ until his 21st birthday, without
21 possibility of parole, furlough, or non-emergency authorized
22 absence. However, the minor shall be entitled to earn one day
23 of good conduct credit for each day served as reductions
24 against the period of his confinement. Such good conduct
25 credits shall be earned or revoked according to the procedures
26 applicable to the allowance and revocation of good conduct
27 credit for adult prisoners serving determinate sentences for
28 felonies.

29 For purposes of determining good conduct credit,
30 commitment as an Habitual Juvenile Offender shall be considered
31 a determinate commitment, and the difference between the date
32 of the commitment and the minor's 21st birthday shall be
33 considered the determinate period of his confinement.

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

1 (705 ILCS 405/5-820)

2 Sec. 5-820. Violent Juvenile Offender.

3 (a) Definition. A minor having been previously adjudicated
4 a delinquent minor for an offense which, had he or she been
5 prosecuted as an adult, would have been a Class 2 or greater
6 felony involving the use or threat of physical force or
7 violence against an individual or a Class 2 or greater felony
8 for which an element of the offense is possession or use of a
9 firearm, and who is thereafter adjudicated a delinquent minor
10 for a second time for any of those offenses shall be
11 adjudicated a Violent Juvenile Offender if:

12 (1) The second adjudication is for an offense occurring
13 after adjudication on the first; and

14 (2) The second offense occurred on or after January 1,
15 1995.

16 (b) Notice to minor. The State shall serve upon the minor
17 written notice of intention to prosecute under the provisions
18 of this Section within 5 judicial days of the filing of a
19 delinquency petition, adjudication upon which would mandate
20 the minor's disposition as a Violent Juvenile Offender.

21 (c) Petition; service. A notice to seek adjudication as a
22 Violent Juvenile Offender shall be filed only by the State's
23 Attorney.

24 The petition upon which the Violent Juvenile Offender
25 notice is based shall contain the information and averments
26 required for all other delinquency petitions filed under this
27 Act and its service shall be according to the provisions of
28 this Act.

29 No prior adjudication shall be alleged in the petition.

30 (d) Trial. Trial on the petition shall be by jury unless
31 the minor demands, in open court and with advice of counsel, a
32 trial by the court without a jury.

33 Except as otherwise provided in this Section, the

1 provisions of this Act concerning delinquency proceedings
2 generally shall be applicable to Violent Juvenile Offender
3 proceedings.

4 (e) Proof of prior adjudications. No evidence or other
5 disclosure of prior adjudications shall be presented to the
6 court or jury during an adjudicatory hearing provided for under
7 this Section unless otherwise permitted by the issues properly
8 raised in that hearing. In the event the minor who is the
9 subject of these proceedings elects to testify on his or her
10 own behalf, it shall be competent to introduce evidence, for
11 purposes of impeachment, that he or she has previously been
12 adjudicated a delinquent minor upon facts which, had the minor
13 been tried as an adult, would have resulted in the minor's
14 conviction of a felony or of any offense that involved
15 dishonesty or false statement. Introduction of such evidence
16 shall be according to the rules and procedures applicable to
17 the impeachment of an adult defendant by prior conviction.

18 After an admission of the facts in the petition or
19 adjudication of delinquency, the State's Attorney may file with
20 the court a verified written statement signed by the State's
21 Attorney concerning any prior adjudication of an offense set
22 forth in subsection (a) of this Section that would have been a
23 felony or of any offense that involved dishonesty or false
24 statement had the minor been tried as an adult.

25 The court shall then cause the minor to be brought before
26 it; shall inform the minor of the allegations of the statement
27 so filed, of his or her right to a hearing before the court on
28 the issue of the prior adjudication and of his or her right to
29 counsel at the hearing; and unless the minor admits the
30 adjudication, the court shall hear and determine the issue, and
31 shall make a written finding of the issue.

32 A duly authenticated copy of the record of any alleged
33 prior adjudication shall be prima facie evidence of the prior
34 adjudication or of any offense that involved dishonesty or

1 false statement.

2 Any claim that a previous adjudication offered by the
3 State's Attorney is not a former adjudication of an offense
4 which, had the minor been prosecuted as an adult, would have
5 resulted in his or her conviction of a Class 2 or greater
6 felony involving the use or threat of force or violence, or a
7 firearm, a felony or of any offense that involved dishonesty or
8 false statement is waived unless duly raised at the hearing on
9 the adjudication, or unless the State's Attorney's proof shows
10 that the prior adjudication was not based upon proof of what
11 would have been a felony.

12 (f) Disposition. If the court finds that the prerequisites
13 established in subsection (a) of this Section have been proven,
14 it shall adjudicate the minor a Violent Juvenile Offender and
15 commit the minor to the Department of Juvenile Justice
16 ~~Corrections, Juvenile Division~~, until his or her 21st birthday,
17 without possibility of parole, furlough, or non-emergency
18 authorized absence. However, the minor shall be entitled to
19 earn one day of good conduct credit for each day served as
20 reductions against the period of his or her confinement. The
21 good conduct credits shall be earned or revoked according to
22 the procedures applicable to the allowance and revocation of
23 good conduct credit for adult prisoners serving determinate
24 sentences for felonies.

25 For purposes of determining good conduct credit,
26 commitment as a Violent Juvenile Offender shall be considered a
27 determinate commitment, and the difference between the date of
28 the commitment and the minor's 21st birthday shall be
29 considered the determinate period of his or her confinement.

30 (g) Nothing in this Section shall preclude the State's
31 Attorney from seeking to prosecute a minor as a habitual
32 juvenile offender or as an adult as an alternative to
33 prosecution as a Violent Juvenile Offender.

34 (h) A continuance under supervision authorized by Section

1 5-615 of this Act shall not be permitted under this Section.

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

3 (705 ILCS 405/5-901)

4 Sec. 5-901. Court file.

5 (1) The Court file with respect to proceedings under this
6 Article shall consist of the petitions, pleadings, victim
7 impact statements, process, service of process, orders, writs
8 and docket entries reflecting hearings held and judgments and
9 decrees entered by the court. The court file shall be kept
10 separate from other records of the court.

11 (a) The file, including information identifying the
12 victim or alleged victim of any sex offense, shall be
13 disclosed only to the following parties when necessary for
14 discharge of their official duties:

15 (i) A judge of the circuit court and members of the
16 staff of the court designated by the judge;

17 (ii) Parties to the proceedings and their
18 attorneys;

19 (iii) Victims and their attorneys, except in cases
20 of multiple victims of sex offenses in which case the
21 information identifying the nonrequesting victims
22 shall be redacted;

23 (iv) Probation officers, law enforcement officers
24 or prosecutors or their staff;

25 (v) Adult and juvenile Prisoner Review Boards.

26 (b) The Court file redacted to remove any information
27 identifying the victim or alleged victim of any sex offense
28 shall be disclosed only to the following parties when
29 necessary for discharge of their official duties:

30 (i) Authorized military personnel;

31 (ii) Persons engaged in bona fide research, with
32 the permission of the judge of the juvenile court and
33 the chief executive of the agency that prepared the

1 particular recording: provided that publication of
2 such research results in no disclosure of a minor's
3 identity and protects the confidentiality of the
4 record;

5 (iii) The Secretary of State to whom the Clerk of
6 the Court shall report the disposition of all cases, as
7 required in Section 6-204 or Section 6-205.1 of the
8 Illinois Vehicle Code. However, information reported
9 relative to these offenses shall be privileged and
10 available only to the Secretary of State, courts, and
11 police officers;

12 (iv) The administrator of a bonafide substance
13 abuse student assistance program with the permission
14 of the presiding judge of the juvenile court;

15 (v) Any individual, or any public or private agency
16 or institution, having custody of the juvenile under
17 court order or providing educational, medical or
18 mental health services to the juvenile or a
19 court-approved advocate for the juvenile or any
20 placement provider or potential placement provider as
21 determined by the court.

22 (3) A minor who is the victim or alleged victim in a
23 juvenile proceeding shall be provided the same confidentiality
24 regarding disclosure of identity as the minor who is the
25 subject of record. Information identifying victims and alleged
26 victims of sex offenses, shall not be disclosed or open to
27 public inspection under any circumstances. Nothing in this
28 Section shall prohibit the victim or alleged victim of any sex
29 offense from voluntarily disclosing his or her identity.

30 (4) Relevant information, reports and records shall be made
31 available to the Department of Juvenile Justice ~~Corrections~~
32 when a juvenile offender has been placed in the custody of the
33 Department of Juvenile Justice ~~Corrections, Juvenile Division~~.

34 (5) Except as otherwise provided in this subsection (5),

1 juvenile court records shall not be made available to the
2 general public but may be inspected by representatives of
3 agencies, associations and news media or other properly
4 interested persons by general or special order of the court.
5 The State's Attorney, the minor, his or her parents, guardian
6 and counsel shall at all times have the right to examine court
7 files and records.

8 (a) The court shall allow the general public to have
9 access to the name, address, and offense of a minor who is
10 adjudicated a delinquent minor under this Act under either
11 of the following circumstances:

12 (i) The adjudication of delinquency was based upon
13 the minor's commission of first degree murder, attempt
14 to commit first degree murder, aggravated criminal
15 sexual assault, or criminal sexual assault; or

16 (ii) The court has made a finding that the minor
17 was at least 13 years of age at the time the act was
18 committed and the adjudication of delinquency was
19 based upon the minor's commission of: (A) an act in
20 furtherance of the commission of a felony as a member
21 of or on behalf of a criminal street gang, (B) an act
22 involving the use of a firearm in the commission of a
23 felony, (C) an act that would be a Class X felony
24 offense under or the minor's second or subsequent Class
25 2 or greater felony offense under the Cannabis Control
26 Act if committed by an adult, (D) an act that would be
27 a second or subsequent offense under Section 402 of the
28 Illinois Controlled Substances Act if committed by an
29 adult, or (E) an act that would be an offense under
30 Section 401 of the Illinois Controlled Substances Act
31 if committed by an adult.

32 (b) The court shall allow the general public to have
33 access to the name, address, and offense of a minor who is
34 at least 13 years of age at the time the offense is

1 committed and who is convicted, in criminal proceedings
2 permitted or required under Section 5-805, under either of
3 the following circumstances:

4 (i) The minor has been convicted of first degree
5 murder, attempt to commit first degree murder,
6 aggravated criminal sexual assault, or criminal sexual
7 assault,

8 (ii) The court has made a finding that the minor
9 was at least 13 years of age at the time the offense
10 was committed and the conviction was based upon the
11 minor's commission of: (A) an offense in furtherance of
12 the commission of a felony as a member of or on behalf
13 of a criminal street gang, (B) an offense involving the
14 use of a firearm in the commission of a felony, (C) a
15 Class X felony offense under the Cannabis Control Act
16 or a second or subsequent Class 2 or greater felony
17 offense under the Cannabis Control Act, (D) a second or
18 subsequent offense under Section 402 of the Illinois
19 Controlled Substances Act, or (E) an offense under
20 Section 401 of the Illinois Controlled Substances Act.

21 (6) Nothing in this Section shall be construed to limit the
22 use of a adjudication of delinquency as evidence in any
23 juvenile or criminal proceeding, where it would otherwise be
24 admissible under the rules of evidence, including but not
25 limited to, use as impeachment evidence against any witness,
26 including the minor if he or she testifies.

27 (7) Nothing in this Section shall affect the right of a
28 Civil Service Commission or appointing authority examining the
29 character and fitness of an applicant for a position as a law
30 enforcement officer to ascertain whether that applicant was
31 ever adjudicated to be a delinquent minor and, if so, to
32 examine the records or evidence which were made in proceedings
33 under this Act.

34 (8) Following any adjudication of delinquency for a crime

1 which would be a felony if committed by an adult, or following
2 any adjudication of delinquency for a violation of Section
3 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961, the
4 State's Attorney shall ascertain whether the minor respondent
5 is enrolled in school and, if so, shall provide a copy of the
6 sentencing order to the principal or chief administrative
7 officer of the school. Access to such juvenile records shall be
8 limited to the principal or chief administrative officer of the
9 school and any guidance counselor designated by him or her.

10 (9) Nothing contained in this Act prevents the sharing or
11 disclosure of information or records relating or pertaining to
12 juveniles subject to the provisions of the Serious Habitual
13 Offender Comprehensive Action Program when that information is
14 used to assist in the early identification and treatment of
15 habitual juvenile offenders.

16 (11) The Clerk of the Circuit Court shall report to the
17 Department of State Police, in the form and manner required by
18 the Department of State Police, the final disposition of each
19 minor who has been arrested or taken into custody before his or
20 her 17th birthday for those offenses required to be reported
21 under Section 5 of the Criminal Identification Act. Information
22 reported to the Department under this Section may be maintained
23 with records that the Department files under Section 2.1 of the
24 Criminal Identification Act.

25 (12) Information or records may be disclosed to the general
26 public when the court is conducting hearings under Section
27 5-805 or 5-810.

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

29 (705 ILCS 405/5-905)

30 Sec. 5-905. Law enforcement records.

31 (1) Law Enforcement Records. Inspection and copying of law
32 enforcement records maintained by law enforcement agencies
33 that relate to a minor who has been arrested or taken into

1 custody before his or her 17th birthday shall be restricted to
2 the following and when necessary for the discharge of their
3 official duties:

4 (a) A judge of the circuit court and members of the
5 staff of the court designated by the judge;

6 (b) Law enforcement officers, probation officers or
7 prosecutors or their staff;

8 (c) The minor, the minor's parents or legal guardian
9 and their attorneys, but only when the juvenile has been
10 charged with an offense;

11 (d) Adult and Juvenile Prisoner Review Boards;

12 (e) Authorized military personnel;

13 (f) Persons engaged in bona fide research, with the
14 permission of the judge of juvenile court and the chief
15 executive of the agency that prepared the particular
16 recording: provided that publication of such research
17 results in no disclosure of a minor's identity and protects
18 the confidentiality of the record;

19 (g) Individuals responsible for supervising or
20 providing temporary or permanent care and custody of minors
21 pursuant to orders of the juvenile court or directives from
22 officials of the Department of Children and Family Services
23 or the Department of Human Services who certify in writing
24 that the information will not be disclosed to any other
25 party except as provided under law or order of court;

26 (h) The appropriate school official. Inspection and
27 copying shall be limited to law enforcement records
28 transmitted to the appropriate school official by a local
29 law enforcement agency under a reciprocal reporting system
30 established and maintained between the school district and
31 the local law enforcement agency under Section 10-20.14 of
32 the School Code concerning a minor enrolled in a school
33 within the school district who has been arrested for any
34 offense classified as a felony or a Class A or B

1 misdemeanor.

2 (2) Information identifying victims and alleged victims of
3 sex offenses, shall not be disclosed or open to public
4 inspection under any circumstances. Nothing in this Section
5 shall prohibit the victim or alleged victim of any sex offense
6 from voluntarily disclosing his or her identity.

7 (3) Relevant information, reports and records shall be made
8 available to the Department of Juvenile Justice ~~Corrections~~
9 when a juvenile offender has been placed in the custody of the
10 Department of Juvenile Justice ~~Corrections, Juvenile Division~~.

11 (4) Nothing in this Section shall prohibit the inspection
12 or disclosure to victims and witnesses of photographs contained
13 in the records of law enforcement agencies when the inspection
14 or disclosure is conducted in the presence of a law enforcement
15 officer for purposes of identification or apprehension of any
16 person in the course of any criminal investigation or
17 prosecution.

18 (5) The records of law enforcement officers concerning all
19 minors under 17 years of age must be maintained separate from
20 the records of adults and may not be open to public inspection
21 or their contents disclosed to the public except by order of
22 the court or when the institution of criminal proceedings has
23 been permitted under Section 5-130 or 5-805 or required under
24 Section 5-130 or 5-805 or such a person has been convicted of a
25 crime and is the subject of pre-sentence investigation or when
26 provided by law.

27 (6) Except as otherwise provided in this subsection (6),
28 law enforcement officers may not disclose the identity of any
29 minor in releasing information to the general public as to the
30 arrest, investigation or disposition of any case involving a
31 minor. Any victim or parent or legal guardian of a victim may
32 petition the court to disclose the name and address of the
33 minor and the minor's parents or legal guardian, or both. Upon
34 a finding by clear and convincing evidence that the disclosure

1 is either necessary for the victim to pursue a civil remedy
2 against the minor or the minor's parents or legal guardian, or
3 both, or to protect the victim's person or property from the
4 minor, then the court may order the disclosure of the
5 information to the victim or to the parent or legal guardian of
6 the victim only for the purpose of the victim pursuing a civil
7 remedy against the minor or the minor's parents or legal
8 guardian, or both, or to protect the victim's person or
9 property from the minor.

10 (7) Nothing contained in this Section shall prohibit law
11 enforcement agencies when acting in their official capacity
12 from communicating with each other by letter, memorandum,
13 teletype or intelligence alert bulletin or other means the
14 identity or other relevant information pertaining to a person
15 under 17 years of age. The information provided under this
16 subsection (7) shall remain confidential and shall not be
17 publicly disclosed, except as otherwise allowed by law.

18 (8) No person shall disclose information under this Section
19 except when acting in his or her official capacity and as
20 provided by law or order of court.

21 (Source: P.A. 90-590, eff. 1-1-99; 91-479, eff. 1-1-00.)

22 (705 ILCS 405/5-915)

23 Sec. 5-915. Expungement of law enforcement and juvenile
24 court records.

25 (1) Whenever any person has attained the age of 17 or
26 whenever all juvenile court proceedings relating to that person
27 have been terminated, whichever is later, the person may
28 petition the court to expunge law enforcement records relating
29 to incidents occurring before his or her 17th birthday or his
30 or her juvenile court records, or both, but only in the
31 following circumstances:

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

1 or

2 (b) the minor was charged with an offense and was found
3 not delinquent of that offense; or

4 (c) the minor was placed under supervision pursuant to
5 Section 5-615, and the order of supervision has since been
6 successfully terminated; or

7 (d) the minor was adjudicated for an offense which
8 would be a Class B misdemeanor if committed by an adult.

9 (2) Any person may petition the court to expunge all law
10 enforcement records relating to any incidents occurring before
11 his or her 17th birthday which did not result in proceedings in
12 criminal court and all juvenile court records with respect to
13 any adjudications except those based upon first degree murder
14 and sex offenses which would be felonies if committed by an
15 adult, if the person for whom expungement is sought has had no
16 convictions for any crime since his or her 17th birthday and:

17 (a) has attained the age of 21 years; or

18 (b) 5 years have elapsed since all juvenile court
19 proceedings relating to him or her have been terminated or
20 his or her commitment to the Department of Juvenile Justice
21 ~~Corrections, Juvenile Division~~ pursuant to this Act has
22 been terminated;

23 whichever is later of (a) or (b).

24 (3) The chief judge of the circuit in which an arrest was
25 made or a charge was brought or any judge of that circuit
26 designated by the chief judge may, upon verified petition of a
27 person who is the subject of an arrest or a juvenile court
28 proceeding under subsection (1) or (2) of this Section, order
29 the law enforcement records or official court file, or both, to
30 be expunged from the official records of the arresting
31 authority, the clerk of the circuit court and the Department of
32 State Police. Notice of the petition shall be served upon the
33 State's Attorney and upon the arresting authority which is the
34 subject of the petition for expungement.

1 (4) Upon entry of an order expunging records or files, the
2 offense, which the records or files concern shall be treated as
3 if it never occurred. Law enforcement officers and other public
4 offices and agencies shall properly reply on inquiry that no
5 record or file exists with respect to the person.

6 (5) Records which have not been expunged are sealed, and
7 may be obtained only under the provisions of Sections 5-901,
8 5-905 and 5-915.

9 (6) Nothing in this Section shall be construed to prohibit
10 the maintenance of information relating to an offense after
11 records or files concerning the offense have been expunged if
12 the information is kept in a manner that does not enable
13 identification of the offender. This information may only be
14 used for statistical and bona fide research purposes.

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

16 (705 ILCS 405/6-6) (from Ch. 37, par. 806-6)

17 Sec. 6-6. State share of compensation of probation
18 Personnel. (1) Before the 15th day of each month, beginning
19 with August, 1966, there shall be filed with the Supreme Court
20 an itemized statement of the amounts paid, by the county,
21 probation district or counties cooperating informally under
22 Section 6-2, as compensation for Services rendered under this
23 Act pursuant to "An Act providing for a system of probation,
24 for the appointment and compensation of probation officers, and
25 authorizing the suspension of final judgment and the imposition
26 of sentence upon persons found guilty of certain defined crimes
27 and offenses, and legalizing their ultimate discharge without
28 punishment", approved June 10, 1911, as amended.

29 (2) Such itemized statement shall be filed by the county
30 treasurer, or, in the case of a probation district or of
31 counties cooperating informally under Section 6-2, by the
32 county treasurer of the most populous county, and shall be
33 certified as to amounts by such county treasurer and the

1 Supreme Court or its designee shall establish a means of
2 verifying compliance with this Section in the manner of
3 appointment or reappointment of and the percentage of time
4 spent by such personnel.

5 (3) The Supreme Court or its designee shall verify that
6 conditions contained in this Section have been met and transmit
7 the statements to the Comptroller who shall examine and audit
8 the monthly statement and, upon finding it correct, shall
9 voucher for payment to the county treasurer filing the same,
10 for his county, probation district or group of co-operating
11 counties the amount of \$1,000 per month for salaries of
12 qualified probation officers who are paid at least at the
13 annual rate of \$17,000.

14 (4) To qualify for State reimbursement under this Section,
15 county probation departments or probation districts must
16 conform to the provisions of "An Act providing for a system of
17 probation, for the appointment and compensation of probation
18 officers, and authorizing the suspension of final judgment and
19 the imposition of sentence upon persons found guilty of certain
20 defined crimes and offenses, and legalizing their ultimate
21 discharge without punishment", approved June 10, 1911, as
22 amended. Whether or not a county probation department or
23 probation district applies for State reimbursement, such
24 department or district must abide by the personnel
25 qualifications and hiring procedures promulgated by the
26 Supreme Court pursuant to "An Act providing for a system of
27 probation, for the appointment and compensation of probation
28 officers, and authorizing the suspension of final judgment and
29 the imposition of sentence upon persons found guilty of certain
30 defined crimes and offenses, and legalizing their ultimate
31 discharge without punishment", approved June 10, 1911, as
32 amended.

33 (5) To qualify for State reimbursement for administrative
34 responsibility for detention institutions for minors, county

1 probation departments or probation districts must provide
2 verification of appropriate screening of each youth prior to
3 admission to detention, as well as on-going and frequent review
4 with appropriate step-down procedures to ensure that detention
5 is utilized only as a last resort and for as short a duration
6 as possible.

7 (Source: P.A. 85-601.)

8 Section 25. The Unified Code of Corrections is amended by
9 changing Sections 3-2-2, 3-2-5, 3-3-3, 3-3-4, 3-3-5, 3-3-9,
10 3-4-3, 3-5-1, 3-5-3.1, 3-6-2, 3-9-1, 3-9-2, 3-9-3, 3-9-4,
11 3-9-5, 3-9-6, 3-9-7, 3-10-1, 3-10-2, 3-10-3, 3-10-4, 3-10-5,
12 3-10-6, 3-10-7, 3-10-8, 3-10-9, 3-10-10, 3-10-11, 3-10-12,
13 3-10-13, 3-16-5, and 5-8-6 and the heading of Article 9 of
14 Chapter III and by adding Article 2.5 to Chapter III as
15 follows:

16 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

17 Sec. 3-2-2. Powers and Duties of the Department.

18 (1) In addition to the powers, duties and responsibilities
19 which are otherwise provided by law, the Department shall have
20 the following powers:

21 (a) To accept persons committed to it by the courts of
22 this State for care, custody, treatment and
23 rehabilitation.

24 (b) To develop and maintain reception and evaluation
25 units for purposes of analyzing the custody and
26 rehabilitation needs of persons committed to it and to
27 assign such persons to institutions and programs under its
28 control or transfer them to other appropriate agencies. In
29 consultation with the Department of Alcoholism and
30 Substance Abuse (now the Department of Human Services), the
31 Department of Corrections shall develop a master plan for
32 the screening and evaluation of persons committed to its

1 custody who have alcohol or drug abuse problems, and for
2 making appropriate treatment available to such persons;
3 the Department shall report to the General Assembly on such
4 plan not later than April 1, 1987. The maintenance and
5 implementation of such plan shall be contingent upon the
6 availability of funds.

7 (b-1) To create and implement, on January 1, 2002, a
8 pilot program to establish the effectiveness of
9 pupillometer technology (the measurement of the pupil's
10 reaction to light) as an alternative to a urine test for
11 purposes of screening and evaluating persons committed to
12 its custody who have alcohol or drug problems. The pilot
13 program shall require the pupillometer technology to be
14 used in at least one Department of Corrections facility.
15 The Director may expand the pilot program to include an
16 additional facility or facilities as he or she deems
17 appropriate. A minimum of 4,000 tests shall be included in
18 the pilot program. The Department must report to the
19 General Assembly on the effectiveness of the program by
20 January 1, 2003.

21 (b-5) To develop, in consultation with the Department
22 of State Police, a program for tracking and evaluating each
23 inmate from commitment through release for recording his or
24 her gang affiliations, activities, or ranks.

25 (c) To maintain and administer all State correctional
26 institutions and facilities under its control and to
27 establish new ones as needed. Pursuant to its power to
28 establish new institutions and facilities, the Department
29 may, with the written approval of the Governor, authorize
30 the Department of Central Management Services to enter into
31 an agreement of the type described in subsection (d) of
32 Section 405-300 of the Department of Central Management
33 Services Law (20 ILCS 405/405-300). The Department shall
34 designate those institutions which shall constitute the

1 State Penitentiary System.

2 Pursuant to its power to establish new institutions and
3 facilities, the Department may authorize the Department of
4 Central Management Services to accept bids from counties
5 and municipalities for the construction, remodeling or
6 conversion of a structure to be leased to the Department of
7 Corrections for the purposes of its serving as a
8 correctional institution or facility. Such construction,
9 remodeling or conversion may be financed with revenue bonds
10 issued pursuant to the Industrial Building Revenue Bond Act
11 by the municipality or county. The lease specified in a bid
12 shall be for a term of not less than the time needed to
13 retire any revenue bonds used to finance the project, but
14 not to exceed 40 years. The lease may grant to the State
15 the option to purchase the structure outright.

16 Upon receipt of the bids, the Department may certify
17 one or more of the bids and shall submit any such bids to
18 the General Assembly for approval. Upon approval of a bid
19 by a constitutional majority of both houses of the General
20 Assembly, pursuant to joint resolution, the Department of
21 Central Management Services may enter into an agreement
22 with the county or municipality pursuant to such bid.

23 (c-5) To build and maintain regional juvenile
24 detention centers and to charge a per diem to the counties
25 as established by the Department to defray the costs of
26 housing each minor in a center. In this subsection (c-5),
27 "juvenile detention center" means a facility to house
28 minors during pendency of trial who have been transferred
29 from proceedings under the Juvenile Court Act of 1987 to
30 prosecutions under the criminal laws of this State in
31 accordance with Section 5-805 of the Juvenile Court Act of
32 1987, whether the transfer was by operation of law or
33 permissive under that Section. The Department shall
34 designate the counties to be served by each regional

1 juvenile detention center.

2 (d) To develop and maintain programs of control,
3 rehabilitation and employment of committed persons within
4 its institutions.

5 (e) To establish a system of supervision and guidance
6 of committed persons in the community.

7 (f) To establish in cooperation with the Department of
8 Transportation to supply a sufficient number of prisoners
9 for use by the Department of Transportation to clean up the
10 trash and garbage along State, county, township, or
11 municipal highways as designated by the Department of
12 Transportation. The Department of Corrections, at the
13 request of the Department of Transportation, shall furnish
14 such prisoners at least annually for a period to be agreed
15 upon between the Director of Corrections and the Director
16 of Transportation. The prisoners used on this program shall
17 be selected by the Director of Corrections on whatever
18 basis he deems proper in consideration of their term,
19 behavior and earned eligibility to participate in such
20 program - where they will be outside of the prison facility
21 but still in the custody of the Department of Corrections.
22 Prisoners convicted of first degree murder, or a Class X
23 felony, or armed violence, or aggravated kidnapping, or
24 criminal sexual assault, aggravated criminal sexual abuse
25 or a subsequent conviction for criminal sexual abuse, or
26 forcible detention, or arson, or a prisoner adjudged a
27 Habitual Criminal shall not be eligible for selection to
28 participate in such program. The prisoners shall remain as
29 prisoners in the custody of the Department of Corrections
30 and such Department shall furnish whatever security is
31 necessary. The Department of Transportation shall furnish
32 trucks and equipment for the highway cleanup program and
33 personnel to supervise and direct the program. Neither the
34 Department of Corrections nor the Department of

1 Transportation shall replace any regular employee with a
2 prisoner.

3 (g) To maintain records of persons committed to it and
4 to establish programs of research, statistics and
5 planning.

6 (h) To investigate the grievances of any person
7 committed to the Department, to inquire into any alleged
8 misconduct by employees or committed persons, and to
9 investigate the assets of committed persons to implement
10 Section 3-7-6 of this Code; and for these purposes it may
11 issue subpoenas and compel the attendance of witnesses and
12 the production of writings and papers, and may examine
13 under oath any witnesses who may appear before it; to also
14 investigate alleged violations of a parolee's or
15 releasee's conditions of parole or release; and for this
16 purpose it may issue subpoenas and compel the attendance of
17 witnesses and the production of documents only if there is
18 reason to believe that such procedures would provide
19 evidence that such violations have occurred.

20 If any person fails to obey a subpoena issued under
21 this subsection, the Director may apply to any circuit
22 court to secure compliance with the subpoena. The failure
23 to comply with the order of the court issued in response
24 thereto shall be punishable as contempt of court.

25 (i) To appoint and remove the chief administrative
26 officers, and administer programs of training and
27 development of personnel of the Department. Personnel
28 assigned by the Department to be responsible for the
29 custody and control of committed persons or to investigate
30 the alleged misconduct of committed persons or employees or
31 alleged violations of a parolee's or releasee's conditions
32 of parole shall be conservators of the peace for those
33 purposes, and shall have the full power of peace officers
34 outside of the facilities of the Department in the

1 protection, arrest, retaking and reconfining of committed
2 persons or where the exercise of such power is necessary to
3 the investigation of such misconduct or violations.

4 (j) To cooperate with other departments and agencies
5 and with local communities for the development of standards
6 and programs for better correctional services in this
7 State.

8 (k) To administer all moneys and properties of the
9 Department.

10 (l) To report annually to the Governor on the committed
11 persons, institutions and programs of the Department.

12 (l-5) In a confidential annual report to the Governor,
13 the Department shall identify all inmate gangs by
14 specifying each current gang's name, population and allied
15 gangs. The Department shall further specify the number of
16 top leaders identified by the Department for each gang
17 during the past year, and the measures taken by the
18 Department to segregate each leader from his or her gang
19 and allied gangs. The Department shall further report the
20 current status of leaders identified and segregated in
21 previous years. All leaders described in the report shall
22 be identified by inmate number or other designation to
23 enable tracking, auditing, and verification without
24 revealing the names of the leaders. Because this report
25 contains law enforcement intelligence information
26 collected by the Department, the report is confidential and
27 not subject to public disclosure.

28 (m) To make all rules and regulations and exercise all
29 powers and duties vested by law in the Department.

30 (n) To establish rules and regulations for
31 administering a system of good conduct credits,
32 established in accordance with Section 3-6-3, subject to
33 review by the Prisoner Review Board.

34 (o) To administer the distribution of funds from the

1 State Treasury to reimburse counties where State penal
2 institutions are located for the payment of assistant
3 state's attorneys' salaries under Section 4-2001 of the
4 Counties Code.

5 (p) To exchange information with the Department of
6 Human Services and the Illinois Department of Public Aid
7 for the purpose of verifying living arrangements and for
8 other purposes directly connected with the administration
9 of this Code and the Illinois Public Aid Code.

10 (q) To establish a diversion program.

11 The program shall provide a structured environment for
12 selected technical parole or mandatory supervised release
13 violators and committed persons who have violated the rules
14 governing their conduct while in work release. This program
15 shall not apply to those persons who have committed a new
16 offense while serving on parole or mandatory supervised
17 release or while committed to work release.

18 Elements of the program shall include, but shall not be
19 limited to, the following:

20 (1) The staff of a diversion facility shall provide
21 supervision in accordance with required objectives set
22 by the facility.

23 (2) Participants shall be required to maintain
24 employment.

25 (3) Each participant shall pay for room and board
26 at the facility on a sliding-scale basis according to
27 the participant's income.

28 (4) Each participant shall:

29 (A) provide restitution to victims in
30 accordance with any court order;

31 (B) provide financial support to his
32 dependents; and

33 (C) make appropriate payments toward any other
34 court-ordered obligations.

1 (5) Each participant shall complete community
2 service in addition to employment.

3 (6) Participants shall take part in such
4 counseling, educational and other programs as the
5 Department may deem appropriate.

6 (7) Participants shall submit to drug and alcohol
7 screening.

8 (8) The Department shall promulgate rules
9 governing the administration of the program.

10 (r) To enter into intergovernmental cooperation
11 agreements under which persons in the custody of the
12 Department may participate in a county impact
13 incarceration program established under Section 3-6038 or
14 3-15003.5 of the Counties Code.

15 (r-5) (Blank). ~~To enter into intergovernmental~~
16 ~~cooperation agreements under which minors adjudicated~~
17 ~~delinquent and committed to the Department of Corrections,~~
18 ~~Juvenile Division, may participate in a county juvenile~~
19 ~~impact incarceration program established under Section~~
20 ~~3-6039 of the Counties Code.~~

21 (r-10) To systematically and routinely identify with
22 respect to each streetgang active within the correctional
23 system: (1) each active gang; (2) every existing inter-gang
24 affiliation or alliance; and (3) the current leaders in
25 each gang. The Department shall promptly segregate leaders
26 from inmates who belong to their gangs and allied gangs.
27 "Segregate" means no physical contact and, to the extent
28 possible under the conditions and space available at the
29 correctional facility, prohibition of visual and sound
30 communication. For the purposes of this paragraph (r-10),
31 "leaders" means persons who:

32 (i) are members of a criminal streetgang;

33 (ii) with respect to other individuals within the
34 streetgang, occupy a position of organizer,

1 supervisor, or other position of management or
2 leadership; and

3 (iii) are actively and personally engaged in
4 directing, ordering, authorizing, or requesting
5 commission of criminal acts by others, which are
6 punishable as a felony, in furtherance of streetgang
7 related activity both within and outside of the
8 Department of Corrections.

9 "Streetgang", "gang", and "streetgang related" have the
10 meanings ascribed to them in Section 10 of the Illinois
11 Streetgang Terrorism Omnibus Prevention Act.

12 (s) To operate a super-maximum security institution,
13 in order to manage and supervise inmates who are disruptive
14 or dangerous and provide for the safety and security of the
15 staff and the other inmates.

16 (t) To monitor any unprivileged conversation or any
17 unprivileged communication, whether in person or by mail,
18 telephone, or other means, between an inmate who, before
19 commitment to the Department, was a member of an organized
20 gang and any other person without the need to show cause or
21 satisfy any other requirement of law before beginning the
22 monitoring, except as constitutionally required. The
23 monitoring may be by video, voice, or other method of
24 recording or by any other means. As used in this
25 subdivision (1)(t), "organized gang" has the meaning
26 ascribed to it in Section 10 of the Illinois Streetgang
27 Terrorism Omnibus Prevention Act.

28 As used in this subdivision (1)(t), "unprivileged
29 conversation" or "unprivileged communication" means a
30 conversation or communication that is not protected by any
31 privilege recognized by law or by decision, rule, or order
32 of the Illinois Supreme Court.

33 (u) To establish a Women's and Children's Pre-release
34 Community Supervision Program for the purpose of providing

1 housing and services to eligible female inmates, as
2 determined by the Department, and their newborn and young
3 children.

4 (v) To do all other acts necessary to carry out the
5 provisions of this Chapter.

6 (2) The Department of Corrections shall by January 1, 1998,
7 consider building and operating a correctional facility within
8 100 miles of a county of over 2,000,000 inhabitants, especially
9 a facility designed to house juvenile participants in the
10 impact incarceration program.

11 (3) When the Department lets bids for contracts for medical
12 services to be provided to persons committed to Department
13 facilities by a health maintenance organization, medical
14 service corporation, or other health care provider, the bid may
15 only be let to a health care provider that has obtained an
16 irrevocable letter of credit or performance bond issued by a
17 company whose bonds are rated AAA by a bond rating
18 organization.

19 (4) When the Department lets bids for contracts for food or
20 commissary services to be provided to Department facilities,
21 the bid may only be let to a food or commissary services
22 provider that has obtained an irrevocable letter of credit or
23 performance bond issued by a company whose bonds are rated AAA
24 by a bond rating organization.

25 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
26 92-444, eff. 1-1-02; 92-712, eff. 1-1-03.)

27 (730 ILCS 5/3-2-5) (from Ch. 38, par. 1003-2-5)

28 Sec. 3-2-5. Organization of the Department.

29 (a) There shall be an Adult Division within the Department
30 which shall be administered by an Assistant Director appointed
31 by the Governor under The Civil Administrative Code of
32 Illinois. The Assistant Director shall be under the direction
33 of the Director. The Adult Division shall be responsible for

1 all persons committed or transferred to the Department under
2 Sections 3-10-7 or 5-8-6 of this Code.

3 (b) (Blank) ~~There shall be a Juvenile Division within the~~
4 ~~Department which shall be administered by an Assistant Director~~
5 ~~appointed by the Governor under The Civil Administrative Code~~
6 ~~of Illinois. The Assistant Director shall be under the~~
7 ~~direction of the Director. The Juvenile Division shall be~~
8 ~~responsible for all persons committed to the Juvenile Division~~
9 ~~of the Department under Section 5-8-6 of this Code or Section~~
10 ~~5-10 of the Juvenile Court Act or Section 5-750 of the Juvenile~~
11 ~~Court Act of 1987.~~

12 (c) The Department shall create a gang intelligence unit
13 under the supervision of the Director. The unit shall be
14 specifically designed to gather information regarding the
15 inmate gang population, monitor the activities of gangs, and
16 prevent the furtherance of gang activities through the
17 development and implementation of policies aimed at deterring
18 gang activity. The Director shall appoint a Corrections
19 Intelligence Coordinator.

20 All information collected and maintained by the unit shall
21 be highly confidential, and access to that information shall be
22 restricted by the Department. The information shall be used to
23 control and limit the activities of gangs within correctional
24 institutions under the jurisdiction of the Illinois Department
25 of Corrections and may be shared with other law enforcement
26 agencies in order to curb gang activities outside of
27 correctional institutions under the jurisdiction of the
28 Department and to assist in the investigations and prosecutions
29 of gang activity. The Department shall establish and promulgate
30 rules governing the release of information to outside law
31 enforcement agencies. Due to the highly sensitive nature of the
32 information, the information is exempt from requests for
33 disclosure under the Freedom of Information Act as the
34 information contained is highly confidential and may be harmful

1 if disclosed.

2 The Department shall file an annual report with the General
3 Assembly on the profile of the inmate population associated
4 with gangs, gang-related activity within correctional
5 institutions under the jurisdiction of the Department, and an
6 overall status of the unit as it relates to its function and
7 performance.

8 (Source: P.A. 90-590, eff. 1-1-99; 91-912, eff. 7-7-00.)

9 (730 ILCS 5/Ch. III Art. 2.5 heading new)

10 ARTICLE 2.5. DEPARTMENT OF JUVENILE JUSTICE

11 (730 ILCS 5/3-2.5-1 new)

12 Sec. 3-2.5-1. Short title. This Article 2.5 may be cited as
13 the Department of Juvenile Justice Law.

14 (730 ILCS 5/3-2.5-5 new)

15 Sec. 3-2.5-5. Purpose. It is the purpose of this Article to
16 provide for the creation of the Department of Juvenile Justice
17 and to transfer to it certain rights, powers, duties, and
18 functions that were exercised by the Juvenile Division of the
19 Department of Corrections before the effective date of this
20 amendatory Act of the 93rd General Assembly.

21 (730 ILCS 5/3-2.5-10 new)

22 Sec. 3-2.5-10. Definitions.

23 (a) For the purposes of this Article, unless the context
24 otherwise requires:

25 "Department" means the Department of Juvenile Justice.

26 "Director" means the Director of Juvenile Justice. Any
27 reference to the "Assistant Director of the Juvenile
28 Division" or of a predecessor department or agency
29 occurring in any law or instrument shall, beginning on the
30 effective date of this amendatory Act of the 93rd General

1 Assembly, be construed to mean the Director of Juvenile
2 Justice.

3 (b) For the purposes of any other Article of this Code,
4 references to "Department" or "Director" refer to either the
5 Department of Corrections or the Director of Corrections or to
6 the Department of Juvenile Justice or the Director of Juvenile
7 Justice unless the context is specific to the Department of
8 Juvenile Justice or the Director of Juvenile Justice.

9 (730 ILCS 5/3-2.5-15 new)

10 Sec. 3-2.5-15. Department; Director; organization.

11 (a) There shall be a Department of Juvenile Justice which
12 shall be administered by a Director appointed by the Governor
13 under the Civil Administrative Code of Illinois. The Department
14 shall be responsible for all juveniles, aged 13 through 16,
15 committed to the State of Illinois under Section 5-8-6 of this
16 Code, Section 5-10 of the Juvenile Court Act, or Section 5-750
17 of the Juvenile Court Act of 1987. Youth committed to this
18 Department pursuant to this Code shall be sight and sound
19 separate from youth committed to this Department pursuant to
20 the Juvenile Court Act of 1987.

21 (b) Any minor accused of or found guilty of any act under
22 federal or State law, or a municipal or county ordinance, that
23 would not be illegal if committed by an adult, cannot be placed
24 in a secure facility under the authority of this Department.
25 Juveniles accused or found guilty of underage consumption or
26 underage possession of alcohol cannot be placed in a secure
27 facility under the authority of this Department. The Department
28 of Juvenile Justice shall begin operation on the effective date
29 of this amendatory Act of the 93rd General Assembly.

30 (c) The Department must establish and adopt statewide
31 standards for admission for detention and incarceration and for
32 appropriate conditions of confinement. These standards shall
33 be developed in conjunction with an advisory board composed of

1 county board representatives, and shall be established by
2 December 31, 2004 and implemented by June 1, 2005. The advisory
3 board shall also develop criteria for the monitoring of
4 compliance of the statewide standards and penalties for
5 non-compliance.

6 (d) It is the intent of the General Assembly that for
7 Fiscal Year 2005 only, appropriations to the Department of
8 Juvenile Justice shall not exceed appropriations made to the
9 Juvenile Division of the Department of Corrections for Fiscal
10 Year 2004.

11 (e) The Department shall be under the direction of the
12 Director of Juvenile Justice as provided in this Code.

13 (f) The Director shall create divisions and administrative
14 units within the Department and shall assign functions, powers,
15 duties, and personnel as may now or in the future be required
16 by law. The Director may create other divisions and
17 administrative units and may assign other functions, powers,
18 duties, and personnel as may be necessary or desirable to carry
19 out the functions and responsibilities vested by law in the
20 Department.

21 (g) The Department of Juvenile Justice may enter into
22 intergovernmental cooperation agreements under which minors
23 adjudicated delinquent and committed to the Department of
24 Juvenile Justice may participate in county juvenile impact
25 incarceration program established under Section 3-6039 of the
26 Counties Code.

27 (730 ILCS 5/3-2.5-20 new)

28 Sec. 3-2.5-20. General powers and duties.

29 (a) The Department shall exercise the rights, powers,
30 duties, and functions provided by law, including (but not
31 limited to) the rights, powers, duties, and functions
32 transferred to the Department under this Article.

33 (b) The Department may employ personnel (in accordance with

1 the Personnel Code), provide facilities, contracts for goods
2 and services, and adopt rules as necessary to carry out its
3 functions and purposes, all in accordance with applicable State
4 and federal law.

5 (730 ILCS 5/3-2.5-30 new)

6 Sec. 3-2.5-30. Discontinued department and office;
7 successor agency.

8 (a) The Juvenile Division of the Department of Corrections
9 is abolished on the effective date of this amendatory Act of
10 the 93rd General Assembly.

11 (b) The terms of the person then serving as the Assistant
12 Director of the Juvenile Division of the Department of
13 Corrections shall end on the effective date of this amendatory
14 Act of the 93rd General Assembly, and that office is abolished
15 on that date.

16 (c) For the purposes of the Successor Agency Act, the
17 Department of Juvenile Justice is declared to be the successor
18 agency of the Juvenile Division of the Department of
19 Corrections.

20 (730 ILCS 5/3-2.5-35 new)

21 Sec. 3-2.5-35. Transfer of powers. Except as otherwise
22 provided in this Article, all of the rights, powers, duties,
23 and functions vested by law in the Juvenile Division of the
24 Department of Corrections are transferred to the Department of
25 Juvenile Justice on the effective date of this amendatory Act
26 of the 93rd General Assembly.

27 (730 ILCS 5/3-2.5-40 new)

28 Sec. 3-2.5-40. Transfer of personnel.

29 (a) Personnel employed by the Juvenile Division of the
30 Department of Corrections immediately preceding the effective
31 date of this amendatory Act of the 93rd General Assembly are

1 transferred to the Department of Juvenile Justice on the
2 effective date of this amendatory Act of the 93rd General
3 Assembly.

4 (b) The rights of State employees, the State, and its
5 agencies under the Personnel Code and applicable collective
6 bargaining agreements and retirement plans are not affected by
7 this Article.

8 (730 ILCS 5/3-2.5-45 new)

9 Sec. 3-2.5-45. Transfer of property. All books, records,
10 documents, property (real and personal), unexpended
11 appropriations, and pending business pertaining to the rights,
12 powers, duties, and functions transferred to the Department of
13 Juvenile Justice under this Article shall be transferred and
14 delivered to the Department of Juvenile Justice on the
15 effective date of this amendatory Act of the 93rd General
16 Assembly.

17 (730 ILCS 5/3-2.5-50 new)

18 Sec. 3-2.5-50. Rules and standards.

19 (a) The rules and standards of the Juvenile Division of the
20 Department of Corrections that are in effect immediately prior
21 to the effective date of this amendatory Act of the 93rd
22 General Assembly and pertain to the rights, powers, duties, and
23 functions transferred to the Department of Juvenile Justice
24 under this Article shall become the rules and standards of the
25 Department of Juvenile Justice on the effective date of this
26 amendatory Act of the 93rd General Assembly and shall continue
27 in effect until amended or repealed by the Department.

28 (b) Any rules pertaining to the rights, powers, duties, and
29 functions transferred to the Department under this Article that
30 have been proposed by the Juvenile Division of the Department
31 of Corrections but have not taken effect or been finally
32 adopted immediately prior to the effective date of this

1 amendatory Act of the 93rd General Assembly shall become
2 proposed rules of the Department of Juvenile Justice on the
3 effective date of this amendatory Act of the 93rd General
4 Assembly, and any rulemaking procedures that have already been
5 completed by the Juvenile Division of the Department of
6 Corrections for those proposed rules need not be repeated.

7 (c) As soon as practical after the effective date of this
8 amendatory Act of the 93rd General Assembly, the Department of
9 Juvenile Justice shall revise and clarify the rules transferred
10 to it under this Article to reflect the reorganization of
11 rights, powers, duties, and functions effected by this Article
12 using the procedures for recodification of rules available
13 under the Illinois Administrative Procedure Act, except that
14 existing title, part, and section numbering for the affected
15 rules may be retained. The Department may propose and adopt
16 under the Illinois Administrative Procedure Act such other
17 rules as may be necessary to consolidate and clarify the rules
18 of the agency reorganized by this Article.

19 (730 ILCS 5/3-2.5-60 new)

20 Sec. 3-2.5-60. Savings provisions.

21 (a) The rights, powers, duties, and functions transferred
22 to the Department of Juvenile Justice by this Article shall be
23 vested in and exercised by the Department subject to the
24 provisions of this Article. An act done by the Department or an
25 officer, employee, or agent of the Department in the exercise
26 of the transferred rights, powers, duties, or functions shall
27 have the same legal effect as if done by the Juvenile Division
28 of the Department of Corrections or an officer, employee, or
29 agent of the Juvenile Division of the Department of
30 Corrections.

31 (b) The transfer of rights, powers, duties, and functions
32 to the Department of Juvenile Justice under this Article does
33 not invalidate any previous action taken by or in respect to

1 the Juvenile Division of the Department of Corrections or its
2 officers, employees, or agents. References to the Juvenile
3 Division of the Department of Corrections or its officers,
4 employees or agents in any document, contract, agreement, or
5 law shall, in appropriate contexts, be deemed to refer to the
6 Department or its officers, employees, or agents.

7 (c) The transfer of rights, powers, duties, and functions
8 to the Department of Juvenile Justice under this Article does
9 not affect any person's rights, obligations, or duties,
10 including any civil or criminal penalties applicable thereto,
11 arising out of those transferred rights, powers, duties, and
12 functions.

13 (d) With respect to matters that pertain to a right, power,
14 duty, or function transferred to the Department of Juvenile
15 Justice under this Article:

16 (1) Beginning on the effective date of this amendatory
17 Act of the 93rd General Assembly, a report or notice that
18 was previously required to be made or given by any person
19 to the Juvenile Division of the Department of Corrections
20 or any of its officers, employees, or agents shall be made
21 or given in the same manner to the Department or its
22 appropriate officer, employee, or agent.

23 (2) Beginning on the effective date of this amendatory
24 Act of the 93rd General Assembly, a document that was
25 previously required to be furnished or served by any person
26 to or upon the Juvenile Division of the Department of
27 Corrections or any of its officers, employees, or agents
28 shall be furnished or served in the same manner to or upon
29 the Department of Juvenile Justice or its appropriate
30 officer, employee, or agent.

31 (e) This Article does not affect any act done, ratified, or
32 cancelled, any right occurring or established, or any action or
33 proceeding had or commenced in an administrative, civil, or
34 criminal cause before the effective date of this amendatory Act

1 of the 93rd General Assembly. Any such action or proceeding
2 that pertains to a right, power, duty, or function transferred
3 to the Department of Juvenile Justice under this Article and
4 that is pending on that date may be prosecuted, defended, or
5 continued by the Department of Juvenile Justice.

6 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

7 Sec. 3-3-3. Eligibility for Parole or Release.

8 (a) Except for those offenders who accept the fixed release
9 date established by the Prisoner Review Board under Section
10 3-3-2.1, every person serving a term of imprisonment under the
11 law in effect prior to the effective date of this amendatory
12 Act of 1977 shall be eligible for parole when he has served:

13 (1) the minimum term of an indeterminate sentence less
14 time credit for good behavior, or 20 years less time credit
15 for good behavior, whichever is less; or

16 (2) 20 years of a life sentence less time credit for
17 good behavior; or

18 (3) 20 years or one-third of a determinate sentence,
19 whichever is less, less time credit for good behavior.

20 (b) No person sentenced under this amendatory Act of 1977
21 or who accepts a release date under Section 3-3-2.1 shall be
22 eligible for parole.

23 (c) Except for those sentenced to a term of natural life
24 imprisonment, every person sentenced to imprisonment under
25 this amendatory Act of 1977 or given a release date under
26 Section 3-3-2.1 of this Act shall serve the full term of a
27 determinate sentence less time credit for good behavior and
28 shall then be released under the mandatory supervised release
29 provisions of paragraph (d) of Section 5-8-1 of this Code.

30 (d) No person serving a term of natural life imprisonment
31 may be paroled or released except through executive clemency.

32 (e) Every person committed to the Department of Juvenile
33 Justice ~~Juvenile Division~~ under Section 5-10 of the Juvenile

1 Court Act or Section 5-750 of the Juvenile Court Act of 1987 or
2 Section 5-8-6 of this Code and confined in the State
3 correctional institutions or facilities if such juvenile has
4 not been tried as an adult shall be eligible for parole without
5 regard to the length of time the person has been confined or
6 whether the person has served any minimum term imposed.
7 However, if a juvenile has been tried as an adult he shall only
8 be eligible for parole or mandatory supervised release as an
9 adult under this Section.

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

11 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

12 Sec. 3-3-4. Preparation for Parole Hearing.

13 (a) The Prisoner Review Board shall consider the parole of
14 each eligible person committed to the Adult Division at least
15 30 days prior to the date he shall first become eligible for
16 parole, and shall consider the parole of each person committed
17 to the Department of Juvenile Justice ~~Juvenile Division~~ as a
18 delinquent at least 30 days prior to the expiration of the
19 first year of confinement.

20 (b) A person eligible for parole shall, in advance of his
21 parole hearing, prepare a parole plan in accordance with the
22 rules of the Prisoner Review Board. The person shall be
23 assisted in preparing his parole plan by personnel of the
24 Department of Corrections, or the Department of Juvenile
25 Justice in the case of a person committed to that Department,
26 and may, for this purpose, be released on furlough under
27 Article 11 or on authorized absence under Section 3-9-4. The
28 appropriate Department shall also provide assistance in
29 obtaining information and records helpful to the individual for
30 his parole hearing.

31 (c) The members of the Board shall have access at all
32 reasonable times to any committed person and to his master
33 record file within the Department, and the Department shall

1 furnish such reports to the Board as the Board may require
2 concerning the conduct and character of any such person.

3 (d) In making its determination of parole, the Board shall
4 consider:

5 (1) material transmitted to the Department of Juvenile
6 Justice by the clerk of the committing court under Section
7 5-4-1 or Section 5-10 of the Juvenile Court Act or Section
8 5-750 of the Juvenile Court Act of 1987;

9 (2) the report under Section 3-8-2 or 3-10-2;

10 (3) a report by the Department and any report by the
11 chief administrative officer of the institution or
12 facility;

13 (4) a parole progress report;

14 (5) a medical and psychological report, if requested by
15 the Board;

16 (6) material in writing, or on film, video tape or
17 other electronic means in the form of a recording submitted
18 by the person whose parole is being considered; and

19 (7) material in writing, or on film, video tape or
20 other electronic means in the form of a recording or
21 testimony submitted by the State's Attorney and the victim
22 pursuant to the Rights of Crime Victims and Witnesses Act.

23 (e) The prosecuting State's Attorney's office shall
24 receive reasonable written notice not less than 15 days prior
25 to the parole hearing and may submit relevant information in
26 writing, or on film, video tape or other electronic means or in
27 the form of a recording to the Board for its consideration. The
28 State's Attorney may waive the written notice.

29 (f) The victim of the violent crime for which the prisoner
30 has been sentenced shall receive notice of a parole hearing as
31 provided in paragraph (4) of subsection (d) of Section 4.5 of
32 the Rights of Crime Victims and Witnesses Act.

33 (g) Any recording considered under the provisions of
34 subsection (d) (6), (d) (7) or (e) of this Section shall be in

1 the form designated by the Board. Such recording shall be both
2 visual and aural. Every voice on the recording and person
3 present shall be identified and the recording shall contain
4 either a visual or aural statement of the person submitting
5 such recording, the date of the recording and the name of the
6 person whose parole eligibility is being considered. Such
7 recordings, if retained by the Board shall be deemed to be
8 submitted at any subsequent parole hearing if the victim or
9 State's Attorney submits in writing a declaration clearly
10 identifying such recording as representing the present
11 position of the victim or State's Attorney regarding the issues
12 to be considered at the parole hearing.

13 (Source: P.A. 92-651, eff. 7-11-02.)

14 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

15 Sec. 3-3-5. Hearing and Determination.

16 (a) The Prisoner Review Board shall meet as often as need
17 requires to consider the cases of persons eligible for parole.
18 Except as otherwise provided in paragraph (2) of subsection (a)
19 of Section 3-3-2 of this Act, the Prisoner Review Board may
20 meet and order its actions in panels of 3 or more members. The
21 action of a majority of the panel shall be the action of the
22 Board. In consideration of persons committed to the Department
23 of Juvenile Justice ~~Juvenile Division~~, the panel shall have at
24 least a majority of members experienced in juvenile matters.

25 (b) If the person under consideration for parole is in the
26 custody of the Department, at least one member of the Board
27 shall interview him, and a report of that interview shall be
28 available for the Board's consideration. However, in the
29 discretion of the Board, the interview need not be conducted if
30 a psychiatric examination determines that the person could not
31 meaningfully contribute to the Board's consideration. The
32 Board may in its discretion parole a person who is then outside
33 the jurisdiction on his record without an interview. The Board

1 need not hold a hearing or interview a person who is paroled
2 under paragraphs (d) or (e) of this Section or released on
3 Mandatory release under Section 3-3-10.

4 (c) The Board shall not parole a person eligible for parole
5 if it determines that:

6 (1) there is a substantial risk that he will not
7 conform to reasonable conditions of parole; or

8 (2) his release at that time would deprecate the
9 seriousness of his offense or promote disrespect for the
10 law; or

11 (3) his release would have a substantially adverse
12 effect on institutional discipline.

13 (d) A person committed under the Juvenile Court Act or the
14 Juvenile Court Act of 1987 who has not been sooner released
15 shall be paroled on or before his 20th birthday to begin
16 serving a period of parole under Section 3-3-8.

17 (e) A person who has served the maximum term of
18 imprisonment imposed at the time of sentencing less time credit
19 for good behavior shall be released on parole to serve a period
20 of parole under Section 5-8-1.

21 (f) The Board shall render its decision within a reasonable
22 time after hearing and shall state the basis therefor both in
23 the records of the Board and in written notice to the person on
24 whose application it has acted. In its decision, the Board
25 shall set the person's time for parole, or if it denies parole
26 it shall provide for a rehearing not less frequently than once
27 every year, except that the Board may, after denying parole,
28 schedule a rehearing no later than 3 years from the date of the
29 parole denial, if the Board finds that it is not reasonable to
30 expect that parole would be granted at a hearing prior to the
31 scheduled rehearing date. If the Board shall parole a person,
32 and, if he is not released within 90 days from the effective
33 date of the order granting parole, the matter shall be returned
34 to the Board for review.

1 (g) The Board shall maintain a registry of decisions in
2 which parole has been granted, which shall include the name and
3 case number of the prisoner, the highest charge for which the
4 prisoner was sentenced, the length of sentence imposed, the
5 date of the sentence, the date of the parole, the basis for the
6 decision of the Board to grant parole and the vote of the Board
7 on any such decisions. The registry shall be made available for
8 public inspection and copying during business hours and shall
9 be a public record pursuant to the provisions of the Freedom of
10 Information Act.

11 (h) The Board shall promulgate rules regarding the exercise
12 of its discretion under this Section.

13 (Source: P.A. 91-798, eff. 7-9-00; 91-946, eff. 2-9-01.)

14 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

15 Sec. 3-3-9. Violations; changes of conditions; preliminary
16 hearing; revocation of parole or mandatory supervised release;
17 revocation hearing.

18 (a) If prior to expiration or termination of the term of
19 parole or mandatory supervised release, a person violates a
20 condition set by the Prisoner Review Board or a condition of
21 parole or mandatory supervised release under Section 3-3-7 of
22 this Code to govern that term, the Board may:

23 (1) continue the existing term, with or without
24 modifying or enlarging the conditions; or

25 (2) parole or release the person to a half-way house;
26 or

27 (3) revoke the parole or mandatory supervised release
28 and reconfine the person for a term computed in the
29 following manner:

30 (i) (A) For those sentenced under the law in effect
31 prior to this amendatory Act of 1977, the recommitment
32 shall be for any portion of the imposed maximum term of
33 imprisonment or confinement which had not been served

1 at the time of parole and the parole term, less the
2 time elapsed between the parole of the person and the
3 commission of the violation for which parole was
4 revoked;

5 (B) For those subject to mandatory supervised
6 release under paragraph (d) of Section 5-8-1 of this
7 Code, the recommitment shall be for the total mandatory
8 supervised release term, less the time elapsed between
9 the release of the person and the commission of the
10 violation for which mandatory supervised release is
11 revoked. The Board may also order that a prisoner serve
12 up to one year of the sentence imposed by the court
13 which was not served due to the accumulation of good
14 conduct credit.

15 (ii) the person shall be given credit against the
16 term of reimprisonment or reconfinement for time spent
17 in custody since he was paroled or released which has
18 not been credited against another sentence or period of
19 confinement;

20 (iii) persons committed under the Juvenile Court
21 Act or the Juvenile Court Act of 1987 shall be
22 recommitted until the age of 21;

23 (iv) this Section is subject to the release under
24 supervision and the reparole and rerelease provisions
25 of Section 3-3-10.

26 (b) The Board may revoke parole or mandatory supervised
27 release for violation of a condition for the duration of the
28 term and for any further period which is reasonably necessary
29 for the adjudication of matters arising before its expiration.
30 The issuance of a warrant of arrest for an alleged violation of
31 the conditions of parole or mandatory supervised release shall
32 toll the running of the term until the final determination of
33 the charge, but where parole or mandatory supervised release is
34 not revoked that period shall be credited to the term.

1 (c) A person charged with violating a condition of parole
2 or mandatory supervised release shall have a preliminary
3 hearing before a hearing officer designated by the Board to
4 determine if there is cause to hold the person for a revocation
5 hearing. However, no preliminary hearing need be held when
6 revocation is based upon new criminal charges and a court finds
7 probable cause on the new criminal charges or when the
8 revocation is based upon a new criminal conviction and a
9 certified copy of that conviction is available.

10 (d) Parole or mandatory supervised release shall not be
11 revoked without written notice to the offender setting forth
12 the violation of parole or mandatory supervised release charged
13 against him.

14 (e) A hearing on revocation shall be conducted before at
15 least one member of the Prisoner Review Board. The Board may
16 meet and order its actions in panels of 3 or more members. The
17 action of a majority of the panel shall be the action of the
18 Board. In consideration of persons committed to the Department
19 of Juvenile Justice ~~Juvenile Division~~, the member hearing the
20 matter and at least a majority of the panel shall be
21 experienced in juvenile matters. A record of the hearing shall
22 be made. At the hearing the offender shall be permitted to:

23 (1) appear and answer the charge; and

24 (2) bring witnesses on his behalf.

25 (f) The Board shall either revoke parole or mandatory
26 supervised release or order the person's term continued with or
27 without modification or enlargement of the conditions.

28 (g) Parole or mandatory supervised release shall not be
29 revoked for failure to make payments under the conditions of
30 parole or release unless the Board determines that such failure
31 is due to the offender's willful refusal to pay.

32 (Source: P.A. 92-460, eff. 1-1-02.)

33 (730 ILCS 5/3-4-3) (from Ch. 38, par. 1003-4-3)

1 Sec. 3-4-3. Funds and Property of Persons Committed.

2 (a) The Department of Corrections and the Department of
3 Juvenile Justice shall establish accounting records with
4 accounts for each person who has or receives money while in an
5 institution or facility of that ~~the~~ Department and it shall
6 allow the withdrawal and disbursement of money by the person
7 under rules and regulations of that ~~the~~ Department. Any
8 interest or other income from moneys deposited with the
9 Department by a resident of the Department of Juvenile Justice
10 ~~Juvenile Division~~ in excess of \$200 shall accrue to the
11 individual's account, or in balances up to \$200 shall accrue to
12 the Residents' Benefit Fund. For an individual in an
13 institution or facility of the Adult Division the interest
14 shall accrue to the Residents' Benefit Fund. The Department
15 shall disburse all moneys so held no later than the person's
16 final discharge from the Department. Moneys in the account of a
17 committed person who files a lawsuit determined frivolous under
18 Article XXII of the Code of Civil Procedure shall be deducted
19 to pay for the filing fees and cost of the suit as provided in
20 that Article. The Department shall under rules and regulations
21 record and receipt all personal property not allowed to
22 committed persons. The Department shall return such property to
23 the individual no later than the person's release on parole.

24 (b) Any money held in accounts of committed persons
25 separated from the Department by death, discharge, or
26 unauthorized absence and unclaimed for a period of 1 year
27 thereafter by the person or his legal representative shall be
28 transmitted to the State Treasurer who shall deposit it into
29 the General Revenue Fund. Articles of personal property of
30 persons so separated may be sold or used by the Department if
31 unclaimed for a period of 1 year for the same purpose.
32 Clothing, if unclaimed within 30 days, may be used or disposed
33 of as determined by the Department.

34 (c) Forty percent of the profits on sales from commissary

1 stores shall be expended by the Department for the special
2 benefit of committed persons which shall include but not be
3 limited to the advancement of inmate payrolls, for the special
4 benefit of employees, and for the advancement or reimbursement
5 of employee travel, provided that amounts expended for
6 employees shall not exceed the amount of profits derived from
7 sales made to employees by such commissaries, as determined by
8 the Department. The remainder of the profits from sales from
9 commissary stores must be used first to pay for wages and
10 benefits of employees covered under a collective bargaining
11 agreement who are employed at commissary facilities of the
12 Department and then to pay the costs of dietary staff.

13 (d) The Department shall confiscate any unauthorized
14 currency found in the possession of a committed person. The
15 Department shall transmit the confiscated currency to the State
16 Treasurer who shall deposit it into the General Revenue Fund.

17 (Source: P.A. 93-607, eff. 1-1-04.)

18 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

19 Sec. 3-5-1. Master Record File.

20 (a) The Department of Corrections and the Department of
21 Juvenile Justice shall maintain a master record file on each
22 person committed to it, which shall contain the following
23 information:

24 (1) all information from the committing court;

25 (2) reception summary;

26 (3) evaluation and assignment reports and
27 recommendations;

28 (4) reports as to program assignment and progress;

29 (5) reports of disciplinary infractions and
30 disposition;

31 (6) any parole plan;

32 (7) any parole reports;

33 (8) the date and circumstances of final discharge; and

1 any other pertinent data concerning the person's
2 background, conduct, associations and family relationships
3 as may be required by the respective Department. A current
4 summary index shall be maintained on each file which shall
5 include the person's known active and past gang
6 affiliations and ranks.

7 (b) All files shall be confidential and access shall be
8 limited to authorized personnel of the respective Department.
9 Personnel of other correctional, welfare or law enforcement
10 agencies may have access to files under rules and regulations
11 of the respective Department. The respective Department shall
12 keep a record of all outside personnel who have access to
13 files, the files reviewed, any file material copied, and the
14 purpose of access. If the respective Department or the Prisoner
15 Review Board makes a determination under this Code which
16 affects the length of the period of confinement or commitment,
17 the committed person and his counsel shall be advised of
18 factual information relied upon by the respective Department or
19 Board to make the determination, provided that the Department
20 or Board shall not be required to advise a person committed to
21 the Department of Juvenile Justice ~~Juvenile Division~~ any such
22 information which in the opinion of the Department of Juvenile
23 Justice or Board would be detrimental to his treatment or
24 rehabilitation.

25 (c) The master file shall be maintained at a place
26 convenient to its use by personnel of the respective Department
27 in charge of the person. When custody of a person is
28 transferred from the Department to another department or
29 agency, a summary of the file shall be forwarded to the
30 receiving agency with such other information required by law or
31 requested by the agency under rules and regulations of the
32 respective Department.

33 (d) The master file of a person no longer in the custody of
34 the respective Department shall be placed on inactive status

1 and its use shall be restricted subject to rules and
2 regulations of the Department.

3 (e) All public agencies may make available to the
4 respective Department on request any factual data not otherwise
5 privileged as a matter of law in their possession in respect to
6 individuals committed to the respective Department.

7 (Source: P.A. 89-688, eff. 6-1-97; 89-689, eff. 12-31-96.)

8 (730 ILCS 5/3-5-3.1) (from Ch. 38, par. 1003-5-3.1)

9 Sec. 3-5-3.1. As used in this Section, "facility" includes
10 any facility of the Adult Division ~~and any facility of the~~
11 ~~Juvenile Division~~ of the Department of Corrections and any
12 facility of the Department of Juvenile Justice.

13 The Department of Corrections and the Department of
14 Juvenile Justice shall each, by January 1st, April 1st, July
15 1st, and October 1st of each year, transmit to the General
16 Assembly, a report which shall include the following
17 information reflecting the period ending fifteen days prior to
18 the submission of the report: 1) the number of residents in all
19 Department facilities indicating the number of residents in
20 each listed facility; 2) a classification of each facility's
21 residents by the nature of the offense for which each resident
22 was committed to the Department; 3) the number of residents in
23 maximum, medium, and minimum security facilities indicating
24 the classification of each facility's residents by the nature
25 of the offense for which each resident was committed to the
26 Department; 4) the educational and vocational programs
27 provided at each facility and the number of residents
28 participating in each such program; 5) the present capacity
29 levels in each facility; 6) the projected capacity of each
30 facility six months and one year following each reporting date;
31 7) the ratio of the security guards to residents in each
32 facility; 8) the ratio of total employees to residents in each
33 facility; 9) the number of residents in each facility that are

1 single-celled and the number in each facility that are
2 double-celled; 10) information indicating the distribution of
3 residents in each facility by the allocated floor space per
4 resident; 11) a status of all capital projects currently funded
5 by the Department, location of each capital project, the
6 projected on-line dates for each capital project, including
7 phase-in dates and full occupancy dates; 12) the projected
8 adult prison ~~and Juvenile Division~~ facility populations in
9 respect to the Department of Corrections and the projected
10 juvenile facility population with respect to the Department of
11 Juvenile Justice for each of the succeeding twelve months
12 following each reporting date, indicating all assumptions
13 built into such population estimates; 13) the projected exits
14 and projected admissions in each facility for each of the
15 succeeding twelve months following each reporting date,
16 indicating all assumptions built into such population
17 estimate; and 14) the locations of all Department-operated or
18 contractually operated community correctional centers,
19 including the present capacity and population levels at each
20 facility.

21 (Source: P.A. 85-252.)

22 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

23 Sec. 3-6-2. Institutions and Facility Administration.

24 (a) Each institution and facility of the Department shall
25 be administered by a chief administrative officer appointed by
26 the Director. A chief administrative officer shall be
27 responsible for all persons assigned to the institution or
28 facility. The chief administrative officer shall administer
29 the programs of the Department for the custody and treatment of
30 such persons.

31 (b) The chief administrative officer shall have such
32 assistants as the Department may assign.

33 (c) The Director or Assistant Director shall have the

1 emergency powers to temporarily transfer individuals without
2 formal procedures to any State, county, municipal or regional
3 correctional or detention institution or facility in the State,
4 subject to the acceptance of such receiving institution or
5 facility, or to designate any reasonably secure place in the
6 State as such an institution or facility and to make transfers
7 thereto. However, transfers made under emergency powers shall
8 be reviewed as soon as practicable under Article 8, and shall
9 be subject to Section 5-905 of the Juvenile Court Act of 1987.
10 This Section shall not apply to transfers to the Department of
11 Human Services which are provided for under Section 3-8-5 or
12 Section 3-10-5.

13 (d) The Department shall provide educational programs for
14 all committed persons so that all persons have an opportunity
15 to attain the achievement level equivalent to the completion of
16 the twelfth grade in the public school system in this State.
17 Other higher levels of attainment shall be encouraged and
18 professional instruction shall be maintained wherever
19 possible. The Department may establish programs of mandatory
20 education and may establish rules and regulations for the
21 administration of such programs. A person committed to the
22 Department who, during the period of his or her incarceration,
23 participates in an educational program provided by or through
24 the Department and through that program is awarded or earns the
25 number of hours of credit required for the award of an
26 associate, baccalaureate, or higher degree from a community
27 college, college, or university located in Illinois shall
28 reimburse the State, through the Department, for the costs
29 incurred by the State in providing that person during his or
30 her incarceration with the education that qualifies him or her
31 for the award of that degree. The costs for which reimbursement
32 is required under this subsection shall be determined and
33 computed by the Department under rules and regulations that it
34 shall establish for that purpose. However, interest at the rate

1 of 6% per annum shall be charged on the balance of those costs
2 from time to time remaining unpaid, from the date of the
3 person's parole, mandatory supervised release, or release
4 constituting a final termination of his or her commitment to
5 the Department until paid.

6 (e) A person committed to the Department who becomes in
7 need of medical or surgical treatment but is incapable of
8 giving consent thereto shall receive such medical or surgical
9 treatment by the chief administrative officer consenting on the
10 person's behalf. Before the chief administrative officer
11 consents, he or she shall obtain the advice of one or more
12 physicians licensed to practice medicine in all its branches in
13 this State. If such physician or physicians advise:

14 (1) that immediate medical or surgical treatment is
15 required relative to a condition threatening to cause
16 death, damage or impairment to bodily functions, or
17 disfigurement; and

18 (2) that the person is not capable of giving consent to
19 such treatment; the chief administrative officer may give
20 consent for such medical or surgical treatment, and such
21 consent shall be deemed to be the consent of the person for
22 all purposes, including, but not limited to, the authority
23 of a physician to give such treatment.

24 (f) In the event that the person requires medical care and
25 treatment at a place other than the institution or facility,
26 the person may be removed therefrom under conditions prescribed
27 by the Department. The Department shall require the committed
28 person receiving medical or dental services on a non-emergency
29 basis to pay a \$2 co-payment to the Department for each visit
30 for medical or dental services. The amount of each co-payment
31 shall be deducted from the committed person's individual
32 account. A committed person who has a chronic illness, as
33 defined by Department rules and regulations, shall be exempt
34 from the \$2 co-payment for treatment of the chronic illness. A

1 committed person shall not be subject to a \$2 co-payment for
2 follow-up visits ordered by a physician, who is employed by, or
3 contracts with, the Department. A committed person who is
4 indigent is exempt from the \$2 co-payment and is entitled to
5 receive medical or dental services on the same basis as a
6 committed person who is financially able to afford the
7 co-payment. Notwithstanding any other provision in this
8 subsection (f) to the contrary, any person committed to any
9 facility operated by the Department of Juvenile Justice
10 ~~Juvenile Division~~, as set forth in ~~subsection (b) of~~ Section
11 3-2.5-15 ~~3-2-5~~ of this Code, is exempt from the co-payment
12 requirement for the duration of confinement in those
13 facilities.

14 (g) Any person having sole custody of a child at the time
15 of commitment or any woman giving birth to a child after her
16 commitment, may arrange through the Department of Children and
17 Family Services for suitable placement of the child outside of
18 the Department of Corrections. The Director of the Department
19 of Corrections may determine that there are special reasons why
20 the child should continue in the custody of the mother until
21 the child is 6 years old.

22 (h) The Department may provide Family Responsibility
23 Services which may consist of, but not be limited to the
24 following:

- 25 (1) family advocacy counseling;
- 26 (2) parent self-help group;
- 27 (3) parenting skills training;
- 28 (4) parent and child overnight program;
- 29 (5) parent and child reunification counseling, either
30 separately or together, preceding the inmate's release;
- 31 and
- 32 (6) a prerelease reunification staffing involving the
33 family advocate, the inmate and the child's counselor, or
34 both and the inmate.

1 (i) Prior to the release of any inmate who has a documented
2 history of intravenous drug use, and upon the receipt of that
3 inmate's written informed consent, the Department shall
4 provide for the testing of such inmate for infection with human
5 immunodeficiency virus (HIV) and any other identified
6 causative agent of acquired immunodeficiency syndrome (AIDS).
7 The testing provided under this subsection shall consist of an
8 enzyme-linked immunosorbent assay (ELISA) test or such other
9 test as may be approved by the Illinois Department of Public
10 Health. If the test result is positive, the Western Blot Assay
11 or more reliable confirmatory test shall be administered. All
12 inmates tested in accordance with the provisions of this
13 subsection shall be provided with pre-test and post-test
14 counseling. Notwithstanding any provision of this subsection
15 to the contrary, the Department shall not be required to
16 conduct the testing and counseling required by this subsection
17 unless sufficient funds to cover all costs of such testing and
18 counseling are appropriated for that purpose by the General
19 Assembly.

20 (j) Any person convicted of a sex offense as defined in the
21 Sex Offender Management Board Act shall be required to receive
22 a sex offender evaluation prior to release into the community
23 from the Department of Corrections. The sex offender evaluation
24 shall be conducted in conformance with the standards and
25 guidelines developed under the Sex Offender Management Board
26 Act and by an evaluator approved by the Board.

27 (k) Any minor committed to the Department of Juvenile
28 Justice ~~Corrections Juvenile Division~~ for a sex offense as
29 defined by the Sex Offender Management Board Act shall be
30 required to undergo sex offender treatment by a treatment
31 provider approved by the Board and conducted in conformance
32 with the Sex Offender Management Board Act.

33 (Source: P.A. 92-292, eff. 8-9-01; 93-616, eff. 1-1-04.)

1 (730 ILCS 5/Ch. III Art. 9 heading)

2 ARTICLE 9. PROGRAMS OF THE DEPARTMENT OF JUVENILE JUSTICE

3 ~~JUVENILE DIVISION~~

4 (730 ILCS 5/3-9-1) (from Ch. 38, par. 1003-9-1)

5 Sec. 3-9-1. Educational Programs. (a) All institutions or
6 facilities housing persons of such age as to be subject to
7 compulsory school attendance shall establish an educational
8 program to provide such persons the opportunity to attain an
9 elementary and secondary school education equivalent to the
10 completion of the twelfth grade in the public school systems of
11 this State; and, in furtherance thereof, shall utilize
12 assistance from local public school districts and State
13 agencies in established curricula and staffing such program.

14 (b) All institutions or facilities housing persons not
15 subject to compulsory school attendance shall make available
16 programs and training to provide such persons an opportunity to
17 attain an elementary and secondary school education equivalent
18 to the completion of the twelfth grade in the public school
19 systems of this State; and, in furtherance thereof, such
20 institutions or facilities may utilize assistance from local
21 public school districts and State agencies in creating
22 curricula and staffing the program.

23 (c) The Department of Juvenile Justice ~~Corrections~~ shall
24 develop and establish a suicide reduction program in all
25 institutions or facilities housing persons committed to the
26 Department of Juvenile Justice ~~Juvenile Division~~. The program
27 shall be designed to increase the life coping skills and self
28 esteem of juvenile offenders and to decrease their propensity
29 to commit self destructive acts.

30 (Source: P.A. 85-736.)

31 (730 ILCS 5/3-9-2) (from Ch. 38, par. 1003-9-2)

32 Sec. 3-9-2. Work Training Programs.

1 (a) The Department of Juvenile Justice ~~Juvenile Division~~,
2 in conjunction with the private sector, may establish and offer
3 work training to develop work habits and equip persons
4 committed to it with marketable skills to aid in their
5 community placement upon release. Committed persons
6 participating in this program shall be paid wages similar to
7 those of comparable jobs in the surrounding community. A
8 portion of the wages earned shall go to the Department of
9 Juvenile Justice ~~Juvenile Division~~ to pay part of the committed
10 person's room and board, a portion shall be deposited into the
11 Violent Crime Victim's Assistance Fund to assist victims of
12 crime, and the remainder shall be placed into a savings account
13 for the committed person which shall be given to the committed
14 person upon release. The Department shall promulgate rules to
15 regulate the distribution of the wages earned.

16 (b) The Department of Juvenile Justice ~~Juvenile Division~~
17 may establish programs of incentive by achievement,
18 participation in which shall be on a voluntary basis, to sell
19 goods or services to the public with the net earnings
20 distributed to the program participants subject to rules of the
21 Department of Juvenile Justice.

22 (Source: P.A. 87-199.)

23 (730 ILCS 5/3-9-3) (from Ch. 38, par. 1003-9-3)

24 Sec. 3-9-3. Day Release.

25 (a) The Department of Juvenile Justice may institute day
26 release programs for persons committed to the Department of
27 Juvenile Justice ~~Juvenile Division~~ and shall establish rules
28 and regulations therefor.

29 (b) The Department of Juvenile Justice may arrange with
30 local schools, public or private agencies or persons approved
31 by the Department for the release of persons committed to the
32 Department of Juvenile Justice ~~Juvenile Division~~ on a daily
33 basis to the custody of such schools, agencies or persons for

1 participation in programs or activities.

2 (Source: P.A. 77-2097.)

3 (730 ILCS 5/3-9-4) (from Ch. 38, par. 1003-9-4)

4 Sec. 3-9-4. Authorized Absence.

5 The Department of Juvenile Justice may extend the limits of
6 the place of confinement of a person committed to the
7 Department of Juvenile Justice ~~Juvenile Division~~ so that he may
8 leave such place on authorized absence. Whether or not such
9 person is to be accompanied shall be determined by the chief
10 administrative officer of the institution or facility from
11 which such authorized absence is granted. An authorized absence
12 may be granted for a period of time determined by the
13 Department of Juvenile Justice and any purpose approved by the
14 Department of Juvenile Justice.

15 (Source: P.A. 77-2097.)

16 (730 ILCS 5/3-9-5) (from Ch. 38, par. 1003-9-5)

17 Sec. 3-9-5. Minimum Standards.

18 The minimum standards under Article 7 shall apply to all
19 institutions and facilities under the authority of the
20 Department of Juvenile Justice ~~Juvenile Division~~.

21 (Source: P.A. 77-2097.)

22 (730 ILCS 5/3-9-6) (from Ch. 38, par. 1003-9-6)

23 Sec. 3-9-6. Unauthorized Absence. Whenever a person
24 committed to the Department of Juvenile Justice ~~Juvenile~~
25 ~~Division of the Department of Corrections~~ absconds or absents
26 himself or herself without authority to do so, from any
27 facility or program to which he or she is assigned, he or she
28 may be held in custody for return to the proper correctional
29 official by the authorities or whomsoever directed, when an
30 order is certified by the Director of Juvenile Justice or a
31 person duly designated by the Director, with the seal of the

1 Department of Juvenile Justice ~~Corrections~~ attached. The
2 person so designated by the Director of Juvenile Justice with
3 such seal attached may be one or more persons and the
4 appointment shall be made as a ministerial one with no
5 recordation or notice necessary as to the designated
6 appointees. The order shall be directed to all sheriffs,
7 coroners, police officers, keepers or custodians of jails or
8 other detention facilities whether in or out of the State of
9 Illinois, or to any particular person named in the order.

10 (Source: P.A. 83-346.)

11 (730 ILCS 5/3-9-7) (from Ch. 38, par. 1003-9-7)

12 Sec. 3-9-7. Sexual abuse counseling programs.

13 (a) The Department of Juvenile Justice ~~Juvenile Division~~
14 shall establish and offer sexual abuse counseling to both
15 victims of sexual abuse and sexual offenders in as many
16 facilities as necessary to insure sexual abuse counseling
17 throughout the State.

18 (b) Any minor committed to the Department of Juvenile
19 Justice ~~Corrections-Juvenile Division~~ for a sex offense as
20 defined under the Sex Offender Management Board Act shall be
21 required to undergo sex offender treatment by a treatment
22 provider approved by the Board and conducted in conformance
23 with the standards developed by the Sex Offender Management
24 Board Act.

25 (Source: P.A. 93-616, eff. 1-1-04.)

26 (730 ILCS 5/3-10-1) (from Ch. 38, par. 1003-10-1)

27 Sec. 3-10-1. Receiving Procedures.

28 The receiving procedures under Section 3-8-1 shall be
29 applicable to institutions and facilities of the Department of
30 Juvenile Justice ~~Juvenile Division~~.

31 (Source: P.A. 77-2097.)

1 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

2 Sec. 3-10-2. Examination of Persons Committed to the
3 Department of Juvenile Justice ~~Juvenile Division~~.

4 (a) A person committed to the Department of Juvenile
5 Justice ~~Juvenile Division~~ shall be examined in regard to his
6 medical, psychological, social, educational and vocational
7 condition and history, including the use of alcohol and other
8 drugs, the circumstances of his offense and any other
9 information as the Department of Juvenile Justice may
10 determine.

11 (b) Based on its examination, the Department of Juvenile
12 Justice may exercise the following powers in developing a
13 treatment program of any person committed to the Department of
14 Juvenile Justice ~~Juvenile Division~~:

15 (1) Require participation by him in vocational,
16 physical, educational and corrective training and
17 activities to return him to the community.

18 (2) Place him in any institution or facility of the
19 Department of Juvenile Justice ~~Juvenile Division~~.

20 (3) Order replacement or referral to the Parole and
21 Pardon Board as often as it deems desirable. The Department
22 of Juvenile Justice shall refer the person to the Parole
23 and Pardon Board as required under Section 3-3-4.

24 (4) Enter into agreements with the Secretary of Human
25 Services and the Director of Children and Family Services,
26 with courts having probation officers, and with private
27 agencies or institutions for separate care or special
28 treatment of persons subject to the control of the
29 Department.

30 (c) The Department shall make periodic reexamination of all
31 persons under the control of the Department of Juvenile Justice
32 ~~Juvenile Division~~ to determine whether existing orders in
33 individual cases should be modified or continued. This
34 examination shall be made with respect to every person at least

1 once annually.

2 (d) A record of the treatment decision including any
3 modification thereof and the reason therefor, shall be part of
4 the committed person's master record file.

5 (e) The Department of Juvenile Justice shall by certified
6 mail, return receipt requested, notify the parent, guardian or
7 nearest relative of any person committed to the Department of
8 Juvenile Justice ~~Juvenile Division~~ of his physical location and
9 any change thereof.

10 (Source: P.A. 89-507, eff. 7-1-97.)

11 (730 ILCS 5/3-10-3) (from Ch. 38, par. 1003-10-3)

12 Sec. 3-10-3. Program Assignment.

13 (a) The chief administrative officer of each institution or
14 facility of the Department of Juvenile Justice ~~Juvenile~~
15 ~~Division~~ shall designate a person or persons to classify and
16 assign juveniles to programs in the institution or facility.

17 (b) The program assignment of persons assigned to
18 institutions or facilities of the Department of Juvenile
19 Justice ~~Juvenile Division~~ shall be made on the following basis:

20 (1) As soon as practicable after he is received, and in any
21 case no later than the expiration of the first 30 days, his
22 file shall be studied and he shall be interviewed and a
23 determination made as to the program of education, employment,
24 training, treatment, care and custody appropriate for him. A
25 record of such program assignment shall be made and shall be a
26 part of his master record file. A staff member shall be
27 designated for each person as his staff counselor.

28 (2) The program assignment shall be reviewed at least once
29 every 3 months and he shall be interviewed if it is deemed
30 desirable or if he so requests. After review, such changes in
31 his program of education, employment, training, treatment,
32 care and custody may be made as is considered necessary or
33 desirable and a record thereof made a part of his file. If he

1 requests a change in his program and such request is denied,
2 the basis for denial shall be given to him and a written
3 statement thereof shall be made a part of his file.

4 (c) The Department may promulgate rules and regulations
5 governing the administration of treatment programs within
6 institutions and facilities of the Department of Juvenile
7 Justice.

8 (Source: P.A. 77-2097.)

9 (730 ILCS 5/3-10-4) (from Ch. 38, par. 1003-10-4)

10 Sec. 3-10-4. Intradivisional Transfers.

11 (a) The transfer of committed persons between institutions
12 or facilities of the Department of Juvenile Justice ~~Juvenile~~
13 ~~Division~~ shall be under this Section, except that emergency
14 transfers shall be under Section 3-6-2.

15 (b) The chief administrative officer of an institution or
16 facility desiring to transfer a committed person to another
17 institution or facility shall notify the ~~Assistant~~ Director of
18 Juvenile Justice ~~the Juvenile Division~~ or his delegate of the
19 basis for the transfer. The ~~Assistant~~ Director or his delegate
20 shall approve or deny such request.

21 (c) If a transfer request is made by a committed person or
22 his parent, guardian or nearest relative, the chief
23 administrative officer of the institution or facility from
24 which the transfer is requested shall notify the Director of
25 Juvenile Justice ~~Assistant Director of the Juvenile Division~~ or
26 his delegate of the request, the reasons therefor and his
27 recommendation. The ~~Assistant~~ Director of Juvenile Justice or
28 his delegate shall either grant the request or if he denies the
29 request he shall advise the person or his parent, guardian or
30 nearest relative of the basis for the denial.

31 (Source: P.A. 77-2097.)

32 (730 ILCS 5/3-10-5) (from Ch. 38, par. 1003-10-5)

1 Sec. 3-10-5. Transfers to the Department of Human Services.

2 (a) If a person committed to the Department of Juvenile
3 Justice ~~Juvenile Division~~ meets the standard for admission of a
4 minor to a mental health facility or is suitable for admission
5 to a developmental disability facility, as these terms are used
6 in the Mental Health and Developmental Disabilities Code, the
7 Department may transfer the person to an appropriate State
8 hospital or institution of the Department of Human Services for
9 a period not to exceed 6 months, if the person consents in
10 writing to the transfer. The person shall be advised of his
11 right not to consent, and if he does not consent, the transfer
12 may be effected only by commitment under paragraph (e) of this
13 Section.

14 (b) The parent, guardian or nearest relative and the
15 attorney of record shall be advised of his right to object. If
16 an objection is made, the transfer may be effected only by
17 commitment under paragraph (e) of this Section. Notice of the
18 transfer shall be mailed to the person's parent, guardian or
19 nearest relative marked for delivery to addressee only at his
20 last known address by certified mail with return receipt
21 requested together with written notification of the manner and
22 time within which he may object to the transfer. Objection to
23 the transfer must be made by the parent, guardian or nearest
24 relative within 15 days of receipt of the notification of
25 transfer, by written notice of the objection to the ~~Assistant~~
26 Director of Juvenile Justice or chief administrative officer of
27 the institution or facility of the Department of Juvenile
28 Justice where the person was confined.

29 (c) If a person committed to the Department under the
30 Juvenile Court Act or the Juvenile Court Act of 1987 is
31 committed to a hospital or facility of the Department of Human
32 Services under this Section, the ~~Assistant~~ Director of Juvenile
33 Justice ~~the Juvenile Division~~ shall so notify the committing
34 juvenile court.

1 (d) Nothing in this Section shall limit the right of the
2 ~~Assistant~~ Director of Juvenile Justice ~~the Juvenile Division~~ or
3 the chief administrative officer of any institution or facility
4 to utilize the emergency admission provisions of the Mental
5 Health and Developmental Disabilities Code with respect to any
6 person in his custody or care. The transfer of a person to an
7 institution or facility of the Department of Human Services
8 under paragraph (a) of this Section does not discharge the
9 person from the control of the Department of Juvenile Justice.

10 (e) If the person does not consent to his transfer to the
11 Department of Human Services or if a person objects under
12 paragraph (b) of this Section, or if the Department of Human
13 Services determines that a transferred person requires
14 admission to the Department of Human Services for more than 6
15 months for any reason, the ~~Assistant~~ Director of Juvenile
16 Justice ~~the Juvenile Division~~ shall file a petition in the
17 circuit court of the county in which the institution or
18 facility is located requesting admission of the person to the
19 Department of Human Services. A certificate of a clinical
20 psychologist, licensed clinical social worker who is a
21 qualified examiner as defined in Section 1-122 of the Mental
22 Health and Developmental Disabilities Code, or psychiatrist,
23 or, if admission to a developmental disability facility is
24 sought, of a physician that the person is in need of commitment
25 to the Department of Human Services for treatment or
26 habilitation shall be attached to the petition. Copies of the
27 petition shall be furnished to the named person, his parent, or
28 guardian or nearest relative, the committing court, and to the
29 state's attorneys of the county in which the institution or
30 facility of the Department of Juvenile Justice ~~Juvenile~~
31 ~~Division~~ from which the person was transferred is located and
32 the county from which the named person was committed to the
33 Department of Juvenile Justice ~~Corrections~~.

34 (f) The court shall set a date for a hearing on the

1 petition within the time limit set forth in the Mental Health
2 and Developmental Disabilities Code. The hearing shall be
3 conducted in the manner prescribed by the Mental Health and
4 Developmental Disabilities Code. If the person is found to be
5 in need of commitment to the Department of Human Services for
6 treatment or habilitation, the court may commit him to that
7 Department.

8 (g) In the event that a person committed to the Department
9 under the Juvenile Court Act or the Juvenile Court Act of 1987
10 is committed to facilities of the Department of Human Services
11 under paragraph (e) of this Section, the ~~Assistant~~ Director of
12 Juvenile Justice shall petition the committing juvenile court
13 for an order terminating the ~~Assistant~~ Director's custody.

14 (Source: P.A. 89-507, eff. 7-1-97.)

15 (730 ILCS 5/3-10-6) (from Ch. 38, par. 1003-10-6)

16 Sec. 3-10-6. Return and Release from Department of Human
17 Services.

18 (a) The Department of Human Services shall return to the
19 Department of Juvenile Justice ~~Juvenile Division~~ any person
20 committed to a facility of the Department under paragraph (a)
21 of Section 3-10-5 when the person no longer meets the standard
22 for admission of a minor to a mental health facility, or is
23 suitable for administrative admission to a developmental
24 disability facility.

25 (b) If a person returned to the Department of Juvenile
26 Justice ~~Juvenile Division~~ under paragraph (a) of this Section
27 has not had a parole hearing within the preceding 6 months, he
28 shall have a parole hearing within 45 days after his return.

29 (c) The Department of Juvenile Justice ~~Juvenile Division~~
30 shall notify the Secretary of Human Services of the expiration
31 of the commitment or sentence of any person transferred to the
32 Department of Human Services under Section 3-10-5. If the
33 Department of Human Services determines that such person

1 transferred to it under paragraph (a) of Section 3-10-5
2 requires further hospitalization, it shall file a petition for
3 commitment of such person under the Mental Health and
4 Developmental Disabilities Code.

5 (d) The Department of Human Services shall release under
6 the Mental Health and Developmental Disabilities Code, any
7 person transferred to it pursuant to paragraph (c) of Section
8 3-10-5, whose sentence has expired and whom it deems no longer
9 meets the standard for admission of a minor to a mental health
10 facility, or is suitable for administrative admission to a
11 developmental disability facility. A person committed to the
12 Department of Juvenile Justice ~~Corrections~~ under the Juvenile
13 Court Act or the Juvenile Court Act of 1987 and transferred to
14 the Department of Human Services under paragraph (c) of Section
15 3-10-5 shall be released to the committing juvenile court when
16 the Department of Human Services determines that he no longer
17 requires hospitalization for treatment.

18 (Source: P.A. 89-507, eff. 7-1-97.)

19 (730 ILCS 5/3-10-7) (from Ch. 38, par. 1003-10-7)

20 Sec. 3-10-7. Interdivisional Transfers. (a) In any case
21 where a minor was originally prosecuted under the provisions of
22 the Criminal Code of 1961, as amended, and sentenced under the
23 provisions of this Act pursuant to Section 2-7 of the Juvenile
24 Court Act or Section 5-805 of the Juvenile Court Act of 1987
25 and committed to the Department of Juvenile Justice ~~Juvenile~~
26 ~~Division~~ under Section 5-8-6, the Department of Juvenile
27 Justice ~~Corrections~~ shall, within 30 days of the date that the
28 minor reaches the age of 17, send formal notification to the
29 sentencing court and the State's Attorney of the county from
30 which the minor was sentenced indicating the day upon which the
31 minor offender will achieve the age of 17. Within 90 days of
32 receipt of that notice, the sentencing court shall conduct a
33 hearing, pursuant to the provisions of subsection (c) of this

1 Section to determine whether or not the minor shall continue to
2 remain under the auspices of the Department of Juvenile Justice
3 ~~Juvenile Division~~ or be transferred to the Adult Division of
4 the Department of Corrections.

5 The minor shall be served with notice of the date of the
6 hearing, shall be present at the hearing, and has the right to
7 counsel at the hearing. The minor, with the consent of his or
8 her counsel or guardian may waive his presence at hearing.

9 (b) Unless sooner paroled under Section 3-3-3, the
10 confinement of a minor person committed for an indeterminate
11 sentence in a criminal proceeding shall terminate at the
12 expiration of the maximum term of imprisonment, and he shall
13 thereupon be released to serve a period of parole under Section
14 5-8-1, but if the maximum term of imprisonment does not expire
15 until after his 21st birthday, he shall continue to be subject
16 to the control and custody of the Department of Juvenile
17 Justice, and on his 21st birthday, he shall be transferred to
18 the Adult Division of the Department of Corrections. If such
19 person is on parole on his 21st birthday, his parole
20 supervision may be transferred to the Adult Division of the
21 Department of Corrections.

22 (c) Any interdivisional transfer hearing conducted
23 pursuant to subsection (a) of this Section shall consider all
24 available information which may bear upon the issue of
25 transfer. All evidence helpful to the court in determining the
26 question of transfer, including oral and written reports
27 containing hearsay, may be relied upon to the extent of its
28 probative value, even though not competent for the purposes of
29 an adjudicatory hearing. The court shall consider, along with
30 any other relevant matter, the following:

31 1. The nature of the offense for which the minor was found
32 guilty and the length of the sentence the minor has to serve
33 and the record and previous history of the minor.

34 2. The record of the minor's adjustment within the

1 Department of Juvenile Justice ~~Corrections' Juvenile Division~~,
2 including, but not limited to, reports from the minor's
3 counselor, any escapes, attempted escapes or violent or
4 disruptive conduct on the part of the minor, any tickets
5 received by the minor, summaries of classes attended by the
6 minor, and any record of work performed by the minor while in
7 the institution.

8 3. The relative maturity of the minor based upon the
9 physical, psychological and emotional development of the
10 minor.

11 4. The record of the rehabilitative progress of the minor
12 and an assessment of the vocational potential of the minor.

13 5. An assessment of the necessity for transfer of the
14 minor, including, but not limited to, the availability of space
15 within the Department of Corrections, the disciplinary and
16 security problem which the minor has presented to the
17 Department of Juvenile Justice ~~Juvenile Division~~ and the
18 practicability of maintaining the minor in a juvenile facility,
19 whether resources have been exhausted within the Department of
20 Juvenile Justice ~~Juvenile Division of the Department of~~
21 ~~Corrections~~, the availability of rehabilitative and vocational
22 programs within the Department of Corrections, and the
23 anticipated ability of the minor to adjust to confinement
24 within an adult institution based upon the minor's physical
25 size and maturity.

26 All relevant factors considered under this subsection need
27 not be resolved against the juvenile in order to justify such
28 transfer. Access to social records, probation reports or any
29 other reports which are considered by the court for the purpose
30 of transfer shall be made available to counsel for the juvenile
31 at least 30 days prior to the date of the transfer hearing. The
32 Sentencing Court, upon granting a transfer order, shall
33 accompany such order with a statement of reasons.

34 (d) Whenever the Director of Juvenile Justice or his

1 designee determines that the interests of safety, security and
2 discipline require the transfer to the Department of
3 Corrections ~~Adult Division~~ of a person 17 years or older who
4 was prosecuted under the provisions of the Criminal Code of
5 1961, as amended, and sentenced under the provisions of this
6 Act pursuant to Section 2-7 of the Juvenile Court Act or
7 Section 5-805 of the Juvenile Court Act of 1987 and committed
8 to the Department of Juvenile Justice ~~Juvenile Division~~ under
9 Section 5-8-6, the Director or his designee may authorize the
10 emergency transfer of such person, unless the transfer of the
11 person is governed by subsection (e) of this Section. The
12 sentencing court shall be provided notice of any emergency
13 transfer no later than 3 days after the emergency transfer.
14 Upon motion brought within 60 days of the emergency transfer by
15 the sentencing court or any party, the sentencing court may
16 conduct a hearing pursuant to the provisions of subsection (c)
17 of this Section in order to determine whether the person shall
18 remain confined in the Department of Corrections ~~Adult~~
19 ~~Division~~.

20 (e) The Director of Juvenile Justice or his designee may
21 authorize the permanent transfer to the Department of
22 Corrections ~~Adult Division~~ of any person 18 years or older who
23 was prosecuted under the provisions of the Criminal Code of
24 1961, as amended, and sentenced under the provisions of this
25 Act pursuant to Section 2-7 of the Juvenile Court Act or
26 Section 5-805 of the Juvenile Court Act of 1987 and committed
27 to the Department of Juvenile Justice ~~Juvenile Division~~ under
28 Section 5-8-6 of this Act. The Director of Juvenile Justice or
29 his designee shall be governed by the following factors in
30 determining whether to authorize the permanent transfer of the
31 person to the Department of Corrections ~~Adult Division~~:

32 1. The nature of the offense for which the person was found
33 guilty and the length of the sentence the person has to serve
34 and the record and previous history of the person.

1 2. The record of the person's adjustment within the
2 Department of Juvenile Justice ~~Department of Corrections'~~
3 ~~Juvenile Division~~, including, but not limited to, reports from
4 the person's counselor, any escapes, attempted escapes or
5 violent or disruptive conduct on the part of the person, any
6 tickets received by the person, summaries of classes attended
7 by the person, and any record of work performed by the person
8 while in the institution.

9 3. The relative maturity of the person based upon the
10 physical, psychological and emotional development of the
11 person.

12 4. The record of the rehabilitative progress of the person
13 and an assessment of the vocational potential of the person.

14 5. An assessment of the necessity for transfer of the
15 person, including, but not limited to, the availability of
16 space within the Department of Corrections, the disciplinary
17 and security problem which the person has presented to the
18 Department of Juvenile Justice ~~Juvenile Division~~ and the
19 practicability of maintaining the person in a juvenile
20 facility, whether resources have been exhausted within the
21 Department of Juvenile Justice ~~Juvenile Division of the~~
22 ~~Department of Corrections~~, the availability of rehabilitative
23 and vocational programs within the Department of Corrections,
24 and the anticipated ability of the person to adjust to
25 confinement within an adult institution based upon the person's
26 physical size and maturity.

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

28 (730 ILCS 5/3-10-8) (from Ch. 38, par. 1003-10-8)

29 Sec. 3-10-8. Discipline.) (a) (1) Corporal punishment and
30 disciplinary restrictions on diet, medical or sanitary
31 facilities, clothing, bedding or mail are prohibited, as are
32 reductions in the frequency of use of toilets, washbowls and
33 showers.

1 (2) Disciplinary restrictions on visitation, work,
2 education or program assignments, the use of toilets, washbowls
3 and showers shall be related as closely as practicable to abuse
4 of such privileges or facilities. This paragraph shall not
5 apply to segregation or isolation of persons for purposes of
6 institutional control.

7 (3) No person committed to the Department of Juvenile
8 Justice ~~Juvenile Division~~ may be isolated for disciplinary
9 reasons for more than 7 consecutive days nor more than 15 days
10 out of any 30 day period except in cases of violence or
11 attempted violence committed against another person or
12 property when an additional period of isolation for
13 disciplinary reasons is approved by the chief administrative
14 officer. A person who has been isolated for 24 hours or more
15 shall be interviewed daily by his staff counselor or other
16 staff member.

17 (b) The Department of Juvenile Justice ~~Juvenile Division~~
18 shall establish rules and regulations governing disciplinary
19 practices, the penalties for violation thereof, and the
20 disciplinary procedure by which such penalties may be imposed.
21 The rules of behavior shall be made known to each committed
22 person, and the discipline shall be suited to the infraction
23 and fairly applied.

24 (c) All disciplinary action imposed upon persons in
25 institutions and facilities of the Department of Juvenile
26 Justice ~~Juvenile Division~~ shall be consistent with this Section
27 and Department rules and regulations adopted hereunder.

28 (d) Disciplinary action imposed under this Section shall be
29 reviewed by the grievance procedure under Section 3-8-8.

30 (e) A written report of any infraction for which discipline
31 is imposed shall be filed with the chief administrative officer
32 within 72 hours of the occurrence of the infraction or the
33 discovery of it and such report shall be placed in the file of
34 the institution or facility.

1 (f) All institutions and facilities of the Department of
2 Juvenile Justice ~~Juvenile Division~~ shall establish, subject to
3 the approval of the Director of Juvenile Justice, procedures
4 for disciplinary cases except those that may involve the
5 imposition of disciplinary isolation; delay in referral to the
6 Parole and Pardon Board or a change in work, education or other
7 program assignment of more than 7 days duration.

8 (g) In disciplinary cases which may involve the imposition
9 of disciplinary isolation, delay in referral to the Parole and
10 Pardon Board, or a change in work, education or other program
11 assignment of more than 7 days duration, the Director shall
12 establish disciplinary procedures consistent with the
13 following principles:

14 (1) Any person or persons who initiate a disciplinary
15 charge against a person shall not decide the charge. To the
16 extent possible, a person representing the counseling staff of
17 the institution or facility shall participate in deciding the
18 disciplinary case.

19 (2) Any committed person charged with a violation of
20 Department rules of behavior shall be given notice of the
21 charge including a statement of the misconduct alleged and of
22 the rules this conduct is alleged to violate.

23 (3) Any person charged with a violation of rules is
24 entitled to a hearing on that charge at which time he shall
25 have an opportunity to appear before and address the person or
26 persons deciding the charge.

27 (4) The person or persons deciding the charge may also
28 summon to testify any witnesses or other persons with relevant
29 knowledge of the incident. The person charged may be permitted
30 to question any person so summoned.

31 (5) If the charge is sustained, the person charged is
32 entitled to a written statement of the decision by the persons
33 deciding the charge which shall include the basis for the
34 decision and the disciplinary action, if any, to be imposed.

1 (6) A change in work, education, or other program
2 assignment shall not be used for disciplinary purposes except
3 as provided in paragraph (a) of the Section and then only after
4 review and approval under Section 3-10-3.

5 (Source: P.A. 80-1099.)

6 (730 ILCS 5/3-10-9) (from Ch. 38, par. 1003-10-9)

7 Sec. 3-10-9. Grievances.

8 The procedures for grievances of the Department of Juvenile
9 Justice ~~Juvenile Division~~ shall be governed under Section
10 3-8-8.

11 (Source: P.A. 77-2097.)

12 (730 ILCS 5/3-10-10) (from Ch. 38, par. 1003-10-10)

13 Sec. 3-10-10. Assistance to Committed Persons.

14 A person committed to the Department of Juvenile Justice
15 ~~Juvenile Division~~ shall be furnished with staff assistance in
16 the exercise of any rights and privileges granted him under
17 this Code. Such person shall be informed of his right to
18 assistance by his staff counselor or other staff member.

19 (Source: P.A. 77-2097.)

20 (730 ILCS 5/3-10-11) (from Ch. 38, par. 1003-10-11)

21 Sec. 3-10-11. Transfers from Department of Children and
22 Family Services.

23 (a) If (i) a minor 10 years of age or older is adjudicated
24 a delinquent under the Juvenile Court Act or the Juvenile Court
25 Act of 1987 and placed with the Department of Children and
26 Family Services, (ii) it is determined by an interagency review
27 committee that the Department of Children and Family Services
28 lacks adequate facilities to care for and rehabilitate such
29 minor and that placement of such minor with the Department of
30 Juvenile Justice ~~Corrections~~, subject to certification by the
31 Department of Juvenile Justice ~~Corrections~~, is appropriate,

1 and (iii) the Department of Juvenile Justice ~~Corrections~~
2 certifies that it has suitable facilities and personnel
3 available for the confinement of the minor, the Department of
4 Children and Family Services may transfer custody of the minor
5 to the Department of Juvenile Justice ~~Juvenile Division of the~~
6 ~~Department of Corrections~~ provided that:

7 (1) the juvenile court that adjudicated the minor a
8 delinquent orders the transfer after a hearing with
9 opportunity to the minor to be heard and defend; and

10 (2) the ~~Assistant~~ Director of Juvenile Justice ~~the~~
11 ~~Department of Corrections, Juvenile Division,~~ is made a
12 party to the action; and

13 (3) notice of such transfer is given to the minor's
14 parent, guardian or nearest relative; and

15 (4) a term of incarceration is permitted by law for
16 adults found guilty of the offense for which the minor was
17 adjudicated delinquent.

18 The interagency review committee shall include a
19 representative from the Department of Children and Family
20 Services, a representative from the Department of Juvenile
21 Justice ~~Corrections~~, and an educator and a qualified mental
22 health professional jointly selected by the Department of
23 Children and Family Services and the Department of Juvenile
24 Justice ~~Corrections~~. The Department of Children and Family
25 Services, in consultation with the Department of Juvenile
26 Justice ~~Corrections~~, shall promulgate rules governing the
27 operation of the interagency review committee pursuant to the
28 Illinois Administrative Procedure Act.

29 (b) Guardianship of a minor transferred under this Section
30 shall remain with the Department of Children and Family
31 Services.

32 (c) Minors transferred under this Section may be placed by
33 the Department of Juvenile Justice ~~Corrections~~ in any program
34 or facility of the Department of Juvenile Justice ~~Corrections,~~

1 ~~Juvenile Division~~, or any juvenile residential facility.

2 (d) A minor transferred under this Section shall remain in
3 the custody of the Department of Juvenile Justice Corrections,
4 ~~Juvenile Division~~, until the Department of Juvenile Justice
5 ~~Corrections~~ determines that the minor is ready to leave its
6 program. The Department of Juvenile Justice Corrections in
7 consultation with the Department of Children and Family
8 Services shall develop a transition plan and cooperate with the
9 Department of Children and Family Services to move the minor to
10 an alternate program. Thirty days before implementing the
11 transition plan, the Department of Juvenile Justice
12 ~~Corrections~~ shall provide the court with notice of the plan.
13 The Department of Juvenile Justice's ~~Corrections'~~
14 custodianship of the minor shall automatically terminate 30
15 days after notice is provided to the court and the State's
16 Attorney.

17 (e) In no event shall a minor transferred under this
18 Section remain in the custody of the Department of Juvenile
19 Justice Corrections for a period of time in excess of that
20 period for which an adult could be committed for the same act.

21 (Source: P.A. 88-680, eff. 1-1-95.)

22 (730 ILCS 5/3-10-12) (from Ch. 38, par. 1003-10-12)

23 Sec. 3-10-12.

24 The Director of the Department of Juvenile Justice
25 ~~Corrections~~ may authorize the use of any institution or
26 facility of the Department of Juvenile Justice ~~Juvenile~~
27 ~~Division~~ as a Juvenile Detention Facility for the confinement
28 of minors under 16 years of age in the custody or detained by
29 the Sheriff of any County or the police department of any city
30 when said juvenile is being held for appearance before a
31 Juvenile Court or by Order of Court or for other legal reason,
32 when there is no Juvenile Detention facility available or there
33 are no other arrangements suitable for the confinement of

1 juveniles. The Director of Juvenile Justice ~~the Department of~~
2 ~~Corrections~~ may certify that suitable facilities and personnel
3 are available at the appropriate institution or facility for
4 the confinement of such minors and this certification shall be
5 filed with the Clerk of the Circuit Court of the County. The
6 Director of Juvenile Justice ~~the Department of Corrections~~ may
7 withdraw or withhold certification at any time. Upon the filing
8 of the certificate in a county the authorities of the county
9 may then use those facilities and set forth in the certificate
10 under the terms and conditions therein for the above purpose.
11 Juveniles confined, by the Department of Juvenile Justice
12 ~~Corrections~~, under this Section, must be kept separate from
13 adjudicated delinquents.

14 (Source: P.A. 78-878.)

15 (730 ILCS 5/3-10-13)

16 Sec. 3-10-13. Notifications of Release or Escape.

17 (a) The Department of Juvenile Justice shall establish
18 procedures to provide written notification of the release of
19 any person from the Department of Juvenile Justice ~~Juvenile~~
20 ~~Division~~ to the persons and agencies specified in subsection
21 (c) of Section 3-14-1 of this Code.

22 (b) The Department of Juvenile Justice shall establish
23 procedures to provide immediate notification of the escape of
24 any person from the Department of Juvenile Justice ~~Juvenile~~
25 ~~Division~~ to the persons and agencies specified in subsection
26 (c) of Section 3-14-1 of this Code.

27 (Source: P.A. 91-695, eff. 4-13-00.)

28 (730 ILCS 5/3-16-5)

29 Sec. 3-16-5. Multi-year pilot program for selected paroled
30 youth released from institutions of the Juvenile Division.

31 (a) The Department of Juvenile Justice ~~Corrections~~ may
32 establish in Cook County, DuPage County, Lake County, Will

1 County, and Kane County a 6 year pilot program for selected
2 youthful offenders released to parole by the Department of
3 Juvenile Justice ~~Juvenile Division of the Department of~~
4 ~~Corrections~~.

5 (b) A person who is being released to parole from the
6 Department of Juvenile Justice ~~Juvenile Division~~ under
7 subsection (e) of Section 3-3-3 whom the Department of Juvenile
8 Justice ~~Juvenile Division~~ deems a serious or at risk delinquent
9 youth who is likely to have difficulty re-adjusting to the
10 community, who has had either significant clinical problems or
11 a history of criminal activity related to sex offenses, drugs,
12 weapons, or gangs, and who is returning to Cook County, Will
13 County, Lake County, DuPage County, or Kane County may be
14 screened for eligibility to participate in the pilot program.

15 (c) If the Department of Juvenile Justice establishes a
16 pilot program under this Section, the Department of Juvenile
17 Justice ~~Juvenile Division~~ shall provide supervision and
18 structured services to persons selected to participate in the
19 program to: (i) ensure that they receive high levels of
20 supervision and case managed, structured services; (ii)
21 prepare them for re-integration into the community; (iii)
22 effectively monitor their compliance with parole requirements
23 and programming; and (iv) minimize the likelihood that they
24 will commit additional offenses.

25 (d) Based upon the needs of a participant, the Department
26 of Juvenile Justice may provide any or all of the following to
27 a participant:

- 28 (1) Risk and needs assessment;
- 29 (2) Comprehensive case management;
- 30 (3) Placement in licensed secured community facilities
31 as a transitional measure;
- 32 (4) Transition to residential programming;
- 33 (5) Targeted intensive outpatient treatment services;
- 34 (6) Structured day and evening reporting programs and

1 behavioral day treatment;

2 (7) Family counseling;

3 (8) Transitional programs to independent living;

4 (9) Alternative placements;

5 (10) Substance abuse treatment.

6 (e) A needs assessment case plan and parole supervision
7 profile may be completed by the Department of Juvenile Justice
8 ~~Corrections~~ before the selected eligible person's release from
9 institutional custody to parole supervision. The needs
10 assessment case plan and parole supervision profile shall
11 include identification of placement requirements, intensity of
12 parole supervision, and assessments of educational,
13 psychological, vocational, medical, and substance abuse
14 treatment needs. Following the completion by the Department of
15 Juvenile Justice ~~Corrections~~ of the parole supervision profile
16 and needs assessment case plan, a comprehensive parole case
17 management plan shall be developed for each committed youth
18 eligible and selected for admission to the pilot program. The
19 comprehensive parole case management plan shall be submitted
20 for approval by the Department of Juvenile Justice and for
21 presentation to the Prisoner Review Board.

22 (f) The Department of Juvenile Justice may identify in a
23 comprehensive parole case management plan any special
24 conditions for parole supervision and establish sanctions for a
25 participant who fails to comply with the program requirements
26 or who violates parole rules. These sanctions may include the
27 return of a participant to a secure community placement or
28 recommendations for parole revocation to the Prisoner Review
29 Board. Paroled youth may be held for investigation in secure
30 community facilities or on warrant pending revocation in local
31 detention or jail facilities based on age.

32 (g) The Department of Juvenile Justice may select and
33 contract with a community-based network and work in partnership
34 with private providers to provide the services specified in

1 subsection (d).

2 (h) If the Department of Juvenile Justice establishes a
3 pilot program under this Section, the Department of Juvenile
4 Justice shall, in the 3 years following the effective date of
5 this amendatory Act of 1997, first implement the pilot program
6 in Cook County and then implement the pilot program in DuPage
7 County, Lake County, Will County, and Kane County in accordance
8 with a schedule to be developed by the Department of Juvenile
9 Justice.

10 (i) If the Department of Juvenile Justice establishes a
11 pilot program under this Section, the Department of Juvenile
12 Justice shall establish a 3 year follow-up evaluation and
13 outcome assessment for all participants in the pilot program.

14 (j) If the Department of Juvenile Justice establishes a
15 pilot program under this Section, the Department of Juvenile
16 Justice shall publish an outcome study covering a 3 year
17 follow-up period for participants in the pilot program.

18 (Source: P.A. 90-79, eff. 1-1-98.)

19 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

20 Sec. 5-8-6. Place of Confinement. (a) Offenders sentenced
21 to a term of imprisonment for a felony shall be committed to
22 the penitentiary system of the Department of Corrections.
23 However, such sentence shall not limit the powers of the
24 Department of Children and Family Services in relation to any
25 child under the age of one year in the sole custody of a person
26 so sentenced, nor in relation to any child delivered by a
27 female so sentenced while she is so confined as a consequence
28 of such sentence. A person sentenced for a felony may be
29 assigned by the Department of Corrections to any of its
30 institutions, facilities or programs.

31 (b) Offenders sentenced to a term of imprisonment for less
32 than one year shall be committed to the custody of the sheriff.
33 A person committed to the Department of Corrections, prior to

1 July 14, 1983, for less than one year may be assigned by the
2 Department to any of its institutions, facilities or programs.

3 (c) All offenders under 17 years of age when sentenced to
4 imprisonment shall be committed to the Department of Juvenile
5 Justice ~~Juvenile Division of the Department of Corrections~~ and
6 the court in its order of commitment shall set a definite term.
7 Such order of commitment shall be the sentence of the court
8 which may be amended by the court while jurisdiction is
9 retained; and such sentence shall apply whenever the offender
10 sentenced is in the control and custody of the ~~Adult Division~~
11 ~~of the~~ Department of Corrections. The provisions of Section
12 3-3-3 shall be a part of such commitment as fully as though
13 written in the order of commitment. The committing court shall
14 retain jurisdiction of the subject matter and the person until
15 he or she reaches the age of 21 unless earlier discharged.
16 However, the Department of Juvenile Justice ~~Juvenile Division~~
17 ~~of the Department of Corrections~~ shall, after a juvenile has
18 reached 17 years of age, petition the court to conduct a
19 hearing pursuant to subsection (c) of Section 3-10-7 of this
20 Code.

21 (d) No defendant shall be committed to the Department of
22 Corrections for the recovery of a fine or costs.

23 (e) When a court sentences a defendant to a term of
24 imprisonment concurrent with a previous and unexpired sentence
25 of imprisonment imposed by any district court of the United
26 States, it may commit the offender to the custody of the
27 Attorney General of the United States. The Attorney General of
28 the United States, or the authorized representative of the
29 Attorney General of the United States, shall be furnished with
30 the warrant of commitment from the court imposing sentence,
31 which warrant of commitment shall provide that, when the
32 offender is released from federal confinement, whether by
33 parole or by termination of sentence, the offender shall be
34 transferred by the Sheriff of the committing county to the

1 Department of Corrections. The court shall cause the Department
2 to be notified of such sentence at the time of commitment and
3 to be provided with copies of all records regarding the
4 sentence.

5 (Source: P.A. 83-1362.)

6 Section 30. The Probation and Probation Officers Act is
7 amended by changing Section 15 as follows:

8 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

9 Sec. 15. (1) The Supreme Court of Illinois may establish a
10 Division of Probation Services whose purpose shall be the
11 development, establishment, promulgation, and enforcement of
12 uniform standards for probation services in this State, and to
13 otherwise carry out the intent of this Act. The Division may:

14 (a) establish qualifications for chief probation
15 officers and other probation and court services personnel
16 as to hiring, promotion, and training.

17 (b) make available, on a timely basis, lists of those
18 applicants whose qualifications meet the regulations
19 referred to herein, including on said lists all candidates
20 found qualified.

21 (c) establish a means of verifying the conditions for
22 reimbursement under this Act and develop criteria for
23 approved costs for reimbursement.

24 (d) develop standards and approve employee
25 compensation schedules for probation and court services
26 departments.

27 (e) employ sufficient personnel in the Division to
28 carry out the functions of the Division.

29 (f) establish a system of training and establish
30 standards for personnel orientation and training.

31 (g) develop standards for a system of record keeping
32 for cases and programs, gather statistics, establish a

1 system of uniform forms, and develop research for planning
2 of Probation Services.

3 (h) develop standards to assure adequate support
4 personnel, office space, equipment and supplies, travel
5 expenses, and other essential items necessary for
6 Probation and Court Services Departments to carry out their
7 duties.

8 (i) review and approve annual plans submitted by
9 Probation and Court Services Departments.

10 (j) monitor and evaluate all programs operated by
11 Probation and Court Services Departments, and may include
12 in the program evaluation criteria such factors as the
13 percentage of Probation sentences for felons convicted of
14 Probationable offenses.

15 (k) seek the cooperation of local and State government
16 and private agencies to improve the quality of probation
17 and court services.

18 (l) where appropriate, establish programs and
19 corresponding standards designed to generally improve the
20 quality of probation and court services and reduce the rate
21 of adult or juvenile offenders committed to the Department
22 of Corrections.

23 (m) establish such other standards and regulations and
24 do all acts necessary to carry out the intent and purposes
25 of this Act.

26 The Division shall establish a model list of structured
27 intermediate sanctions that may be imposed by a probation
28 agency for violations of terms and conditions of a sentence of
29 probation, conditional discharge, or supervision.

30 The State of Illinois shall provide for the costs of
31 personnel, travel, equipment, telecommunications, postage,
32 commodities, printing, space, contractual services and other
33 related costs necessary to carry out the intent of this Act.

34 (2) (a) The chief judge of each circuit shall provide

1 full-time probation services for all counties within the
2 circuit, in a manner consistent with the annual probation plan,
3 the standards, policies, and regulations established by the
4 Supreme Court. A probation district of two or more counties
5 within a circuit may be created for the purposes of providing
6 full-time probation services. Every county or group of counties
7 within a circuit shall maintain a probation department which
8 shall be under the authority of the Chief Judge of the circuit
9 or some other judge designated by the Chief Judge. The Chief
10 Judge, through the Probation and Court Services Department
11 shall submit annual plans to the Division for probation and
12 related services.

13 (b) The Chief Judge of each circuit shall appoint the Chief
14 Probation Officer and all other probation officers for his or
15 her circuit from lists of qualified applicants supplied by the
16 Supreme Court. Candidates for chief managing officer and other
17 probation officer positions must apply with both the Chief
18 Judge of the circuit and the Supreme Court.

19 (3) A Probation and Court Service Department shall apply to
20 the Supreme Court for funds for basic services, and may apply
21 for funds for new and expanded programs or Individualized
22 Services and Programs. Costs shall be reimbursed monthly based
23 on a plan and budget approved by the Supreme Court. No
24 Department may be reimbursed for costs which exceed or are not
25 provided for in the approved annual plan and budget. After the
26 effective date of this amendatory Act of 1985, each county must
27 provide basic services in accordance with the annual plan and
28 standards created by the division. No department may receive
29 funds for new or expanded programs or individualized services
30 and programs unless they are in compliance with standards as
31 enumerated in paragraph (h) of subsection (1) of this Section,
32 the annual plan, and standards for basic services.

33 (4) The Division shall reimburse the county or counties for
34 probation services as follows:

1 (a) 100% of the salary of all chief managing officers
2 designated as such by the Chief Judge and the division.

3 (b) 100% of the salary for all probation officer and
4 supervisor positions approved for reimbursement by the
5 division after April 1, 1984, to meet workload standards
6 and to implement intensive sanction and probation
7 supervision programs and other basic services as defined in
8 this Act.

9 (c) 100% of the salary for all secure detention
10 personnel and non-secure group home personnel approved for
11 reimbursement after December 1, 1990. For all such
12 positions approved for reimbursement before December 1,
13 1990, the counties shall be reimbursed \$1,250 per month
14 beginning July 1, 1995, and an additional \$250 per month
15 beginning each July 1st thereafter until the positions
16 receive 100% salary reimbursement. Allocation of such
17 positions will be based on comparative need considering
18 capacity, staff/resident ratio, physical plant and
19 program.

20 (d) \$1,000 per month for salaries for the remaining
21 probation officer positions engaged in basic services and
22 new or expanded services. All such positions shall be
23 approved by the division in accordance with this Act and
24 division standards.

25 (e) 100% of the travel expenses in accordance with
26 Division standards for all Probation positions approved
27 under paragraph (b) of subsection 4 of this Section.

28 (f) If the amount of funds reimbursed to the county
29 under paragraphs (a) through (e) of subsection 4 of this
30 Section on an annual basis is less than the amount the
31 county had received during the 12 month period immediately
32 prior to the effective date of this amendatory Act of 1985,
33 then the Division shall reimburse the amount of the
34 difference to the county. The effect of paragraph (b) of

1 subsection 7 of this Section shall be considered in
2 implementing this supplemental reimbursement provision.

3 (5) The Division shall provide funds beginning on April 1,
4 1987 for the counties to provide Individualized Services and
5 Programs as provided in Section 16 of this Act.

6 (6) A Probation and Court Services Department in order to
7 be eligible for the reimbursement must submit to the Supreme
8 Court an application containing such information and in such a
9 form and by such dates as the Supreme Court may require.
10 Departments to be eligible for funding must satisfy the
11 following conditions:

12 (a) The Department shall have on file with the Supreme
13 Court an annual Probation plan for continuing, improved,
14 and new Probation and Court Services Programs approved by
15 the Supreme Court or its designee. This plan shall indicate
16 the manner in which Probation and Court Services will be
17 delivered and improved, consistent with the minimum
18 standards and regulations for Probation and Court
19 Services, as established by the Supreme Court. In counties
20 with more than one Probation and Court Services Department
21 eligible to receive funds, all Departments within that
22 county must submit plans which are approved by the Supreme
23 Court.

24 (b) The annual probation plan shall seek to generally
25 improve the quality of probation services and to reduce the
26 commitment of adult and juvenile offenders to the
27 Department of Corrections and shall require, when
28 appropriate, coordination with the Department of
29 Corrections and the Department of Children and Family
30 Services in the development and use of community resources,
31 information systems, case review and permanency planning
32 systems to avoid the duplication of services.

33 (c) The Department shall be in compliance with
34 standards developed by the Supreme Court for basic, new and

1 expanded services, training, personnel hiring and
2 promotion.

3 (d) The Department shall in its annual plan indicate
4 the manner in which it will support the rights of crime
5 victims and in which manner it will implement Article I,
6 Section 8.1 of the Illinois Constitution and in what manner
7 it will coordinate crime victims' support services with
8 other criminal justice agencies within its jurisdiction,
9 including but not limited to, the State's Attorney, the
10 Sheriff and any municipal police department.

11 (e) County probation departments or probation
12 districts that seek reimbursement for administrative
13 responsibility for detention institutions for youth, aged
14 13 through 16, must provide verification of appropriate
15 screening of each youth prior to admission to detention, as
16 well as on-going and frequent review with appropriate
17 step-down procedures to ensure that detention is utilized
18 only as a last resort and for as short a duration as
19 possible.

20 (7) No statement shall be verified by the Supreme Court or
21 its designee or vouchered by the Comptroller unless each of the
22 following conditions have been met:

23 (a) The probation officer is a full-time employee
24 appointed by the Chief Judge to provide probation services.

25 (b) The probation officer, in order to be eligible for
26 State reimbursement, is receiving a salary of at least
27 \$17,000 per year.

28 (c) The probation officer is appointed or was
29 reappointed in accordance with minimum qualifications or
30 criteria established by the Supreme Court; however, all
31 probation officers appointed prior to January 1, 1978,
32 shall be exempted from the minimum requirements
33 established by the Supreme Court. Payments shall be made to
34 counties employing these exempted probation officers as

1 long as they are employed in the position held on the
2 effective date of this amendatory Act of 1985. Promotions
3 shall be governed by minimum qualifications established by
4 the Supreme Court.

5 (d) The Department has an established compensation
6 schedule approved by the Supreme Court. The compensation
7 schedule shall include salary ranges with necessary
8 increments to compensate each employee. The increments
9 shall, within the salary ranges, be based on such factors
10 as bona fide occupational qualifications, performance, and
11 length of service. Each position in the Department shall be
12 placed on the compensation schedule according to job duties
13 and responsibilities of such position. The policy and
14 procedures of the compensation schedule shall be made
15 available to each employee.

16 (8) In order to obtain full reimbursement of all approved
17 costs, each Department must continue to employ at least the
18 same number of probation officers and probation managers as
19 were authorized for employment for the fiscal year which
20 includes January 1, 1985. This number shall be designated as
21 the base amount of the Department. No positions approved by the
22 Division under paragraph (b) of subsection 4 will be included
23 in the base amount. In the event that the Department employs
24 fewer Probation officers and Probation managers than the base
25 amount for a period of 90 days, funding received by the
26 Department under subsection 4 of this Section may be reduced on
27 a monthly basis by the amount of the current salaries of any
28 positions below the base amount.

29 (9) Before the 15th day of each month, the treasurer of any
30 county which has a Probation and Court Services Department, or
31 the treasurer of the most populous county, in the case of a
32 Probation or Court Services Department funded by more than one
33 county, shall submit an itemized statement of all approved
34 costs incurred in the delivery of Basic Probation and Court

1 Services under this Act to the Supreme Court. The treasurer may
2 also submit an itemized statement of all approved costs
3 incurred in the delivery of new and expanded Probation and
4 Court Services as well as Individualized Services and Programs.
5 The Supreme Court or its designee shall verify compliance with
6 this Section and shall examine and audit the monthly statement
7 and, upon finding them to be correct, shall forward them to the
8 Comptroller for payment to the county treasurer. In the case of
9 payment to a treasurer of a county which is the most populous
10 of counties sharing the salary and expenses of a Probation and
11 Court Services Department, the treasurer shall divide the money
12 between the counties in a manner that reflects each county's
13 share of the cost incurred by the Department.

14 (10) The county treasurer must certify that funds received
15 under this Section shall be used solely to maintain and improve
16 Probation and Court Services. The county or circuit shall
17 remain in compliance with all standards, policies and
18 regulations established by the Supreme Court. If at any time
19 the Supreme Court determines that a county or circuit is not in
20 compliance, the Supreme Court shall immediately notify the
21 Chief Judge, county board chairman and the Director of Court
22 Services Chief Probation Officer. If after 90 days of written
23 notice the noncompliance still exists, the Supreme Court shall
24 be required to reduce the amount of monthly reimbursement by
25 10%. An additional 10% reduction of monthly reimbursement shall
26 occur for each consecutive month of noncompliance. Except as
27 provided in subsection 5 of Section 15, funding to counties
28 shall commence on April 1, 1986. Funds received under this Act
29 shall be used to provide for Probation Department expenses
30 including those required under Section 13 of this Act. For
31 State fiscal year 2004 only, the Mandatory Arbitration Fund may
32 be used to provide for Probation Department expenses, including
33 those required under Section 13 of this Act.

34 (11) The respective counties shall be responsible for

1 capital and space costs, fringe benefits, clerical costs,
2 equipment, telecommunications, postage, commodities and
3 printing.

4 (12) For purposes of this Act only, probation officers
5 shall be considered peace officers. In the exercise of their
6 official duties, probation officers, sheriffs, and police
7 officers may, anywhere within the State, arrest any probationer
8 who is in violation of any of the conditions of his or her
9 probation, conditional discharge, or supervision, and it shall
10 be the duty of the officer making the arrest to take the
11 probationer before the Court having jurisdiction over the
12 probationer for further order.

13 (Source: P.A. 93-25, eff. 6-20-03; 93-576, eff. 1-1-04; revised
14 9-23-03.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."