



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB5381**

Introduced 1/26/2006, by Rep. Annazette Collins

**SYNOPSIS AS INTRODUCED:**

705 ILCS 405/5-710

Amends the Juvenile Court Act of 1987. Provides that if a person convicted of or adjudicated delinquent for an offense is under 21 years of age and has not received a high school diploma or a General Educational Development (GED) certificate, the court shall order that person to attend school or courses that lead to a high school diploma or the receipt of a General Educational Development (GED) certificate until the person has attained 21 years of age. This provision does not apply to a person who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational requirements.

LRB094 19404 RLC 55098 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning criminal law.

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 5-710 as follows:

6 (705 ILCS 405/5-710)

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

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

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

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

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

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

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

29 (v) placed in detention for a period not to exceed  
30 30 days, either as the exclusive order of disposition  
31 or, where appropriate, in conjunction with any other  
32 order of disposition issued under this paragraph,

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

21 (vi) ordered partially or completely emancipated  
22 in accordance with the provisions of the Emancipation  
23 of Minors Act;

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

28 (viii) put on probation or conditional discharge  
29 and placed in detention under Section 3-6039 of the  
30 Counties Code for a period not to exceed the period of  
31 incarceration permitted by law for adults found guilty  
32 of the same offense or offenses for which the minor was  
33 adjudicated delinquent, and in any event no longer than  
34 upon attainment of age 21; this subdivision (viii)  
35 notwithstanding any contrary provision of the law; or

36 (ix) ordered to undergo a medical or other

1 procedure to have a tattoo symbolizing allegiance to a  
2 street gang removed from his or her body.

3 (a-5) If the minor has not received a high school  
4 diploma or a General Educational Development (GED)  
5 certificate, the court shall order the minor to attend  
6 school or courses that lead to a high school diploma or the  
7 receipt of a General Educational Development (GED)  
8 certificate until the minor has attained 21 years of age.  
9 This subsection (a-5) does not apply to a minor who is  
10 determined by the court to be developmentally disabled or  
11 otherwise mentally incapable of completing the educational  
12 requirements.

13 (b) A minor found to be guilty may be committed to the  
14 Department of Juvenile Justice under Section 5-750 if the  
15 minor is 13 years of age or older, provided that the  
16 commitment to the Department of Juvenile Justice shall be  
17 made only if a term of incarceration is permitted by law  
18 for adults found guilty of the offense for which the minor  
19 was adjudicated delinquent. The time during which a minor  
20 is in custody before being released upon the request of a  
21 parent, guardian or legal custodian shall be considered as  
22 time spent in detention.

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

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

35 (3) Unless the sentencing order expressly so provides, it  
36 does not operate to close proceedings on the pending petition,

1 but is subject to modification until final closing and  
2 discharge of the proceedings under Section 5-750.

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

16 (5) Any sentencing order where the minor is committed or  
17 placed in accordance with Section 5-740 shall provide for the  
18 parents or guardian of the estate of the minor to pay to the  
19 legal custodian or guardian of the person of the minor such  
20 sums as are determined by the custodian or guardian of the  
21 person of the minor as necessary for the minor's needs. The  
22 payments may not exceed the maximum amounts provided for by  
23 Section 9.1 of the Children and Family Services Act.

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

29 (7) In no event shall a guilty minor be committed to the  
30 Department of Juvenile Justice for a period of time in excess  
31 of that period for which an adult could be committed for the  
32 same act.

33 (8) A minor found to be guilty for reasons that include a  
34 violation of Section 21-1.3 of the Criminal Code of 1961 shall  
35 be ordered to perform community service for not less than 30  
36 and not more than 120 hours, if community service is available

1 in the jurisdiction. The community service shall include, but  
2 need not be limited to, the cleanup and repair of the damage  
3 that was caused by the violation or similar damage to property  
4 located in the municipality or county in which the violation  
5 occurred. The order may be in addition to any other order  
6 authorized by this Section.

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

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

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

13 (10) When a court finds a minor to be guilty the court  
14 shall, before entering a sentencing order under this Section,  
15 make a finding whether the offense committed either: (a) was  
16 related to or in furtherance of the criminal activities of an  
17 organized gang or was motivated by the minor's membership in or  
18 allegiance to an organized gang, or (b) involved a violation of  
19 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,  
20 a violation of any Section of Article 24 of the Criminal Code  
21 of 1961, or a violation of any statute that involved the  
22 wrongful use of a firearm. If the court determines the question  
23 in the affirmative, and the court does not commit the minor to  
24 the Department of Juvenile Justice, the court shall order the  
25 minor to perform community service for not less than 30 hours  
26 nor more than 120 hours, provided that community service is  
27 available in the jurisdiction and is funded and approved by the  
28 county board of the county where the offense was committed. The  
29 community service shall include, but need not be limited to,  
30 the cleanup and repair of any damage caused by a violation of  
31 Section 21-1.3 of the Criminal Code of 1961 and similar damage  
32 to property located in the municipality or county in which the  
33 violation occurred. When possible and reasonable, the  
34 community service shall be performed in the minor's  
35 neighborhood. This order shall be in addition to any other  
36 order authorized by this Section except for an order to place

1 the minor in the custody of the Department of Juvenile Justice.  
2 For the purposes of this Section, "organized gang" has the  
3 meaning ascribed to it in Section 10 of the Illinois Streetgang  
4 Terrorism Omnibus Prevention Act.

5 (Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06.)