



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/4/2004, by Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-750

Amends the Juvenile Court Act of 1987. Provides that the court may not appoint the Department of Corrections to be the legal guardian of any minor committed to the Department of Corrections.

LRB093 18582 RLC 44304 b

1 AN ACT concerning minors.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-750 as follows:

6 (705 ILCS 405/5-750)

7 Sec. 5-750. Commitment to the Department of Corrections,
8 Juvenile Division.

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

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

1 proceeding under this Act.

2 (3) Except as provided in subsection (2), the commitment of
3 a delinquent to the Department of Corrections shall be for an
4 indeterminate term which shall automatically terminate upon
5 the delinquent attaining the age of 21 years unless the
6 delinquent is sooner discharged from parole or custodianship is
7 otherwise terminated in accordance with this Act or as
8 otherwise provided for by law.

9 (4) When the court commits a minor to the Department of
10 Corrections, it shall order him or her conveyed forthwith to
11 the appropriate reception station or other place designated by
12 the Department of Corrections, and shall appoint the Assistant
13 Director of Corrections, Juvenile Division, legal custodian of
14 the minor. The court may not appoint the Department of
15 Corrections to be the legal guardian of any minor committed to
16 the Department of Corrections. The clerk of the court shall
17 issue to the Assistant Director of Corrections, Juvenile
18 Division, a certified copy of the order, which constitutes
19 proof of the Director's authority. No other process need issue
20 to warrant the keeping of the minor.

21 (5) If a minor is committed to the Department of
22 Corrections, Juvenile Division, the clerk of the court shall
23 forward to the Department:

24 (a) the disposition ordered;

25 (b) all reports;

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

28 (d) all additional matters which the court directs the
29 clerk to transmit.

30 (6) Whenever the Department of Corrections lawfully
31 discharges from its custody and control a minor committed to
32 it, the Assistant Director of Corrections, Juvenile Division,
33 shall petition the court for an order terminating his or her
34 custodianship. The custodianship shall terminate automatically
35 30 days after receipt of the petition unless the court orders
36 otherwise.

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