



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 2/5/2004, by Christine Radogno

SYNOPSIS AS INTRODUCED:

20 ILCS 4026/10
20 ILCS 4026/15
705 ILCS 405/5-615
705 ILCS 405/5-715
705 ILCS 405/5-750

Amends the Sex Offender Management Board Act and the Juvenile Court Act of 1987. Requires the Sex Offender Management Board to impose as a condition of probation, continuance under supervision, or other release of a juvenile sex offender that the offender: (1) not be present or approach within 500 feet of the victim of the sex offense for which that offender has been adjudicated delinquent or of that victim's residence; (2) undergo psychiatric or psychological treatment if the Board deems such treatment appropriate; and (3) take such medication that the Board deems appropriate and undergo periodic evaluations to determine if the offender is taking such medication as deemed appropriate. Provides that the Board shall notify the principal or other chief administrative officer of the school that the juvenile sex offender attends that the pupil is a juvenile sex offender. Effective immediately.

LRB093 14333 RLC 46903 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT in relation to juvenile sex offenders.

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

4 Section 5. The Sex Offender Management Board Act is amended
5 by changing Sections 10 and 15 as follows:

6 (20 ILCS 4026/10)

7 Sec. 10. Definitions. In this Act, unless the context
8 otherwise requires:

9 (a) "Board" means the Sex Offender Management Board created
10 in Section 15.

11 (b) "Sex offender" means any person who is convicted or
12 found delinquent or whose case has been continued under
13 supervision in the State of Illinois, or under any
14 substantially similar federal law or law of another state, of
15 any sex offense or attempt of a sex offense as defined in
16 subsection (c) of this Section, or any former statute of this
17 State that defined a felony sex offense, or who has been
18 certified as a sexually dangerous person under the Sexually
19 Dangerous Persons Act or declared a sexually violent person
20 under the Sexually Violent Persons Commitment Act, or any
21 substantially similar federal law or law of another state.

22 (b-5) "Juvenile sex offender" means a sex offender who has
23 been found delinquent or whose case has been continued under
24 supervision under the Juvenile Court Act of 1987 or under any
25 substantially similar federal law or law of another state of a
26 sex offense or attempt to commit a sex offense as defined in
27 subsection (c) of this Section, or any former statute of this
28 State that defined a felony sex offense.

29 (c) "Sex offense" means any felony or misdemeanor offense
30 described in this subsection (c) as follows:

31 (1) Indecent solicitation of a child, in violation of
32 Section 11-6 of the Criminal Code of 1961;

1 (2) Indecent solicitation of an adult, in violation of
2 Section 11-6.5 of the Criminal Code of 1961;

3 (3) Public indecency, in violation of Section 11-9 of
4 the Criminal Code of 1961;

5 (4) Sexual exploitation of a child, in violation of
6 Section 11-9.1 of the Criminal Code of 1961;

7 (5) Sexual relations within families, in violation of
8 Section 11-11 of the Criminal Code of 1961;

9 (6) Soliciting for a juvenile prostitute, in violation
10 of Section 11-15.1 of the Criminal Code of 1961;

11 (7) Keeping a place of juvenile prostitution, in
12 violation of Section 11-17.1 of the Criminal Code of 1961;

13 (8) Patronizing a juvenile prostitute, in violation of
14 Section 11-18.1 of the Criminal Code of 1961;

15 (9) Juvenile pimping, in violation of Section 11-19.1
16 of the Criminal Code of 1961;

17 (10) Exploitation of a child, in violation of Section
18 11-19.2 of the Criminal Code of 1961;

19 (11) Child pornography, in violation of Section
20 11-20.1 of the Criminal Code of 1961;

21 (12) Harmful material, in violation of Section 11-21 of
22 the Criminal Code of 1961;

23 (13) Criminal sexual assault, in violation of Section
24 12-13 of the Criminal Code of 1961;

25 (14) Aggravated criminal sexual assault, in violation
26 of Section 12-14 of the Criminal Code of 1961;

27 (15) Predatory criminal sexual assault of a child, in
28 violation of Section 12-14.1 of the Criminal Code of 1961;

29 (16) Criminal sexual abuse, in violation of Section
30 12-15 of the Criminal Code of 1961;

31 (17) Aggravated criminal sexual abuse, in violation of
32 Section 12-16 of the Criminal Code of 1961;

33 (18) Ritualized abuse of a child, in violation of
34 Section 12-33 of the Criminal Code of 1961;

35 (19) An attempt to commit any of the offenses
36 enumerated in this subsection (c); or

1 (20) Any felony offense under Illinois law that is
2 sexually motivated.

3 (d) "Management" means counseling, monitoring, and
4 supervision of any sex offender that conforms to the standards
5 created by the Board under Section 15.

6 (e) "Sexually motivated" means one or more of the facts of
7 the underlying offense indicates conduct that is of a sexual
8 nature or that shows an intent to engage in behavior of a
9 sexual nature.

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

11 (20 ILCS 4026/15)

12 Sec. 15. Sex Offender Management Board; creation; duties.

13 (a) There is created the Sex Offender Management Board,
14 which shall consist of 24 members. The membership of the Board
15 shall consist of the following persons:

16 (1) Two members appointed by the Governor representing
17 the judiciary, one representing juvenile court matters and
18 one representing adult criminal court matters;

19 (2) One member appointed by the Governor representing
20 Probation Services;

21 (3) One member appointed by the Governor representing
22 the Department of Corrections;

23 (4) One member appointed by the Governor representing
24 the Department of Human Services;

25 (5) One member appointed by the Governor representing
26 the Illinois State Police;

27 (6) One member appointed by the Governor representing
28 the Department of Children and Family Services;

29 (7) One member appointed by the Attorney General
30 representing the Office of the Attorney General;

31 (8) Two members appointed by the Attorney General who
32 are licensed mental health professionals with documented
33 expertise in the treatment of sex offenders;

34 (9) Two members appointed by the Attorney General who
35 are State's Attorneys or assistant State's Attorneys, one

1 representing juvenile court matters and one representing
2 felony court matters;

3 (10) One member being the Cook County State's Attorney
4 or his or her designee;

5 (11) One member being the Director of the State's
6 Attorneys Appellate Prosecutor or his or her designee;

7 (12) One member being the Cook County Public Defender
8 or his or her designee;

9 (13) Two members appointed by the Governor who are
10 representatives of law enforcement, one juvenile officer
11 and one sex crime investigator;

12 (14) Two members appointed by the Attorney General who
13 are recognized experts in the field of sexual assault and
14 who can represent sexual assault victims and victims'
15 rights organizations;

16 (15) One member being the State Appellate Defender or
17 his or her designee;

18 (16) One member being the President of the Illinois
19 Polygraph Society or his or her designee;

20 (17) One member being the Executive Director of the
21 Criminal Justice Information Authority or his or her
22 designee;

23 (18) One member being the President of the Illinois
24 Chapter of the Association for the Treatment of Sexual
25 Abusers or his or her designee; and

26 (19) One member representing the Illinois Principal
27 Association.

28 (b) The Governor and the Attorney General shall appoint a
29 presiding officer for the Board from among the board members
30 appointed under subsection (a) of this Section, which presiding
31 officer shall serve at the pleasure of the Governor and the
32 Attorney General.

33 (c) Each member of the Board shall demonstrate substantial
34 expertise and experience in the field of sexual assault.

35 (d) (1) Any member of the Board created in subsection (a)
36 of this Section who is appointed under paragraphs (1) through

1 (7) of subsection (a) of this Section shall serve at the
2 pleasure of the official who appointed that member, for a term
3 of 5 years and may be reappointed. The members shall serve
4 without additional compensation.

5 (2) Any member of the Board created in subsection (a) of
6 this Section who is appointed under paragraphs (8) through (14)
7 of subsection (a) of this Section shall serve for a term of 5
8 years and may be reappointed. The members shall serve without
9 compensation.

10 (3) The travel costs associated with membership on the
11 Board created in subsection (a) of this Section will be
12 reimbursed subject to availability of funds.

13 (e) The first meeting of this Board shall be held within 45
14 days of the effective date of this Act.

15 (f) The Board shall carry out the following duties:

16 (1) Not later than December 31, 2001, the Board shall
17 develop and prescribe separate standardized procedures for
18 the evaluation and identification of the offender and
19 recommend behavior management, monitoring, and treatment
20 based upon the knowledge that sex offenders are extremely
21 habituated and that there is no known cure for the
22 propensity to commit sex abuse. The Board shall develop and
23 implement measures of success based upon a no-cure policy
24 for intervention. The Board shall develop and implement
25 methods of intervention for sex offenders which have as a
26 priority the physical and psychological safety of victims
27 and potential victims and which are appropriate to the
28 needs of the particular offender, so long as there is no
29 reduction of the safety of victims and potential victims.

30 (2) Not later than December 31, 2001, the Board shall
31 develop separate guidelines and standards for a system of
32 programs for the evaluation and treatment of both juvenile
33 and adult sex offenders which shall be utilized by
34 offenders who are placed on probation, committed to the
35 Department of Corrections or Department of Human Services,
36 or placed on mandatory supervised release or parole. The

1 programs developed under this paragraph (f) shall be as
2 flexible as possible so that the programs may be utilized
3 by each offender to prevent the offender from harming
4 victims and potential victims. The programs shall be
5 structured in such a manner that the programs provide a
6 continuing monitoring process as well as a continuum of
7 counseling programs for each offender as that offender
8 proceeds through the justice system. Also, the programs
9 shall be developed in such a manner that, to the extent
10 possible, the programs may be accessed by all offenders in
11 the justice system.

12 (3) There is established the Sex Offender Management
13 Board Fund in the State Treasury into which funds received
14 under any provision of law or from public or private
15 sources shall be deposited, and from which funds shall be
16 appropriated for the purposes set forth in Section 19 of
17 this Act, Section 5-6-3 of the Unified Code of Corrections,
18 and Section 3 of the Sex Offender Registration Act, and the
19 remainder shall be appropriated to the Sex Offender
20 Management Board for planning and research.

21 (4) The Board shall develop and prescribe a plan to
22 research and analyze the effectiveness of the evaluation,
23 identification, and counseling procedures and programs
24 developed under this Act. The Board shall also develop and
25 prescribe a system for implementation of the guidelines and
26 standards developed under paragraph (2) of this subsection
27 (f) and for tracking offenders who have been subjected to
28 evaluation, identification, and treatment under this Act.
29 In addition, the Board shall develop a system for
30 monitoring offender behaviors and offender adherence to
31 prescribed behavioral changes. The results of the tracking
32 and behavioral monitoring shall be a part of any analysis
33 made under this paragraph (4).

34 (5) The Board shall impose as a condition of probation,
35 continuance under supervision, or other release of a
36 juvenile sex offender that the offender:

1 (A) not be present or approach within 500 feet of
2 the victim of the sex offense for which that offender
3 has been adjudicated delinquent or whose case was
4 continued under supervision or of that victim's
5 residence;

6 (B) undergo psychiatric or psychological treatment
7 if the Board deems such treatment appropriate; and

8 (C) take such medication that the Board deems
9 appropriate and undergo periodic evaluations to
10 determine if the offender is taking such medication as
11 deemed appropriate.

12 (6) The Board shall notify the principal or other chief
13 administrative officer of the school that the juvenile sex
14 offender attends that the pupil is a juvenile sex offender.

15 (g) The Board may promulgate rules as are necessary to
16 carry out the duties of the Board.

17 (h) The Board and the individual members of the Board shall
18 be immune from any liability, whether civil or criminal, for
19 the good faith performance of the duties of the Board as
20 specified in this Section.

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

22 Section 10. The Juvenile Court Act of 1987 is amended by
23 changing Sections 5-615, 5-715, and 5-750 as follows:

24 (705 ILCS 405/5-615)

25 Sec. 5-615. Continuance under supervision.

26 (1) The court may enter an order of continuance under
27 supervision for an offense other than first degree murder, a
28 Class X felony or a forcible felony (a) upon an admission or
29 stipulation by the appropriate respondent or minor respondent
30 of the facts supporting the petition and before proceeding to
31 adjudication, or after hearing the evidence at the trial, and
32 (b) in the absence of objection made in open court by the
33 minor, his or her parent, guardian, or legal custodian, the
34 minor's attorney or the State's Attorney.

1 (2) If the minor, his or her parent, guardian, or legal
2 custodian, the minor's attorney or State's Attorney objects in
3 open court to any continuance and insists upon proceeding to
4 findings and adjudication, the court shall so proceed.

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

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

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

18 (a) not violate any criminal statute of any
19 jurisdiction;

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

22 (c) work or pursue a course of study or vocational
23 training;

24 (d) undergo medical or psychotherapeutic treatment
25 rendered by a therapist licensed under the provisions of
26 the Medical Practice Act of 1987, the Clinical Psychologist
27 Licensing Act, or the Clinical Social Work and Social Work
28 Practice Act, or an entity licensed by the Department of
29 Human Services as a successor to the Department of
30 Alcoholism and Substance Abuse, for the provision of drug
31 addiction and alcoholism treatment;

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

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

35 (g) pay costs;

36 (h) refrain from possessing a firearm or other

1 dangerous weapon, or an automobile;

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

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

5 (k) attend school;

6 (k-5) with the consent of the superintendent of the
7 facility, attend an educational program at a facility other
8 than the school in which the offense was committed if he or
9 she committed a crime of violence as defined in Section 2
10 of the Crime Victims Compensation Act in a school, on the
11 real property comprising a school, or within 1,000 feet of
12 the real property comprising a school;

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

14 (m) contribute to his or her own support at home or in
15 a foster home;

16 (n) perform some reasonable public or community
17 service;

18 (o) make restitution to the victim, in the same manner
19 and under the same conditions as provided in subsection (4)
20 of Section 5-710, except that the "sentencing hearing"
21 referred to in that Section shall be the adjudicatory
22 hearing for purposes of this Section;

23 (p) comply with curfew requirements as designated by
24 the court;

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

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

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

1 (s) refrain from having in his or her body the presence
2 of any illicit drug prohibited by the Cannabis Control Act
3 or the Illinois Controlled Substances Act, unless
4 prescribed by a physician, and submit samples of his or her
5 blood or urine or both for tests to determine the presence
6 of any illicit drug; or

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

9 (5.5) The court shall require a minor who is a juvenile sex
10 offender as defined in Section 10 of the Sex Offender
11 Management Board Act whose case is continued under supervision
12 under subsection (5) to comply with the conditions imposed upon
13 the minor by the Sex Offender Management Board under paragraph
14 (5) of subsection (f) of Section 15 of the Sex Offender
15 Management Board Act.

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

23 (7) If a petition is filed charging a violation of a
24 condition of the continuance under supervision, the court shall
25 conduct a hearing. If the court finds that a condition of
26 supervision has not been fulfilled, the court may proceed to
27 findings and adjudication and disposition. The filing of a
28 petition for violation of a condition of the continuance under
29 supervision shall toll the period of continuance under
30 supervision until the final determination of the charge, and
31 the term of the continuance under supervision shall not run
32 until the hearing and disposition of the petition for
33 violation; provided where the petition alleges conduct that
34 does not constitute a criminal offense, the hearing must be
35 held within 30 days of the filing of the petition unless a
36 delay shall continue the tolling of the period of continuance

1 under supervision for the period of the delay.

2 (8) When a hearing in which a minor is alleged to be a
3 delinquent for reasons that include a violation of Section
4 21-1.3 of the Criminal Code of 1961 is continued under this
5 Section, the court shall, as a condition of the continuance
6 under supervision, require the minor to perform community
7 service for not less than 30 and not more than 120 hours, if
8 community service is available in the jurisdiction. The
9 community service shall include, but need not be limited to,
10 the cleanup and repair of the damage that was caused by the
11 alleged violation or similar damage to property located in the
12 municipality or county in which the alleged violation occurred.
13 The condition may be in addition to any other condition.

14 (8.5) When a hearing in which a minor is alleged to be a
15 delinquent for reasons that include a violation of Section 3.02
16 or Section 3.03 of the Humane Care for Animals Act or paragraph
17 (d) of subsection (1) of Section 21-1 of the Criminal Code of
18 1961 is continued under this Section, the court shall, as a
19 condition of the continuance under supervision, require the
20 minor to undergo medical or psychiatric treatment rendered by a
21 psychiatrist or psychological treatment rendered by a clinical
22 psychologist. The condition may be in addition to any other
23 condition.

24 (9) When a hearing in which a minor is alleged to be a
25 delinquent is continued under this Section, the court, before
26 continuing the case, shall make a finding whether the offense
27 alleged to have been committed either: (i) was related to or in
28 furtherance of the activities of an organized gang or was
29 motivated by the minor's membership in or allegiance to an
30 organized gang, or (ii) is a violation of paragraph (13) of
31 subsection (a) of Section 12-2 of the Criminal Code of 1961, a
32 violation of any Section of Article 24 of the Criminal Code of
33 1961, or a violation of any statute that involved the unlawful
34 use of a firearm. If the court determines the question in the
35 affirmative the court shall, as a condition of the continuance
36 under supervision and as part of or in addition to any other

1 condition of the supervision, require the minor to perform
2 community service for not less than 30 hours, provided that
3 community service is available in the jurisdiction and is
4 funded and approved by the county board of the county where the
5 offense was committed. The community service shall include, but
6 need not be limited to, the cleanup and repair of any damage
7 caused by an alleged violation of Section 21-1.3 of the
8 Criminal Code of 1961 and similar damage to property located in
9 the municipality or county in which the alleged violation
10 occurred. When possible and reasonable, the community service
11 shall be performed in the minor's neighborhood. For the
12 purposes of this Section, "organized gang" has the meaning
13 ascribed to it in Section 10 of the Illinois Streetgang
14 Terrorism Omnibus Prevention Act.

15 (10) The court shall impose upon a minor placed on
16 supervision, as a condition of the supervision, a fee of \$25
17 for each month of supervision ordered by the court, unless
18 after determining the inability of the minor placed on
19 supervision to pay the fee, the court assesses a lesser amount.
20 The court may not impose the fee on a minor who is made a ward
21 of the State under this Act while the minor is in placement.
22 The fee shall be imposed only upon a minor who is actively
23 supervised by the probation and court services department. A
24 court may order the parent, guardian, or legal custodian of the
25 minor to pay some or all of the fee on the minor's behalf.

26 (Source: P.A. 91-98; eff. 1-1-00; 91-332, eff. 7-29-99; 92-16,
27 eff. 6-28-01; 92-282, eff. 8-7-01; 92-454, eff. 1-1-02; 92-651,
28 eff. 7-11-02.)

29 (705 ILCS 405/5-715)

30 Sec. 5-715. Probation.

31 (1) The period of probation or conditional discharge shall
32 not exceed 5 years or until the minor has attained the age of
33 21 years, whichever is less, except as provided in this Section
34 for a minor who is found to be guilty for an offense which is
35 first degree murder, a Class X felony or a forcible felony. The

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

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

9 (a) not violate any criminal statute of any
10 jurisdiction;

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

13 (c) work or pursue a course of study or vocational
14 training;

15 (d) undergo medical or psychiatric treatment, rendered
16 by a psychiatrist or psychological treatment rendered by a
17 clinical psychologist or social work services rendered by a
18 clinical social worker, or treatment for drug addiction or
19 alcoholism;

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

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

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

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

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

28 (j) attend school;

29 (j-5) with the consent of the superintendent of the
30 facility, attend an educational program at a facility other
31 than the school in which the offense was committed if he or
32 she committed a crime of violence as defined in Section 2
33 of the Crime Victims Compensation Act in a school, on the
34 real property comprising a school, or within 1,000 feet of
35 the real property comprising a school;

36 (k) attend a non-residential program for youth;

1 (l) make restitution under the terms of subsection (4)
2 of Section 5-710;

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

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

7 (o) participate with community corrections programs
8 including unified delinquency intervention services
9 administered by the Department of Human Services subject to
10 Section 5 of the Children and Family Services Act;

11 (p) pay costs;

12 (q) serve a term of home confinement. In addition to
13 any other applicable condition of probation or conditional
14 discharge, the conditions of home confinement shall be that
15 the minor:

16 (i) remain within the interior premises of the
17 place designated for his or her confinement during the
18 hours designated by the court;

19 (ii) admit any person or agent designated by the
20 court into the minor's place of confinement at any time
21 for purposes of verifying the minor's compliance with
22 the conditions of his or her confinement; and

23 (iii) use an approved electronic monitoring device
24 if ordered by the court subject to Article 8A of
25 Chapter V of the Unified Code of Corrections;

26 (r) refrain from entering into a designated geographic
27 area except upon terms as the court finds appropriate. The
28 terms may include consideration of the purpose of the
29 entry, the time of day, other persons accompanying the
30 minor, and advance approval by a probation officer, if the
31 minor has been placed on probation, or advance approval by
32 the court, if the minor has been placed on conditional
33 discharge;

34 (s) refrain from having any contact, directly or
35 indirectly, with certain specified persons or particular
36 types of persons, including but not limited to members of

1 street gangs and drug users or dealers;

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

5 (t) refrain from having in his or her body the presence
6 of any illicit drug prohibited by the Cannabis Control Act
7 or the Illinois Controlled Substances Act, unless
8 prescribed by a physician, and shall submit samples of his
9 or her blood or urine or both for tests to determine the
10 presence of any illicit drug; or

11 (u) comply with other conditions as may be ordered by
12 the court.

13 (3) The court may as a condition of probation or of
14 conditional discharge require that a minor found guilty on any
15 alcohol, cannabis, or controlled substance violation, refrain
16 from acquiring a driver's license during the period of
17 probation or conditional discharge. If the minor is in
18 possession of a permit or license, the court may require that
19 the minor refrain from driving or operating any motor vehicle
20 during the period of probation or conditional discharge, except
21 as may be necessary in the course of the minor's lawful
22 employment.

23 (3.5) The court shall, as a condition of probation or of
24 conditional discharge, require that a minor found to be guilty
25 and placed on probation for reasons that include a violation of
26 Section 3.02 or Section 3.03 of the Humane Care for Animals Act
27 or paragraph (d) of subsection (1) of Section 21-1 of the
28 Criminal Code of 1961 undergo medical or psychiatric treatment
29 rendered by a psychiatrist or psychological treatment rendered
30 by a clinical psychologist. The condition may be in addition to
31 any other condition.

32 (3.6) The court shall, as a condition of probation or of
33 conditional discharge, require a minor who is a juvenile sex
34 offender as defined in Section 10 of the Sex Offender
35 Management Board Act to comply with the conditions imposed upon
36 the minor by the Sex Offender Management Board under paragraph

1 (5) of subsection (f) of Section 15 of the Sex Offender
2 Management Board Act.

3 (3.10) The court shall order that a minor placed on
4 probation or conditional discharge for a sex offense as defined
5 in the Sex Offender Management Board Act undergo and
6 successfully complete sex offender treatment. The treatment
7 shall be in conformance with the standards developed under the
8 Sex Offender Management Board Act and conducted by a treatment
9 provider approved by the Board. The treatment shall be at the
10 expense of the person evaluated based upon that person's
11 ability to pay for the treatment.

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

15 (5) The court shall impose upon a minor placed on probation
16 or conditional discharge, as a condition of the probation or
17 conditional discharge, a fee of \$25 for each month of probation
18 or conditional discharge supervision ordered by the court,
19 unless after determining the inability of the minor placed on
20 probation or conditional discharge to pay the fee, the court
21 assesses a lesser amount. The court may not impose the fee on a
22 minor who is made a ward of the State under this Act while the
23 minor is in placement. The fee shall be imposed only upon a
24 minor who is actively supervised by the probation and court
25 services department. The court may order the parent, guardian,
26 or legal custodian of the minor to pay some or all of the fee on
27 the minor's behalf.

28 (6) The General Assembly finds that in order to protect the
29 public, the juvenile justice system must compel compliance with
30 the conditions of probation by responding to violations with
31 swift, certain, and fair punishments and intermediate
32 sanctions. The Chief Judge of each circuit shall adopt a system
33 of structured, intermediate sanctions for violations of the
34 terms and conditions of a sentence of supervision, probation or
35 conditional discharge, under this Act.

36 The court shall provide as a condition of a disposition of

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

7 (Source: P.A. 92-282, eff. 8-7-01; 92-454, eff. 1-1-02; 92-651,
8 eff. 7-11-02; 93-616, eff. 1-1-04.)

9 (705 ILCS 405/5-750)

10 Sec. 5-750. Commitment to the Department of Corrections,
11 Juvenile Division.

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

23 (2) When a minor of the age of at least 13 years is
24 adjudged delinquent for the offense of first degree murder, the
25 court shall declare the minor a ward of the court and order the
26 minor committed to the Department of Corrections, Juvenile
27 Division, until the minor's 21st birthday, without the
28 possibility of parole, furlough, or non-emergency authorized
29 absence for a period of 5 years from the date the minor was
30 committed to the Department of Corrections, except that the
31 time that a minor spent in custody for the instant offense
32 before being committed to the Department shall be considered as
33 time credited towards that 5 year period. Nothing in this
34 subsection (2) shall preclude the State's Attorney from seeking
35 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 clerk of the court shall issue to the Assistant
15 Director of Corrections, Juvenile Division, a certified copy of
16 the order, which constitutes proof of the Director's authority.
17 No other process need issue to warrant the keeping of the
18 minor.

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

22 (a) the disposition ordered;

23 (b) all reports;

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

26 (d) all additional matters which the court directs the
27 clerk to transmit.

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

35 (7) Whenever the Department of Corrections lawfully
36 discharges from its custody and control a minor committed to it

1 who is a juvenile sex offender as defined in Section 10 of the
2 Sex Offender Management Board Act, the court who receives the
3 petition for an order terminating the Assistant Director of
4 Corrections, Juvenile Division's custodianship of the minor as
5 a condition of that release shall require the minor to comply
6 with the conditions imposed upon the minor by the Sex Offender
7 Management Board under paragraph (5) of subsection (f) of
8 Section 15 of the Sex Offender Management Board Act.

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

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