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1 AMENDMENT TO SENATE BILL 92

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 92, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Civil Administrative Code of Illinois is  
6 amended by changing Sections 5-15, 5-20, and 5-335 and adding  
7 Section 5-362 as follows:

8 (20 ILCS 5/5-15) (was 20 ILCS 5/3)  
9 Sec. 5-15. Departments of State government. The  
10 Departments of State government are created as follows:

- 11 The Department on Aging.
- 12 The Department of Agriculture.
- 13 The Department of Central Management Services.
- 14 The Department of Children and Family Services.
- 15 The Department of Commerce and Economic Opportunity.
- 16 The Department of Corrections.
- 17 The Department of Employment Security.
- 18 The Emergency Management Agency.
- 19 The Department of Financial Institutions.
- 20 The Department of Human Rights.
- 21 The Department of Human Services.
- 22 The Department of Insurance.
- 23 The Department of Juvenile Justice.
- 24 The Department of Labor.

1 The Department of the Lottery.  
2 The Department of Natural Resources.  
3 The Department of Professional Regulation.  
4 The Department of Public Aid.  
5 The Department of Public Health.  
6 The Department of Revenue.  
7 The Department of State Police.  
8 The Department of Transportation.  
9 The Department of Veterans' Affairs.

10 (Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04.)

11 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

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

18 The following officers are hereby created:

19 Director of Aging, for the Department on Aging.

20 Director of Agriculture, for the Department of  
21 Agriculture.

22 Director of Central Management Services, for the  
23 Department of Central Management Services.

24 Director of Children and Family Services, for the  
25 Department of Children and Family Services.

26 Director of Commerce and Economic Opportunity, for the  
27 Department of Commerce and Economic Opportunity.

28 Director of Corrections, for the Department of  
29 Corrections.

30 Director of Emergency Management Agency, for the Emergency  
31 Management Agency.

32 Director of Employment Security, for the Department of  
33 Employment Security.

1 Director of Financial Institutions, for the Department of  
2 Financial Institutions.

3 Director of Human Rights, for the Department of Human  
4 Rights.

5 Secretary of Human Services, for the Department of Human  
6 Services.

7 Director of Insurance, for the Department of Insurance.

8 Director of Juvenile Justice, for the Department of  
9 Juvenile Justice.

10 Director of Labor, for the Department of Labor.

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

12 Director of Natural Resources, for the Department of  
13 Natural Resources.

14 Director of Professional Regulation, for the Department of  
15 Professional Regulation.

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

17 Director of Public Health, for the Department of Public  
18 Health.

19 Director of Revenue, for the Department of Revenue.

20 Director of State Police, for the Department of State  
21 Police.

22 Secretary of Transportation, for the Department of  
23 Transportation.

24 Director of Veterans' Affairs, for the Department of  
25 Veterans' Affairs.

26 (Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04.)

27 (20 ILCS 5/5-335) (was 20 ILCS 5/9.11a)

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

32 ~~The Assistant Director of Corrections - Juvenile Division~~  
33 ~~shall receive an annual salary as set by the Governor from time~~

1 ~~to time or as set by the Compensation Review Board, whichever~~  
2 ~~is greater.~~

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

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

9 (20 ILCS 5/5-362 new)

10 Sec. 5-362. In the Department of Juvenile Justice. The  
11 Director of Juvenile Justice shall receive an annual salary as  
12 set by the Governor from time to time or as set by the  
13 Compensation Review Board, whichever is greater.

14 Section 6. The Children and Family Services Act is amended  
15 by changing Section 17a-11 as follows:

16 (20 ILCS 505/17a-11) (from Ch. 23, par. 5017a-11)

17 Sec. 17a-11. Governor's Youth Services Initiative. In  
18 cooperation with the Department of Juvenile Justice  
19 ~~Corrections~~, the Department of Human Services and the Illinois  
20 State Board of Education, the Department of Children and Family  
21 Services shall establish the Governor's Youth Services  
22 Initiative. This program shall offer assistance to  
23 multi-problem youth whose difficulties are not the clear  
24 responsibility of any one state agency, and who are referred to  
25 the program by the juvenile court. The decision to establish  
26 and to maintain an initiative program shall be based upon the  
27 availability of program funds and the overall needs of the  
28 service area.

29 A Policy Board shall be established as the decision-making  
30 body of the Governor's Youth Services Initiative. The Board  
31 shall be composed of State agency liaisons appointed by the

1 Secretary of Human Services, the Directors of the Department of  
2 Children and Family Services and the Department of Juvenile  
3 Justice ~~Corrections~~, and the State Superintendent of  
4 Education. The Board shall meet at least quarterly.

5 The Department of Children and Family Services may  
6 establish a system of regional interagency councils in the  
7 various geographic regions of the State to address, at the  
8 regional or local level, the delivery of services to  
9 multi-problem youth.

10 The Department of Children and Family Services in  
11 consultation with the aforementioned sponsors of the program  
12 shall promulgate rules and regulations pursuant to the Illinois  
13 Administrative Procedure Act, for the development of  
14 initiative programs in densely populated areas of the State to  
15 meet the needs of multi-problem youth.

16 (Source: P.A. 88-487; 89-507, eff. 7-1-97.)

17 Section 7. The Illinois Pension Code is amended by  
18 changing Section 14-110 as follows:

19 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

20 Sec. 14-110. Alternative retirement annuity.

21 (a) Any member who has withdrawn from service with not less  
22 than 20 years of eligible creditable service and has attained  
23 age 55, and any member who has withdrawn from service with not  
24 less than 25 years of eligible creditable service and has  
25 attained age 50, regardless of whether the attainment of either  
26 of the specified ages occurs while the member is still in  
27 service, shall be entitled to receive at the option of the  
28 member, in lieu of the regular or minimum retirement annuity, a  
29 retirement annuity computed as follows:

30 (i) for periods of service as a noncovered employee: if  
31 retirement occurs on or after January 1, 2001, 3% of final  
32 average compensation for each year of creditable service;

1 if retirement occurs before January 1, 2001, 2 1/4% of  
2 final average compensation for each of the first 10 years  
3 of creditable service, 2 1/2% for each year above 10 years  
4 to and including 20 years of creditable service, and 2 3/4%  
5 for each year of creditable service above 20 years; and

6 (ii) for periods of eligible creditable service as a  
7 covered employee: if retirement occurs on or after January  
8 1, 2001, 2.5% of final average compensation for each year  
9 of creditable service; if retirement occurs before January  
10 1, 2001, 1.67% of final average compensation for each of  
11 the first 10 years of such service, 1.90% for each of the  
12 next 10 years of such service, 2.10% for each year of such  
13 service in excess of 20 but not exceeding 30, and 2.30% for  
14 each year in excess of 30.

15 Such annuity shall be subject to a maximum of 75% of final  
16 average compensation if retirement occurs before January 1,  
17 2001 or to a maximum of 80% of final average compensation if  
18 retirement occurs on or after January 1, 2001.

19 These rates shall not be applicable to any service  
20 performed by a member as a covered employee which is not  
21 eligible creditable service. Service as a covered employee  
22 which is not eligible creditable service shall be subject to  
23 the rates and provisions of Section 14-108.

24 (b) For the purpose of this Section, "eligible creditable  
25 service" means creditable service resulting from service in one  
26 or more of the following positions:

27 (1) State policeman;

28 (2) fire fighter in the fire protection service of a  
29 department;

30 (3) air pilot;

31 (4) special agent;

32 (5) investigator for the Secretary of State;

33 (6) conservation police officer;

34 (7) investigator for the Department of Revenue;

1           (8) security employee of the Department of Human  
2 Services;

3           (9) Central Management Services security police  
4 officer;

5           (10) security employee of the Department of  
6 Corrections or the Department of Juvenile Justice;

7           (11) dangerous drugs investigator;

8           (12) investigator for the Department of State Police;

9           (13) investigator for the Office of the Attorney  
10 General;

11           (14) controlled substance inspector;

12           (15) investigator for the Office of the State's  
13 Attorneys Appellate Prosecutor;

14           (16) Commerce Commission police officer;

15           (17) arson investigator;

16           (18) State highway maintenance worker.

17           A person employed in one of the positions specified in this  
18 subsection is entitled to eligible creditable service for  
19 service credit earned under this Article while undergoing the  
20 basic police training course approved by the Illinois Law  
21 Enforcement Training Standards Board, if completion of that  
22 training is required of persons serving in that position. For  
23 the purposes of this Code, service during the required basic  
24 police training course shall be deemed performance of the  
25 duties of the specified position, even though the person is not  
26 a sworn peace officer at the time of the training.

27           (c) For the purposes of this Section:

28           (1) The term "state policeman" includes any title or  
29 position in the Department of State Police that is held by  
30 an individual employed under the State Police Act.

31           (2) The term "fire fighter in the fire protection  
32 service of a department" includes all officers in such fire  
33 protection service including fire chiefs and assistant  
34 fire chiefs.

1           (3) The term "air pilot" includes any employee whose  
2 official job description on file in the Department of  
3 Central Management Services, or in the department by which  
4 he is employed if that department is not covered by the  
5 Personnel Code, states that his principal duty is the  
6 operation of aircraft, and who possesses a pilot's license;  
7 however, the change in this definition made by this  
8 amendatory Act of 1983 shall not operate to exclude any  
9 noncovered employee who was an "air pilot" for the purposes  
10 of this Section on January 1, 1984.

11           (4) The term "special agent" means any person who by  
12 reason of employment by the Division of Narcotic Control,  
13 the Bureau of Investigation or, after July 1, 1977, the  
14 Division of Criminal Investigation, the Division of  
15 Internal Investigation, the Division of Operations, or any  
16 other Division or organizational entity in the Department  
17 of State Police is vested by law with duties to maintain  
18 public order, investigate violations of the criminal law of  
19 this State, enforce the laws of this State, make arrests  
20 and recover property. The term "special agent" includes any  
21 title or position in the Department of State Police that is  
22 held by an individual employed under the State Police Act.

23           (5) The term "investigator for the Secretary of State"  
24 means any person employed by the Office of the Secretary of  
25 State and vested with such investigative duties as render  
26 him ineligible for coverage under the Social Security Act  
27 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
28 218(1)(1) of that Act.

29           A person who became employed as an investigator for the  
30 Secretary of State between January 1, 1967 and December 31,  
31 1975, and who has served as such until attainment of age  
32 60, either continuously or with a single break in service  
33 of not more than 3 years duration, which break terminated  
34 before January 1, 1976, shall be entitled to have his



1 retirement annuity calculated in accordance with  
2 subsection (a), notwithstanding that he has less than 20  
3 years of credit for such service.

4 (6) The term "Conservation Police Officer" means any  
5 person employed by the Division of Law Enforcement of the  
6 Department of Natural Resources and vested with such law  
7 enforcement duties as render him ineligible for coverage  
8 under the Social Security Act by reason of Sections  
9 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
10 term "Conservation Police Officer" includes the positions  
11 of Chief Conservation Police Administrator and Assistant  
12 Conservation Police Administrator.

13 (7) The term "investigator for the Department of  
14 Revenue" means any person employed by the Department of  
15 Revenue and vested with such investigative duties as render  
16 him ineligible for coverage under the Social Security Act  
17 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
18 218(1)(1) of that Act.

19 (8) The term "security employee of the Department of  
20 Human Services" means any person employed by the Department  
21 of Human Services who (i) is employed at the Chester Mental  
22 Health Center and has daily contact with the residents  
23 thereof, (ii) is employed within a security unit at a  
24 facility operated by the Department and has daily contact  
25 with the residents of the security unit, (iii) is employed  
26 at a facility operated by the Department that includes a  
27 security unit and is regularly scheduled to work at least  
28 50% of his or her working hours within that security unit,  
29 or (iv) is a mental health police officer. "Mental health  
30 police officer" means any person employed by the Department  
31 of Human Services in a position pertaining to the  
32 Department's mental health and developmental disabilities  
33 functions who is vested with such law enforcement duties as  
34 render the person ineligible for coverage under the Social

1 Security Act by reason of Sections 218(d)(5)(A),  
2 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"  
3 means that portion of a facility that is devoted to the  
4 care, containment, and treatment of persons committed to  
5 the Department of Human Services as sexually violent  
6 persons, persons unfit to stand trial, or persons not  
7 guilty by reason of insanity. With respect to past  
8 employment, references to the Department of Human Services  
9 include its predecessor, the Department of Mental Health  
10 and Developmental Disabilities.

11 The changes made to this subdivision (c)(8) by Public  
12 Act 92-14 apply to persons who retire on or after January  
13 1, 2001, notwithstanding Section 1-103.1.

14 (9) "Central Management Services security police  
15 officer" means any person employed by the Department of  
16 Central Management Services who is vested with such law  
17 enforcement duties as render him ineligible for coverage  
18 under the Social Security Act by reason of Sections  
19 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

20 (10) For a member who first became an employee under  
21 this Article before July 1, 2005, the term "security  
22 employee of the Department of Corrections or the Department  
23 of Juvenile Justice" means any employee of the Department  
24 of Corrections or the Department of Juvenile Justice or the  
25 former Department of Personnel, and any member or employee  
26 of the Prisoner Review Board, who has daily contact with  
27 inmates or youth by working within a correctional facility  
28 or Juvenile facility operated by the Department of Juvenile  
29 Justice or who is a parole officer or an employee who has  
30 direct contact with committed persons in the performance of  
31 his or her job duties. For a member who first becomes an  
32 employee under this Article on or after July 1, 2005, the  
33 term means an employee of the Department of Corrections or  
34 the Department of Juvenile Justice who is any of the

1 following: (i) officially headquartered at a correctional  
2 facility or Juvenile facility operated by the Department of  
3 Juvenile Justice, (ii) a parole officer, (iii) a member of  
4 the apprehension unit, (iv) a member of the intelligence  
5 unit, (v) a member of the sort team, or (vi) an  
6 investigator.

7 (11) The term "dangerous drugs investigator" means any  
8 person who is employed as such by the Department of Human  
9 Services.

10 (12) The term "investigator for the Department of State  
11 Police" means a person employed by the Department of State  
12 Police who is vested under Section 4 of the Narcotic  
13 Control Division Abolition Act with such law enforcement  
14 powers as render him ineligible for coverage under the  
15 Social Security Act by reason of Sections 218(d)(5)(A),  
16 218(d)(8)(D) and 218(1)(1) of that Act.

17 (13) "Investigator for the Office of the Attorney  
18 General" means any person who is employed as such by the  
19 Office of the Attorney General and is vested with such  
20 investigative duties as render him ineligible for coverage  
21 under the Social Security Act by reason of Sections  
22 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For  
23 the period before January 1, 1989, the term includes all  
24 persons who were employed as investigators by the Office of  
25 the Attorney General, without regard to social security  
26 status.

27 (14) "Controlled substance inspector" means any person  
28 who is employed as such by the Department of Professional  
29 Regulation and is vested with such law enforcement duties  
30 as render him ineligible for coverage under the Social  
31 Security Act by reason of Sections 218(d)(5)(A),  
32 218(d)(8)(D) and 218(1)(1) of that Act. The term  
33 "controlled substance inspector" includes the Program  
34 Executive of Enforcement and the Assistant Program

1 Executive of Enforcement.

2 (15) The term "investigator for the Office of the  
3 State's Attorneys Appellate Prosecutor" means a person  
4 employed in that capacity on a full time basis under the  
5 authority of Section 7.06 of the State's Attorneys  
6 Appellate Prosecutor's Act.

7 (16) "Commerce Commission police officer" means any  
8 person employed by the Illinois Commerce Commission who is  
9 vested with such law enforcement duties as render him  
10 ineligible for coverage under the Social Security Act by  
11 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
12 218(1)(1) of that Act.

13 (17) "Arson investigator" means any person who is  
14 employed as such by the Office of the State Fire Marshal  
15 and is vested with such law enforcement duties as render  
16 the person ineligible for coverage under the Social  
17 Security Act by reason of Sections 218(d)(5)(A),  
18 218(d)(8)(D), and 218(1)(1) of that Act. A person who was  
19 employed as an arson investigator on January 1, 1995 and is  
20 no longer in service but not yet receiving a retirement  
21 annuity may convert his or her creditable service for  
22 employment as an arson investigator into eligible  
23 creditable service by paying to the System the difference  
24 between the employee contributions actually paid for that  
25 service and the amounts that would have been contributed if  
26 the applicant were contributing at the rate applicable to  
27 persons with the same social security status earning  
28 eligible creditable service on the date of application.

29 (18) The term "State highway maintenance worker" means  
30 a person who is either of the following:

31 (i) A person employed on a full-time basis by the  
32 Illinois Department of Transportation in the position  
33 of highway maintainer, highway maintenance lead  
34 worker, highway maintenance lead/lead worker, heavy

1 construction equipment operator, power shovel  
2 operator, or bridge mechanic; and whose principal  
3 responsibility is to perform, on the roadway, the  
4 actual maintenance necessary to keep the highways that  
5 form a part of the State highway system in serviceable  
6 condition for vehicular traffic.

7 (ii) A person employed on a full-time basis by the  
8 Illinois State Toll Highway Authority in the position  
9 of equipment operator/laborer H-4, equipment  
10 operator/laborer H-6, welder H-4, welder H-6,  
11 mechanical/electrical H-4, mechanical/electrical H-6,  
12 water/sewer H-4, water/sewer H-6, sign maker/hanger  
13 H-4, sign maker/hanger H-6, roadway lighting H-4,  
14 roadway lighting H-6, structural H-4, structural H-6,  
15 painter H-4, or painter H-6; and whose principal  
16 responsibility is to perform, on the roadway, the  
17 actual maintenance necessary to keep the Authority's  
18 tollways in serviceable condition for vehicular  
19 traffic.

20 (d) A security employee of the Department of Corrections or  
21 the Department of Juvenile Justice, and a security employee of  
22 the Department of Human Services who is not a mental health  
23 police officer, shall not be eligible for the alternative  
24 retirement annuity provided by this Section unless he or she  
25 meets the following minimum age and service requirements at the  
26 time of retirement:

27 (i) 25 years of eligible creditable service and age 55;

28 or

29 (ii) beginning January 1, 1987, 25 years of eligible  
30 creditable service and age 54, or 24 years of eligible  
31 creditable service and age 55; or

32 (iii) beginning January 1, 1988, 25 years of eligible  
33 creditable service and age 53, or 23 years of eligible  
34 creditable service and age 55; or

1 (iv) beginning January 1, 1989, 25 years of eligible  
2 creditable service and age 52, or 22 years of eligible  
3 creditable service and age 55; or

4 (v) beginning January 1, 1990, 25 years of eligible  
5 creditable service and age 51, or 21 years of eligible  
6 creditable service and age 55; or

7 (vi) beginning January 1, 1991, 25 years of eligible  
8 creditable service and age 50, or 20 years of eligible  
9 creditable service and age 55.

10 Persons who have service credit under Article 16 of this  
11 Code for service as a security employee of the Department of  
12 Corrections or the Department of Juvenile Justice, or the  
13 Department of Human Services in a position requiring  
14 certification as a teacher may count such service toward  
15 establishing their eligibility under the service requirements  
16 of this Section; but such service may be used only for  
17 establishing such eligibility, and not for the purpose of  
18 increasing or calculating any benefit.

19 (e) If a member enters military service while working in a  
20 position in which eligible creditable service may be earned,  
21 and returns to State service in the same or another such  
22 position, and fulfills in all other respects the conditions  
23 prescribed in this Article for credit for military service,  
24 such military service shall be credited as eligible creditable  
25 service for the purposes of the retirement annuity prescribed  
26 in this Section.

27 (f) For purposes of calculating retirement annuities under  
28 this Section, periods of service rendered after December 31,  
29 1968 and before October 1, 1975 as a covered employee in the  
30 position of special agent, conservation police officer, mental  
31 health police officer, or investigator for the Secretary of  
32 State, shall be deemed to have been service as a noncovered  
33 employee, provided that the employee pays to the System prior  
34 to retirement an amount equal to (1) the difference between the

1 employee contributions that would have been required for such  
2 service as a noncovered employee, and the amount of employee  
3 contributions actually paid, plus (2) if payment is made after  
4 July 31, 1987, regular interest on the amount specified in item  
5 (1) from the date of service to the date of payment.

6 For purposes of calculating retirement annuities under  
7 this Section, periods of service rendered after December 31,  
8 1968 and before January 1, 1982 as a covered employee in the  
9 position of investigator for the Department of Revenue shall be  
10 deemed to have been service as a noncovered employee, provided  
11 that the employee pays to the System prior to retirement an  
12 amount equal to (1) the difference between the employee  
13 contributions that would have been required for such service as  
14 a noncovered employee, and the amount of employee contributions  
15 actually paid, plus (2) if payment is made after January 1,  
16 1990, regular interest on the amount specified in item (1) from  
17 the date of service to the date of payment.

18 (g) A State policeman may elect, not later than January 1,  
19 1990, to establish eligible creditable service for up to 10  
20 years of his service as a policeman under Article 3, by filing  
21 a written election with the Board, accompanied by payment of an  
22 amount to be determined by the Board, equal to (i) the  
23 difference between the amount of employee and employer  
24 contributions transferred to the System under Section 3-110.5,  
25 and the amounts that would have been contributed had such  
26 contributions been made at the rates applicable to State  
27 policemen, plus (ii) interest thereon at the effective rate for  
28 each year, compounded annually, from the date of service to the  
29 date of payment.

30 Subject to the limitation in subsection (i), a State  
31 policeman may elect, not later than July 1, 1993, to establish  
32 eligible creditable service for up to 10 years of his service  
33 as a member of the County Police Department under Article 9, by  
34 filing a written election with the Board, accompanied by

1 payment of an amount to be determined by the Board, equal to  
2 (i) the difference between the amount of employee and employer  
3 contributions transferred to the System under Section 9-121.10  
4 and the amounts that would have been contributed had those  
5 contributions been made at the rates applicable to State  
6 policemen, plus (ii) interest thereon at the effective rate for  
7 each year, compounded annually, from the date of service to the  
8 date of payment.

9 (h) Subject to the limitation in subsection (i), a State  
10 policeman or investigator for the Secretary of State may elect  
11 to establish eligible creditable service for up to 12 years of  
12 his service as a policeman under Article 5, by filing a written  
13 election with the Board on or before January 31, 1992, and  
14 paying to the System by January 31, 1994 an amount to be  
15 determined by the Board, equal to (i) the difference between  
16 the amount of employee and employer contributions transferred  
17 to the System under Section 5-236, and the amounts that would  
18 have been contributed had such contributions been made at the  
19 rates applicable to State policemen, plus (ii) interest thereon  
20 at the effective rate for each year, compounded annually, from  
21 the date of service to the date of payment.

22 Subject to the limitation in subsection (i), a State  
23 policeman, conservation police officer, or investigator for  
24 the Secretary of State may elect to establish eligible  
25 creditable service for up to 10 years of service as a sheriff's  
26 law enforcement employee under Article 7, by filing a written  
27 election with the Board on or before January 31, 1993, and  
28 paying to the System by January 31, 1994 an amount to be  
29 determined by the Board, equal to (i) the difference between  
30 the amount of employee and employer contributions transferred  
31 to the System under Section 7-139.7, and the amounts that would  
32 have been contributed had such contributions been made at the  
33 rates applicable to State policemen, plus (ii) interest thereon  
34 at the effective rate for each year, compounded annually, from



1 the date of service to the date of payment.

2 (i) The total amount of eligible creditable service  
3 established by any person under subsections (g), (h), (j), (k),  
4 and (l) of this Section shall not exceed 12 years.

5 (j) Subject to the limitation in subsection (i), an  
6 investigator for the Office of the State's Attorneys Appellate  
7 Prosecutor or a controlled substance inspector may elect to  
8 establish eligible creditable service for up to 10 years of his  
9 service as a policeman under Article 3 or a sheriff's law  
10 enforcement employee under Article 7, by filing a written  
11 election with the Board, accompanied by payment of an amount to  
12 be determined by the Board, equal to (1) the difference between  
13 the amount of employee and employer contributions transferred  
14 to the System under Section 3-110.6 or 7-139.8, and the amounts  
15 that would have been contributed had such contributions been  
16 made at the rates applicable to State policemen, plus (2)  
17 interest thereon at the effective rate for each year,  
18 compounded annually, from the date of service to the date of  
19 payment.

20 (k) Subject to the limitation in subsection (i) of this  
21 Section, an alternative formula employee may elect to establish  
22 eligible creditable service for periods spent as a full-time  
23 law enforcement officer or full-time corrections officer  
24 employed by the federal government or by a state or local  
25 government located outside of Illinois, for which credit is not  
26 held in any other public employee pension fund or retirement  
27 system. To obtain this credit, the applicant must file a  
28 written application with the Board by March 31, 1998,  
29 accompanied by evidence of eligibility acceptable to the Board  
30 and payment of an amount to be determined by the Board, equal  
31 to (1) employee contributions for the credit being established,  
32 based upon the applicant's salary on the first day as an  
33 alternative formula employee after the employment for which  
34 credit is being established and the rates then applicable to

1 alternative formula employees, plus (2) an amount determined by  
2 the Board to be the employer's normal cost of the benefits  
3 accrued for the credit being established, plus (3) regular  
4 interest on the amounts in items (1) and (2) from the first day  
5 as an alternative formula employee after the employment for  
6 which credit is being established to the date of payment.

7 (1) Subject to the limitation in subsection (i), a security  
8 employee of the Department of Corrections may elect, not later  
9 than July 1, 1998, to establish eligible creditable service for  
10 up to 10 years of his or her service as a policeman under  
11 Article 3, by filing a written election with the Board,  
12 accompanied by payment of an amount to be determined by the  
13 Board, equal to (i) the difference between the amount of  
14 employee and employer contributions transferred to the System  
15 under Section 3-110.5, and the amounts that would have been  
16 contributed had such contributions been made at the rates  
17 applicable to security employees of the Department of  
18 Corrections, plus (ii) interest thereon at the effective rate  
19 for each year, compounded annually, from the date of service to  
20 the date of payment.

21 (m) The amendatory changes to this Section made by this  
22 amendatory Act of the 94th General Assembly apply only to: (1)  
23 security employees of the Department of Juvenile Justice  
24 employed by the Department of Corrections before the effective  
25 date of this amendatory Act of the 94th General Assembly and  
26 transferred to the Department of Juvenile Justice by this  
27 amendatory Act of the 94th General Assembly; and (2) persons  
28 employed by the Department of Juvenile Justice on or after the  
29 effective date of this amendatory Act of the 94th General  
30 Assembly who meet the requirements of subsection (b) of Section  
31 3-2.5-15 of the Unified Code of Corrections.

32 (Source: P.A. 94-4, eff. 6-1-05.)

33 Section 10. The Counties Code is amended by changing

1 Section 3-6039 as follows:

2 (55 ILCS 5/3-6039)

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

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

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

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

33 (2) The act for which the minor is adjudicated

1 delinquent does not constitute a Class X felony, criminal  
2 sexual assault, first degree murder, aggravated  
3 kidnapping, second degree murder, armed violence, arson,  
4 forcible detention, aggravated criminal sexual abuse or a  
5 subsequent conviction for criminal sexual abuse.

6 (3) The delinquent minor has not previously  
7 participated in a county juvenile impact incarceration  
8 program and has not previously served a prior commitment  
9 for an act constituting a felony in a Department of  
10 Juvenile Justice Corrections juvenile correctional  
11 facility. This provision shall not exclude a delinquent  
12 minor who is committed to the Illinois Department of  
13 Juvenile Justice Corrections and is participating in the  
14 county juvenile impact incarceration program under an  
15 intergovernmental cooperation agreement with the Illinois  
16 Department of Juvenile Justice Corrections, ~~Juvenile~~  
17 ~~Division~~.

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

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

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

26 The court and the Department of Probation and Court  
27 Services may also consider, among other matters, whether the  
28 delinquent minor has a history of escaping or absconding,  
29 whether participation in the county juvenile impact  
30 incarceration program may pose a risk to the safety or security  
31 of any person, and whether space is available.

32 (c) The county juvenile impact incarceration program shall  
33 include, among other matters, mandatory physical training and  
34 labor, military formation and drills, regimented activities,

1 uniformity of dress and appearance, education and counseling,  
2 including drug counseling if appropriate, and must impart to  
3 the delinquent minor principles of honor, integrity,  
4 self-sufficiency, self-discipline, self-respect, and respect  
5 for others.

6 (d) Privileges of delinquent minors participating in the  
7 county juvenile impact incarceration program, including  
8 visitation, commissary, receipt and retention of property and  
9 publications, and access to television, radio, and a library,  
10 may be suspended or restricted, at the discretion of the  
11 Department of Probation and Court Services.

12 (e) Delinquent minors participating in the county juvenile  
13 impact incarceration program shall adhere to all rules  
14 promulgated by the Department of Probation and Court Services  
15 and all requirements of the program. Delinquent minors shall be  
16 informed of rules of behavior and conduct. Disciplinary  
17 procedures required by any other law or county ordinance are  
18 not applicable.

19 (f) Participation in the county juvenile impact  
20 incarceration program by a minor adjudicated delinquent for an  
21 act constituting a misdemeanor shall be for a period of at  
22 least 7 days but less than 120 days as determined by the  
23 Department of Probation and Court Services. Participation in  
24 the county juvenile impact incarceration program by a minor  
25 adjudicated delinquent for an act constituting a felony shall  
26 be for a period of 120 to 180 days as determined by the  
27 Department of Probation and Court Services.

28 (g) A delinquent minor may be removed from the program for  
29 a violation of the terms or conditions of the program or if he  
30 or she is for any reason unable to participate. The Department  
31 of Probation and Court Services shall promulgate rules  
32 governing conduct that could result in removal from the program  
33 or in a determination that the delinquent minor has not  
34 successfully completed the program. Delinquent minors shall

1 have access to these rules. The rules shall provide that the  
2 delinquent minor shall receive notice and have the opportunity  
3 to appear before and address the Department of Probation and  
4 Court Services or a person appointed by the Department of  
5 Probation and Court Services for this purpose. A delinquent  
6 minor may be transferred to any juvenile facilities prior to  
7 the hearing.

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

21 (i) The Department of Probation and Court Services, with  
22 the approval of the county board, shall have the power to enter  
23 into intergovernmental cooperation agreements with the  
24 Illinois Department of Juvenile Justice ~~Corrections, Juvenile~~  
25 ~~Division,~~ under which delinquent minors committed to the  
26 Illinois Department of Juvenile Justice ~~Corrections, Juvenile~~  
27 ~~Division,~~ may participate in the county juvenile impact  
28 incarceration program. A delinquent minor who successfully  
29 completes the county juvenile impact incarceration program  
30 shall be discharged from custody upon certification to the  
31 court by the Illinois Department of Juvenile Justice  
32 ~~Corrections, Juvenile Division,~~ that the delinquent minor has  
33 successfully completed the program.

34 (Source: P.A. 89-302, eff. 8-11-95; 89-626, eff. 8-9-96;

1 89-689, eff. 12-31-96; 90-256, eff. 1-1-98.)

2 Section 11. The County Shelter Care and Detention Home Act  
3 is amended by changing Sections 2 and 9.1 as follows:

4 (55 ILCS 75/2) (from Ch. 23, par. 2682)

5 Sec. 2. Each county shelter care home and detention home  
6 authorized and established by this Act shall comply with  
7 minimum standards established by the Department of Juvenile  
8 Justice Corrections. No neglected or abused minor, addicted  
9 minor, dependent minor or minor requiring authoritative  
10 intervention, as defined in the Juvenile Court Act of 1987, or  
11 minor alleged to be such, may be detained in any county  
12 detention home.

13 (Source: P.A. 85-1209.)

14 (55 ILCS 75/9.1) (from Ch. 23, par. 2689.1)

15 Sec. 9.1. (a) Within 6 months after the effective date of  
16 this amendatory Act of 1979, all county detention homes or  
17 independent sections thereof established prior to such  
18 effective date shall be designated as either shelter care or  
19 detention homes or both, provided physical arrangements are  
20 created clearly separating the two, in accordance with their  
21 basic physical features, programs and functions, by the  
22 Department of Juvenile Justice Corrections in cooperation with  
23 the Chief Judge of the Circuit Court and the county board.  
24 Within one year after receiving notification of such  
25 designation by the Department of Juvenile Justice Corrections,  
26 all county shelter care homes and detention homes shall be in  
27 compliance with this Act.

28 (b) Compliance with this amendatory Act of 1979 shall not  
29 affect the validity of any prior referendum or the levy or  
30 collection of any tax authorized under this Act. All county  
31 shelter care homes and detention homes established and in

1 operation on the effective date of this amendatory Act of 1979  
2 may continue to operate, subject to the provisions of this  
3 amendatory Act of 1979, without further referendum.

4 (c) Compliance with this amendatory Act of 1987 shall not  
5 affect the validity of any prior referendum or the levy or  
6 collection of any tax authorized under this Act. All county  
7 shelter care homes and detention homes established and in  
8 operation on the effective date of this amendatory Act of 1987  
9 may continue to operate, subject to the provisions of this  
10 amendatory Act of 1987, without further referendum.

11 (Source: P.A. 85-637.)

12 Section 15. The School Code is amended by changing Sections  
13 2-3.13a, 13-40, 13-41, 13-42, 13-43.8, 13-43.11, 13-43.18,  
14 13-43.19, 13-43.20, 13-44, 13-44.3, 13-44.5, 13-45, 13B-20.15,  
15 13B-35.5, and 13B-35.10 and the heading preceding Section 13-40  
16 as follows:

17 (105 ILCS 5/2-3.13a) (from Ch. 122, par. 2-3.13a)

18 Sec. 2-3.13a. School records; transferring students.

19 (a) The State Board of Education shall establish and  
20 implement rules requiring all of the public schools and all  
21 private or nonpublic elementary and secondary schools located  
22 in this State, whenever any such school has a student who is  
23 transferring to any other public elementary or secondary school  
24 located in this or in any other state, to forward within 10  
25 days of notice of the student's transfer an unofficial record  
26 of that student's grades to the school to which such student is  
27 transferring. Each public school at the same time also shall  
28 forward to the school to which the student is transferring the  
29 remainder of the student's school student records as required  
30 by the Illinois School Student Records Act. In addition, if a  
31 student is transferring from a public school, whether located  
32 in this or any other state, from which the student has been



1 suspended or expelled for knowingly possessing in a school  
2 building or on school grounds a weapon as defined in the Gun  
3 Free Schools Act (20 U.S.C. 8921 et seq.), for knowingly  
4 possessing, selling, or delivering in a school building or on  
5 school grounds a controlled substance or cannabis, or for  
6 battering a staff member of the school, and if the period of  
7 suspension or expulsion has not expired at the time the student  
8 attempts to transfer into another public school in the same or  
9 any other school district: (i) any school student records  
10 required to be transferred shall include the date and duration  
11 of the period of suspension or expulsion; and (ii) with the  
12 exception of transfers into the Department of Juvenile Justice  
13 ~~Corrections~~ school district, the student shall not be permitted  
14 to attend class in the public school into which he or she is  
15 transferring until the student has served the entire period of  
16 the suspension or expulsion imposed by the school from which  
17 the student is transferring, provided that the school board may  
18 approve the placement of the student in an alternative school  
19 program established under Article 13A of this Code. A school  
20 district may adopt a policy providing that if a student is  
21 suspended or expelled for any reason from any public or private  
22 school in this or any other state, the student must complete  
23 the entire term of the suspension or expulsion before being  
24 admitted into the school district. This policy may allow  
25 placement of the student in an alternative school program  
26 established under Article 13A of this Code, if available, for  
27 the remainder of the suspension or expulsion. Each public  
28 school and each private or nonpublic elementary or secondary  
29 school in this State shall within 10 days after the student has  
30 paid all of his or her outstanding fines and fees and at its  
31 own expense forward an official transcript of the scholastic  
32 records of each student transferring from that school in strict  
33 accordance with the provisions of this Section and the rules  
34 established by the State Board of Education as herein provided.

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

18 (c) The State Board of Education shall, by rule, establish  
19 a system to provide for the accurate tracking of transfer  
20 students. This system shall, at a minimum, require that a  
21 student be counted as a dropout in the calculation of a  
22 school's or school district's annual student dropout rate  
23 unless the school or school district to which the student  
24 transferred (known hereafter in this subsection (c) as the  
25 transferee school or school district) sends notification to the  
26 school or school district from which the student transferred  
27 (known hereafter in this subsection (c) as the transferor  
28 school or school district) documenting that the student has  
29 enrolled in the transferee school or school district. This  
30 notification must occur within 150 days after the date the  
31 student withdraws from the transferor school or school district  
32 or the student shall be counted in the calculation of the  
33 transferor school's or school district's annual student  
34 dropout rate. A request by the transferee school or school

1 district to the transferor school or school district seeking  
2 the student's academic transcripts or medical records shall be  
3 considered without limitation adequate documentation of  
4 enrollment. Each transferor school or school district shall  
5 keep documentation of such transfer students for the minimum  
6 period provided in the Illinois School Student Records Act. All  
7 records indicating the school or school district to which a  
8 student transferred are subject to the Illinois School Student  
9 Records Act.

10 (Source: P.A. 92-64, eff. 7-12-01; 93-859, eff. 1-1-05.)

11 (105 ILCS 5/prec. Sec. 13-40 heading)

12 DEPARTMENT OF JUVENILE JUSTICE ~~CORRECTIONS~~ SCHOOL DISTRICT  
13 ~~DISTRICTS~~

14 (105 ILCS 5/13-40) (from Ch. 122, par. 13-40)

15 Sec. 13-40. To increase the effectiveness of the Department  
16 of Juvenile Justice ~~Corrections~~ and thereby to better serve the  
17 interests of the people of Illinois the following bill is  
18 presented.

19 Its purpose is to enhance the quality and scope of  
20 education for inmates and wards within the Department of  
21 Juvenile Justice ~~Corrections~~ so that they will be better  
22 motivated and better equipped to restore themselves to  
23 constructive and law abiding lives in the community. The  
24 specific measure sought is the creation of a school district  
25 within the Department so that its educational programs can meet  
26 the needs of persons committed and so the resources of public  
27 education at the state and federal levels are best used, all of  
28 the same being contemplated within the provisions of the  
29 Illinois State Constitution of 1970 which provides that "A  
30 fundamental goal of the People of the State is the educational  
31 development of all persons to the limits of their capacities."  
32 Therefore, on July 1, 2006 ~~July 1, 1972~~, the a Department of

1     Corrections school district shall be transferred to the  
2     Department of Juvenile Justice. It shall be responsible ~~is~~  
3     ~~established~~ for the education of youth inmates and wards within  
4     the Department of Juvenile Justice and inmates age 21 or under  
5     within the Department of Corrections who have not yet earned a  
6     high school diploma or a General Educational Development (GED)  
7     certificate ~~Corrections~~ and the said district may establish  
8     primary, secondary, vocational, adult, special and advanced  
9     educational schools as provided in this Act. The Department of  
10    Corrections retains authority as provided for in subsection (d)  
11    of Section 3-6-2 of the Unified Code of Corrections. The Board  
12    of Education for this district shall with the aid and advice of  
13    professional educational personnel of the Department of  
14    Juvenile Justice ~~Corrections~~ and the State Board of Education  
15    determine the needs and type of schools and the curriculum for  
16    each school within the school district and may proceed to  
17    establish the same through existing means within present and  
18    future appropriations, federal and state school funds,  
19    vocational rehabilitation grants and funds and all other funds,  
20    gifts and grants, private or public, including federal funds,  
21    but not exclusive to the said sources but inclusive of all  
22    funds which might be available for school purposes. ~~The school~~  
23    ~~district shall first organize a school system for the Adult~~  
24    ~~Division of the Department of Corrections to go into effect~~  
25    ~~July 1, 1972. A school system for the Juvenile Division shall~~  
26    ~~subsequently be organized and put into effect under this school~~  
27    ~~district at such time as the school board shall determine~~  
28    ~~necessary.~~

29     (Source: P.A. 81-1508.)

30             (105 ILCS 5/13-41) (from Ch. 122, par. 13-41)

31             Sec. 13-41. The Board of Education for this school district  
32     shall be composed of the Director of the Department of Juvenile  
33     Justice ~~Corrections, the Assistant Director of the Juvenile~~

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

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

25 (105 ILCS 5/13-42) (from Ch. 122, par. 13-42)

26 Sec. 13-42. ~~The President of the Board of Education shall~~  
27 ~~be the~~ Director of the Department of Juvenile Justice shall be  
28 the President of the Board of Education ~~Corrections~~ and the  
29 Secretary of said Board of Education shall be designated at the  
30 first regular meeting of said Board of Education. The Board  
31 shall hold regular meetings upon the call of the Chairman or  
32 any 3 members at such times as they may designate so long as  
33 they meet at least 6 times a year. Public notice of meetings

1 must be given as prescribed in Sections 2.02 and 2.03 of "An  
2 Act in relation to meetings", approved July 11, 1957, as  
3 heretofore or hereafter amended. No official business shall be  
4 transacted by the Board except at a regular or special meeting.  
5 A majority of said Board shall constitute a quorum.

6 The Board shall keep a record of the official acts of the  
7 Board and shall make reports as required by the State Board of  
8 Education and any reports required which shall be applicable to  
9 this type of school district and specifically shall maintain  
10 records to substantiate all district claims for State aid in  
11 accordance with regulations prescribed by the State Board of  
12 Education and to retain such records for a period of three  
13 years.

14 ~~The Board of Education may have its organizational meeting~~  
15 ~~at any time after July 1, 1972, then fixing a time and place~~  
16 ~~for regular meetings. It shall then enter upon the discharge of~~  
17 ~~its duties. However, for the purpose of planning, and~~  
18 ~~organizing said District, the Department of Corrections shall~~  
19 ~~have authority to act after passage and approval of this Act.~~

20 The Board shall be supplied such clerical employee or  
21 employees as are necessary for the efficient operation by the  
22 Department of Juvenile Justice ~~Corrections~~.

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

24 (105 ILCS 5/13-43.8) (from Ch. 122, par. 13-43.8)

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

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

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

14 (105 ILCS 5/13-43.11) (from Ch. 122, par. 13-43.11)

15 Sec. 13-43.11.

16 Subject to the rules and regulations of the Department of  
17 Juvenile Justice ~~Corrections~~ and the laws and statutes  
18 applicable, the Board shall have the power and the authority to  
19 assign to schools within the district and to expel or suspend  
20 pupils for disciplinary purposes or to assign or reassign them  
21 as the needs of the district or the pupil shall be determined  
22 best. Once a student commences a course of training he shall  
23 attend all sessions unless restricted by illness, a reasonable  
24 excuse or by direction of the Department of Juvenile Justice  
25 ~~Corrections~~ or the facility at which he is located. Conferences  
26 shall be held at regular periodic intervals with the ward or  
27 the inmate and the school district authorities and facility  
28 officials shall determine the extent the ward or inmate is  
29 benefiting from the particular program, and shall further  
30 determine whether the said ward or inmate shall continue in the  
31 program to which he is assigned or be dropped from the same or  
32 be transferred to another program more suited to his needs or  
33 the school district's needs.

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

2 (105 ILCS 5/13-43.18) (from Ch. 122, par. 13-43.18)

3 Sec. 13-43.18. To develop through consultation with the  
4 staff of the Department of Juvenile Justice ~~Corrections~~ and the  
5 staff of the State Board of Education educational goals and  
6 objectives for the correctional education programs planned for  
7 or conducted by the district, along with the methods for  
8 evaluating the extent to which the goals and objectives are or  
9 have been achieved and to develop by July 1, 1973, a complete  
10 financial control system for all educational funds and programs  
11 operated by the school district.

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

13 (105 ILCS 5/13-43.19) (from Ch. 122, par. 13-43.19)

14 Sec. 13-43.19.

15 To develop and annually revise an educational plan for  
16 achieving the goals and objectives called for in Section ~~Sec.~~  
17 13-43.18 for ~~both the Adult and Juvenile Divisions of the~~  
18 Department of Juvenile Justice ~~Corrections~~ with specific  
19 recommendations for inmate educational assessment, curriculum,  
20 staffing and other necessary considerations.

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

22 (105 ILCS 5/13-43.20) (from Ch. 122, par. 13-43.20)

23 Sec. 13-43.20. To develop a method or methods for  
24 allocating state funds to the Board for expenditure within the  
25 various divisions and/or for programs conducted by the Board,  
26 and to annually determine the average per capita cost of  
27 students in the Department of Juvenile Justice ~~Juvenile~~  
28 ~~Division~~ and the average per capita cost of students in the  
29 Department of Corrections ~~Adult Division~~ for education classes  
30 and/or programs required to accomplish the educational goals  
31 and objectives and programs specified in Sections 13-43.18 and



1 13-43.19 and recommend to the State Board of Education by July  
2 15 of each year the per capita amount necessary to operate the  
3 Department of Juvenile Justice School District's ~~correction~~  
4 ~~school district's~~ educational program for the following fiscal  
5 year.

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

7 (105 ILCS 5/13-44) (from Ch. 122, par. 13-44)  
8 Sec. 13-44.

9 Other provisions, duties and conditions of the Department  
10 of Juvenile Justice ~~Corrections~~ School District are set out in  
11 Sections 13-44.1 through 13-44.5.

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

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

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

1 when approved by the Board and the Director of the Department.

2 The Department of Juvenile Justice ~~Corrections~~ may extend  
3 the limits of the place of confinement of an inmate or ward  
4 under the above conditions and for the above purposes, to leave  
5 for the aforesaid reasons, the confines of such place,  
6 accompanied or unaccompanied, in the discretion of the Director  
7 of such Department by a custodial agent or educational  
8 personnel.

9 The willful failure of an inmate or ward to remain within  
10 the extended limits of his or her confinement or to return  
11 within the time prescribed to the place of confinement  
12 designated by the Department of Corrections or the Department  
13 of Juvenile Justice in granting such extension or when ordered  
14 to return by the custodial personnel or the educational  
15 personnel or other departmental order shall be deemed an escape  
16 from the custody of such Department and punishable as provided  
17 in the Unified Code of Corrections as to the Department of  
18 Corrections ~~Adult—Division~~ inmates, and the applicable  
19 provision of the Juvenile Court Act of 1987 shall apply to  
20 wards of the Department of Juvenile Justice ~~Division~~ who might  
21 abscond.

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

23 (105 ILCS 5/13-44.5) (from Ch. 122, par. 13-44.5)

24 Sec. 13-44.5.

25 In all cases where an inmate or ward is to leave the  
26 institution or facility where he or she is confined for  
27 educational furloughs, vocational training, for field trips or  
28 for any other reason herein stated, authority must first be  
29 granted by the Department of Juvenile Justice ~~Corrections~~ and  
30 the said authority shall be discretionary with the Department  
31 of Juvenile Justice ~~Corrections~~. The question of whether or not  
32 the said inmate or ward or group of inmates or wards shall be  
33 accompanied or not accompanied by security personnel,

1 custodial agent or agents or only educational personnel shall  
2 be in the discretion of the Department of Juvenile Justice  
3 ~~Corrections~~. All transfers must be approved by the Department  
4 of Juvenile Justice ~~Corrections~~.

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

6 (105 ILCS 5/13-45) (from Ch. 122, par. 13-45)

7 Sec. 13-45.

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

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

19 (105 ILCS 5/13B-20.15)

20 Sec. 13B-20.15. Other eligible providers of alternative  
21 learning opportunities. School districts may contract with  
22 health, mental health, or human service organizations,  
23 workforce development boards or agencies, juvenile court  
24 services, juvenile justice agencies, juvenile detention  
25 programs, programs operated by the Department of Juvenile  
26 Justice ~~Corrections~~, or other appropriate agencies or  
27 organizations to serve students whose needs are not being met  
28 in the regular school program by providing alternative learning  
29 opportunities.

30 (Source: P.A. 92-42, eff. 1-1-02.)

31 (105 ILCS 5/13B-35.5)

1           Sec. 13B-35.5. Local governance; cooperative agreements.  
2           For an alternative learning opportunities program operated  
3           jointly or offered under contract, the local governance of the  
4           program shall be established by each local school board through  
5           a cooperative or intergovernmental agreement with other school  
6           districts. Cooperative agreements may be established among  
7           regional offices of education, public community colleges,  
8           community-based organizations, health and human service  
9           agencies, youth service agencies, juvenile court services, the  
10          Department of Juvenile Justice ~~Corrections~~, and other  
11          non-profit or for-profit education or support service  
12          providers as appropriate. Nothing contained in this Section  
13          shall prevent a school district, regional office of education,  
14          or intermediate service center from forming a cooperative for  
15          the purpose of delivering an alternative learning  
16          opportunities program.

17          (Source: P.A. 92-42, eff. 1-1-02.)

18                 (105 ILCS 5/13B-35.10)

19          Sec. 13B-35.10. Committee of Cooperative Services. The  
20          State Superintendent of Education shall convene a State-level  
21          Committee of Cooperative Services. The Committee shall include  
22          representatives of the following agencies and organizations,  
23          selected by their respective heads: the Office of the Governor,  
24          the State Board of Education, the Illinois Association of  
25          Regional Superintendents of Schools, the Chicago Public  
26          Schools, the Intermediate Service Centers, the State Teacher  
27          Certification Board, the Illinois Community College Board, the  
28          Department of Human Services, the Department of Children and  
29          Family Services, the Illinois Principals Association, the  
30          Illinois Education Association, the Illinois Federation of  
31          Teachers, the Illinois Juvenile Justice Commission, the Office  
32          of the Attorney General, the Illinois Association of School  
33          Administrators, the Administrative Office of the Illinois

1 Courts, the Department of Juvenile Justice ~~Corrections~~,  
2 special education advocacy organizations, and non-profit and  
3 community-based organizations, as well as parent  
4 representatives and child advocates designated by the State  
5 Superintendent of Education.

6 (Source: P.A. 92-42, eff. 1-1-02.)

7 Section 16. The Child Care Act of 1969 is amended by  
8 changing Section 2.22 as follows:

9 (225 ILCS 10/2.22)

10 Sec. 2.22. "Secure child care facility" means any child  
11 care facility licensed by the Department to provide secure  
12 living arrangements for children under 18 years of age who are  
13 subject to placement in facilities under the Children and  
14 Family Services Act and who are not subject to placement in  
15 facilities for whom standards are established by the Department  
16 of Juvenile Justice ~~Corrections~~ under Section 3-15-2 of the  
17 Unified Code of Corrections and which comply with the  
18 requirements of this Act and applicable rules of the Department  
19 and which shall be consistent with requirements established for  
20 child residents of mental health facilities under the Juvenile  
21 Court Act of 1987 and the Mental Health and Developmental  
22 Disabilities Code. "Secure child care facility" also means a  
23 facility that is designed and operated to ensure that all  
24 entrances and exists from the facility, a building, or a  
25 distinct part of the building are under the exclusive control  
26 of the staff of the facility, whether or not the child has the  
27 freedom of movement within the perimeter of the facility,  
28 building, or distinct part of the building.

29 (Source: P.A. 90-608, eff. 6-30-98.)

30 Section 17. The Illinois Public Aid Code is amended by  
31 changing Section 12-10.4 as follows:

1 (305 ILCS 5/12-10.4)

2 Sec. 12-10.4. Juvenile Rehabilitation Services Medicaid  
3 Matching Fund. There is created in the State Treasury the  
4 Juvenile Rehabilitation Services Medicaid Matching Fund.  
5 Deposits to this Fund shall consist of all moneys received from  
6 the federal government for behavioral health services secured  
7 by counties under the Medicaid Rehabilitation Option pursuant  
8 to Title XIX of the Social Security Act or under the Children's  
9 Health Insurance Program pursuant to the Children's Health  
10 Insurance Program Act and Title XXI of the Social Security Act  
11 for minors who are committed to mental health facilities by the  
12 Illinois court system and for residential placements secured by  
13 the Department of Juvenile Justice ~~Corrections~~ for minors as a  
14 condition of their parole.

15 Disbursements from the Fund shall be made, subject to  
16 appropriation, by the Illinois Department of Public Aid for  
17 grants to the Department of Juvenile Justice ~~Corrections~~ and  
18 those counties which secure behavioral health services ordered  
19 by the courts and which have an interagency agreement with the  
20 Department and submit detailed bills according to standards  
21 determined by the Department.

22 (Source: P.A. 90-587, eff. 7-1-98; 91-266, eff. 7-23-99;  
23 91-712, eff. 7-1-00.)

24 Section 18. The Children's Mental Health Act of 2003 is  
25 amended by changing Section 5 as follows:

26 (405 ILCS 49/5)

27 Sec. 5. Children's Mental Health Plan.

28 (a) The State of Illinois shall develop a Children's Mental  
29 Health Plan containing short-term and long-term  
30 recommendations to provide comprehensive, coordinated mental  
31 health prevention, early intervention, and treatment services

1 for children from birth through age 18. This Plan shall include  
2 but not be limited to:

3 (1) Coordinated provider services and interagency  
4 referral networks for children from birth through age 18 to  
5 maximize resources and minimize duplication of services.

6 (2) Guidelines for incorporating social and emotional  
7 development into school learning standards and educational  
8 programs, pursuant to Section 15 of this Act.

9 (3) Protocols for implementing screening and  
10 assessment of children prior to any admission to an  
11 inpatient hospital for psychiatric services, pursuant to  
12 subsection (a) of Section 5-5.23 of the Illinois Public Aid  
13 Code.

14 (4) Recommendations regarding a State budget for  
15 children's mental health prevention, early intervention,  
16 and treatment across all State agencies.

17 (5) Recommendations for State and local mechanisms for  
18 integrating federal, State, and local funding sources for  
19 children's mental health.

20 (6) Recommendations for building a qualified and  
21 adequately trained workforce prepared to provide mental  
22 health services for children from birth through age 18 and  
23 their families.

24 (7) Recommendations for facilitating research on best  
25 practices and model programs, and dissemination of this  
26 information to Illinois policymakers, practitioners, and  
27 the general public through training, technical assistance,  
28 and educational materials.

29 (8) Recommendations for a comprehensive, multi-faceted  
30 public awareness campaign to reduce the stigma of mental  
31 illness and educate families, the general public, and other  
32 key audiences about the benefits of children's social and  
33 emotional development, and how to access services.

34 (9) Recommendations for creating a quality-driven

1 children's mental health system with shared accountability  
2 among key State agencies and programs that conducts ongoing  
3 needs assessments, uses outcome indicators and benchmarks  
4 to measure progress, and implements quality data tracking  
5 and reporting systems.

6 (b) The Children's Mental Health Partnership (hereafter  
7 referred to as "the Partnership") is created. The Partnership  
8 shall have the responsibility of developing and monitoring the  
9 implementation of the Children's Mental Health Plan as approved  
10 by the Governor. The Children's Mental Health Partnership shall  
11 be comprised of: the Secretary of Human Services or his or her  
12 designee; the State Superintendent of Education or his or her  
13 designee; the directors of the departments of Children and  
14 Family Services, Public Aid, Public Health, and Juvenile  
15 Justice Corrections, or their designees; the head of the  
16 Illinois Violence Prevention Authority, or his or her designee;  
17 the Attorney General or his or her designee; up to 25  
18 representatives of community mental health authorities and  
19 statewide mental health, children and family advocacy, early  
20 childhood, education, health, substance abuse, violence  
21 prevention, and juvenile justice organizations or  
22 associations, to be appointed by the Governor; and 2 members of  
23 each caucus of the House of Representatives and Senate  
24 appointed by the Speaker of the House of Representatives and  
25 the President of the Senate, respectively. The Governor shall  
26 appoint the Partnership Chair and shall designate a Governor's  
27 staff liaison to work with the Partnership.

28 (c) The Partnership shall submit a Preliminary Plan to the  
29 Governor on September 30, 2004 and shall submit the Final Plan  
30 on June 30, 2005. Thereafter, on September 30 of each year, the  
31 Partnership shall submit an annual report to the Governor on  
32 the progress of Plan implementation and recommendations for  
33 revisions in the Plan. The Final Plan and annual reports  
34 submitted in subsequent years shall include estimates of



1 savings achieved in prior fiscal years under subsection (a) of  
2 Section 5-5.23 of the Illinois Public Aid Code and federal  
3 financial participation received under subsection (b) of  
4 Section 5-5.23 of that Code. The Department of Public Aid shall  
5 provide technical assistance in developing these estimates and  
6 reports.

7 (Source: P.A. 93-495, eff. 8-8-03.)

8 Section 19. The Circuit Courts Act is amended by changing  
9 Section 2b as follows:

10 (705 ILCS 35/2b) (from Ch. 37, par. 72.2b)

11 Sec. 2b.

12 In addition to the number of circuit judges authorized  
13 under Section 2 or Section 2a, whichever number is greater, one  
14 additional circuit judge shall be elected in each circuit,  
15 other than Cook County, having a population of 230,000 or more  
16 inhabitants in which there is included a county containing a  
17 population of 200,000 or more inhabitants and in which circuit  
18 there is situated one or more State colleges or universities  
19 and one or more State Mental Health Institutions and two or  
20 more State Institutions for Juvenile Offenders under the  
21 authority of the Illinois Department of Juvenile Justice  
22 ~~Corrections~~, each of which institutions has been in existence  
23 for more than 20 years on the effective date of this amendatory  
24 Act of 1970.

25 (Source: P.A. 76-2022.)

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

29 (705 ILCS 405/5-130)

30 Sec. 5-130. Excluded jurisdiction.

1           (1) (a) The definition of delinquent minor under Section  
2 5-120 of this Article shall not apply to any minor who at the  
3 time of an offense was at least 15 years of age and who is  
4 charged with: (i) first degree murder, (ii) aggravated criminal  
5 sexual assault, (iii) aggravated battery with a firearm where  
6 the minor personally discharged a firearm as defined in Section  
7 2-15.5 of the Criminal Code of 1961, (iv) armed robbery when  
8 the armed robbery was committed with a firearm, or (v)  
9 aggravated vehicular hijacking when the hijacking was  
10 committed with a firearm.

11           These charges and all other charges arising out of the same  
12 incident shall be prosecuted under the criminal laws of this  
13 State.

14           (b) (i) If before trial or plea an information or  
15 indictment is filed that does not charge an offense specified  
16 in paragraph (a) of this subsection (1) the State's Attorney  
17 may proceed on any lesser charge or charges, but only in  
18 Juvenile Court under the provisions of this Article. The  
19 State's Attorney may proceed under the Criminal Code of 1961 on  
20 a lesser charge if before trial the minor defendant knowingly  
21 and with advice of counsel waives, in writing, his or her right  
22 to have the matter proceed in Juvenile Court.

23           (ii) If before trial or plea an information or indictment  
24 is filed that includes one or more charges specified in  
25 paragraph (a) of this subsection (1) and additional charges  
26 that are not specified in that paragraph, all of the charges  
27 arising out of the same incident shall be prosecuted under the  
28 Criminal Code of 1961.

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

34           (ii) If after trial or plea the court finds that the minor

1 committed an offense not covered by paragraph (a) of this  
2 subsection (1), that finding shall not invalidate the verdict  
3 or the prosecution of the minor under the criminal laws of the  
4 State; however, unless the State requests a hearing for the  
5 purpose of sentencing the minor under Chapter V of the Unified  
6 Code of Corrections, the Court must proceed under Sections  
7 5-705 and 5-710 of this Article. To request a hearing, the  
8 State must file a written motion within 10 days following the  
9 entry of a finding or the return of a verdict. Reasonable  
10 notice of the motion shall be given to the minor or his or her  
11 counsel. If the motion is made by the State, the court shall  
12 conduct a hearing to determine if the minor should be sentenced  
13 under Chapter V of the Unified Code of Corrections. In making  
14 its determination, the court shall consider among other  
15 matters: (a) whether there is evidence that the offense was  
16 committed in an aggressive and premeditated manner; (b) the age  
17 of the minor; (c) the previous history of the minor; (d)  
18 whether there are facilities particularly available to the  
19 Juvenile Court or the Department of Juvenile Justice  
20 ~~Corrections, Juvenile Division,~~ for the treatment and  
21 rehabilitation of the minor; (e) whether the security of the  
22 public requires sentencing under Chapter V of the Unified Code  
23 of Corrections; and (f) whether the minor possessed a deadly  
24 weapon when committing the offense. The rules of evidence shall  
25 be the same as if at trial. If after the hearing the court  
26 finds that the minor should be sentenced under Chapter V of the  
27 Unified Code of Corrections, then the court shall sentence the  
28 minor accordingly having available to it any or all  
29 dispositions so prescribed.

30 (2) (Blank). ~~or an offense under the Methamphetamine~~  
31 ~~Control and Community Protection Act~~

32 (3) (a) The definition of delinquent minor under Section  
33 5-120 of this Article shall not apply to any minor who at the  
34 time of the offense was at least 15 years of age and who is

1 charged with a violation of the provisions of paragraph (1),  
2 (3), (4), or (10) of subsection (a) of Section 24-1 of the  
3 Criminal Code of 1961 while in school, regardless of the time  
4 of day or the time of year, or on the real property comprising  
5 any school, regardless of the time of day or the time of year.  
6 School is defined, for purposes of this Section as any public  
7 or private elementary or secondary school, community college,  
8 college, or university. These charges and all other charges  
9 arising out of the same incident shall be prosecuted under the  
10 criminal laws of this State.

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

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

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

31 (ii) If after trial or plea the court finds that the minor  
32 committed an offense not covered by paragraph (a) of this  
33 subsection (3), that finding shall not invalidate the verdict  
34 or the prosecution of the minor under the criminal laws of the

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

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

1 Code of 1961.

2 (b) (i) If before trial or plea an information or  
3 indictment is filed that does not charge first degree murder  
4 committed during the course of aggravated criminal sexual  
5 assault, criminal sexual assault, or aggravated kidnaping, the  
6 State's Attorney may proceed on any lesser charge or charges,  
7 but only in Juvenile Court under the provisions of this  
8 Article. The State's Attorney may proceed under the criminal  
9 laws of this State on a lesser charge if before trial the minor  
10 defendant knowingly and with advice of counsel waives, in  
11 writing, his or her right to have the matter proceed in  
12 Juvenile Court.

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

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

26 (ii) If the minor was not yet 15 years of age at the time of  
27 the offense, and if after trial or plea the court finds that  
28 the minor committed an offense other than first degree murder  
29 committed during the course of either aggravated criminal  
30 sexual assault, criminal sexual assault, or aggravated  
31 kidnaping, the finding shall not invalidate the verdict or the  
32 prosecution of the minor under the criminal laws of the State;  
33 however, unless the State requests a hearing for the purpose of  
34 sentencing the minor under Chapter V of the Unified Code of

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

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

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

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

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

21           (ii) If after trial or plea the court finds that the minor  
22 committed an offense not covered by paragraph (a) of this  
23 subsection (5), the conviction shall not invalidate the verdict  
24 or the prosecution of the minor under the criminal laws of this  
25 State; however, unless the State requests a hearing for the  
26 purpose of sentencing the minor under Chapter V of the Unified  
27 Code of Corrections, the Court must proceed under Sections  
28 5-705 and 5-710 of this Article. To request a hearing, the  
29 State must file a written motion within 10 days following the  
30 entry of a finding or the return of a verdict. Reasonable  
31 notice of the motion shall be given to the minor or his or her  
32 counsel. If the motion is made by the State, the court shall  
33 conduct a hearing to determine if whether the minor should be  
34 sentenced under Chapter V of the Unified Code of Corrections.



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

17 (6) The definition of delinquent minor under Section 5-120  
18 of this Article shall not apply to any minor who, pursuant to  
19 subsection (1)~~7~~ or (3) or Section 5-805~~7~~ or 5-810, has  
20 previously been placed under the jurisdiction of the criminal  
21 court and has been convicted of a crime under an adult criminal  
22 or penal statute. Such a minor shall be subject to prosecution  
23 under the criminal laws of this State.

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

29 (8) Nothing in this Act prohibits or limits the prosecution  
30 of any minor for an offense committed on or after his or her  
31 17th birthday even though he or she is at the time of the  
32 offense a ward of the court.

33 (9) If an original petition for adjudication of wardship  
34 alleges the commission by a minor 13 years of age or over of an

1 act that constitutes a crime under the laws of this State, the  
2 minor, with the consent of his or her counsel, may, at any time  
3 before commencement of the adjudicatory hearing, file with the  
4 court a motion that criminal prosecution be ordered and that  
5 the petition be dismissed insofar as the act or acts involved  
6 in the criminal proceedings are concerned. If such a motion is  
7 filed as herein provided, the court shall enter its order  
8 accordingly.

9 (10) If, prior to August 12, 2005 (the effective date of  
10 Public Act 94-574) ~~this amendatory Act of the 94th General~~  
11 ~~Assembly~~, a minor is charged with a violation of Section 401 of  
12 the Illinois Controlled Substances Act under the criminal laws  
13 of this State, other than a minor charged with a Class X felony  
14 violation of the Illinois Controlled Substances Act or the  
15 Methamphetamine Control and Community Protection Act, any  
16 party including the minor or the court sua sponte may, before  
17 trial, move for a hearing for the purpose of trying and  
18 sentencing the minor as a delinquent minor. To request a  
19 hearing, the party must file a motion prior to trial.  
20 Reasonable notice of the motion shall be given to all parties.  
21 On its own motion or upon the filing of a motion by one of the  
22 parties including the minor, the court shall conduct a hearing  
23 to determine whether the minor should be tried and sentenced as  
24 a delinquent minor under this Article. In making its  
25 determination, the court shall consider among other matters:

26 (a) The age of the minor;

27 (b) Any previous delinquent or criminal history of the  
28 minor;

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

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

32 (e) Whether there is probable cause to support the charge,  
33 whether the minor is charged through accountability, and  
34 whether there is evidence the minor possessed a deadly weapon

1 or caused serious bodily harm during the offense.

2 Any material that is relevant and reliable shall be  
3 admissible at the hearing. In all cases, the judge shall enter  
4 an order permitting prosecution under the criminal laws of  
5 Illinois unless the judge makes a finding based on a  
6 preponderance of the evidence that the minor would be amenable  
7 to the care, treatment, and training programs available through  
8 the facilities of the juvenile court based on an evaluation of  
9 the factors listed in this subsection (10).

10 (Source: P.A. 94-556, eff. 9-11-05; 94-574, eff. 8-12-05;  
11 revised 8-19-05.)

12 (705 ILCS 405/5-705)

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

14 (1) At the sentencing hearing, the court shall determine  
15 whether it is in the best interests of the minor or the public  
16 that he or she be made a ward of the court, and, if he or she is  
17 to be made a ward of the court, the court shall determine the  
18 proper disposition best serving the interests of the minor and  
19 the public. All evidence helpful in determining these  
20 questions, including oral and written reports, may be admitted  
21 and may be relied upon to the extent of its probative value,  
22 even though not competent for the purposes of the trial. A  
23 record of a prior continuance under supervision under Section  
24 5-615, whether successfully completed or not, is admissible at  
25 the sentencing hearing. No order of commitment to the  
26 Department of Juvenile Justice ~~Corrections, Juvenile Division,~~  
27 shall be entered against a minor before a written report of  
28 social investigation, which has been completed within the  
29 previous 60 days, is presented to and considered by the court.

30 (2) Once a party has been served in compliance with Section  
31 5-525, no further service or notice must be given to that party  
32 prior to proceeding to a sentencing hearing. Before imposing  
33 sentence the court shall advise the State's Attorney and the

1 parties who are present or their counsel of the factual  
2 contents and the conclusions of the reports prepared for the  
3 use of the court and considered by it, and afford fair  
4 opportunity, if requested, to controvert them. Factual  
5 contents, conclusions, documents and sources disclosed by the  
6 court under this paragraph shall not be further disclosed  
7 without the express approval of the court.

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

30 (4) When commitment to the Department of Juvenile Justice  
31 ~~Corrections, Juvenile Division,~~ is ordered, the court shall  
32 state the basis for selecting the particular disposition, and  
33 the court shall prepare such a statement for inclusion in the  
34 record.

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

2 (705 ILCS 405/5-710)

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

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

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

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

16 (ii) placed in accordance with Section 5-740, with  
17 or without also being put on probation or conditional  
18 discharge;

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

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

25 (v) placed in detention for a period not to exceed  
26 30 days, either as the exclusive order of disposition  
27 or, where appropriate, in conjunction with any other  
28 order of disposition issued under this paragraph,  
29 provided that any such detention shall be in a juvenile  
30 detention home and the minor so detained shall be 10  
31 years of age or older. However, the 30-day limitation  
32 may be extended by further order of the court for a  
33 minor under age 13 committed to the Department of

1 Children and Family Services if the court finds that  
2 the minor is a danger to himself or others. The minor  
3 shall be given credit on the sentencing order of  
4 detention for time spent in detention under Sections  
5 5-501, 5-601, 5-710, or 5-720 of this Article as a  
6 result of the offense for which the sentencing order  
7 was imposed. The court may grant credit on a sentencing  
8 order of detention entered under a violation of  
9 probation or violation of conditional discharge under  
10 Section 5-720 of this Article for time spent in  
11 detention before the filing of the petition alleging  
12 the violation. A minor shall not be deprived of credit  
13 for time spent in detention before the filing of a  
14 violation of probation or conditional discharge  
15 alleging the same or related act or acts;

16 (vi) ordered partially or completely emancipated  
17 in accordance with the provisions of the Emancipation  
18 of Minors Act;

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

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

31 (ix) ordered to undergo a medical or other  
32 procedure to have a tattoo symbolizing allegiance to a  
33 street gang removed from his or her body.

34 (b) A minor found to be guilty may be committed to the

1 Department of Juvenile Justice ~~Corrections, Juvenile~~  
2 ~~Division,~~ under Section 5-750 if the minor is 13 years of  
3 age or older, provided that the commitment to the  
4 Department of Juvenile Justice ~~Corrections, Juvenile~~  
5 ~~Division,~~ shall be made only if a term of incarceration is  
6 permitted by law for adults found guilty of the offense for  
7 which the minor was adjudicated delinquent. The time during  
8 which a minor is in custody before being released upon the  
9 request of a parent, guardian or legal custodian shall be  
10 considered as time spent in detention.

11 (c) When a minor is found to be guilty for an offense  
12 which is a violation of the Illinois Controlled Substances  
13 Act, the Cannabis Control Act, or the Methamphetamine  
14 Control and Community Protection Act and made a ward of the  
15 court, the court may enter a disposition order requiring  
16 the minor to undergo assessment, counseling or treatment in  
17 a substance abuse program approved by the Department of  
18 Human Services.

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

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

27 (4) In addition to any other sentence, the court may order  
28 any minor found to be delinquent to make restitution, in  
29 monetary or non-monetary form, under the terms and conditions  
30 of Section 5-5-6 of the Unified Code of Corrections, except  
31 that the "presentencing hearing" referred to in that Section  
32 shall be the sentencing hearing for purposes of this Section.  
33 The parent, guardian or legal custodian of the minor may be  
34 ordered by the court to pay some or all of the restitution on

1 the minor's behalf, pursuant to the Parental Responsibility  
2 Law. The State's Attorney is authorized to act on behalf of any  
3 victim in seeking restitution in proceedings under this  
4 Section, up to the maximum amount allowed in Section 5 of the  
5 Parental Responsibility Law.

6 (5) Any sentencing order where the minor is committed or  
7 placed in accordance with Section 5-740 shall provide for the  
8 parents or guardian of the estate of the minor to pay to the  
9 legal custodian or guardian of the person of the minor such  
10 sums as are determined by the custodian or guardian of the  
11 person of the minor as necessary for the minor's needs. The  
12 payments may not exceed the maximum amounts provided for by  
13 Section 9.1 of the Children and Family Services Act.

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

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

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

33 (8.5) A minor found to be guilty for reasons that include a  
34 violation of Section 3.02 or Section 3.03 of the Humane Care



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

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

1 court shall provide information on the availability of HIV  
2 testing and counseling at the Department of Public Health  
3 facilities to all parties to whom the results of the testing  
4 are revealed. The court shall order that the cost of any test  
5 shall be paid by the county and may be taxed as costs against  
6 the minor.

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

1 Section 10 of the Illinois Streetgang Terrorism Omnibus  
2 Prevention Act.

3 (Source: P.A. 94-556, eff. 9-11-05.)

4 (705 ILCS 405/5-750)

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

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

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

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

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

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

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

2 (705 ILCS 405/5-815)

3 Sec. 5-815. Habitual Juvenile Offender.

4 (a) Definition. Any minor having been twice adjudicated a  
5 delinquent minor for offenses which, had he been prosecuted as  
6 an adult, would have been felonies under the laws of this  
7 State, and who is thereafter adjudicated a delinquent minor for  
8 a third time shall be adjudged an Habitual Juvenile Offender  
9 where:

10 1. the third adjudication is for an offense occurring  
11 after adjudication on the second; and

12 2. the second adjudication was for an offense occurring  
13 after adjudication on the first; and

14 3. the third offense occurred after January 1, 1980;  
15 and

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

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

29 A continuance under supervision authorized by Section  
30 5-615 of this Act shall not be permitted under this Section.

31 (b) Notice to minor. The State shall serve upon the minor  
32 written notice of intention to prosecute under the provisions  
33 of this Section within 5 judicial days of the filing of any

1 delinquency petition, adjudication upon which would mandate  
2 the minor's disposition as an Habitual Juvenile Offender.

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

6 The petition upon which such Habitual Juvenile Offender  
7 notice is based shall contain the information and averments  
8 required for all other delinquency petitions filed under this  
9 Act and its service shall be according to the provisions of  
10 this Act.

11 No prior adjudication shall be alleged in the petition.

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

15 Except as otherwise provided herein, the provisions of this  
16 Act concerning delinquency proceedings generally shall be  
17 applicable to Habitual Juvenile Offender proceedings.

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

32 After an admission of the facts in the petition or  
33 adjudication of delinquency, the State's Attorney may file with  
34 the court a verified written statement signed by the State's

1 Attorney concerning any prior adjudication of an offense set  
2 forth in subsection (a) of this Section which offense would  
3 have been a felony or of any offense that involved dishonesty  
4 or false statement had the minor been tried as an adult.

5 The court shall then cause the minor to be brought before  
6 it; shall inform him of the allegations of the statement so  
7 filed, and of his right to a hearing before the court on the  
8 issue of such prior adjudication and of his right to counsel at  
9 such hearing; and unless the minor admits such adjudication,  
10 the court shall hear and determine such issue, and shall make a  
11 written finding thereon.

12 A duly authenticated copy of the record of any such alleged  
13 prior adjudication shall be prima facie evidence of such prior  
14 adjudication or of any offense that involved dishonesty or  
15 false statement.

16 Any claim that a previous adjudication offered by the  
17 State's Attorney is not a former adjudication of an offense  
18 which, had the minor been prosecuted as an adult, would have  
19 resulted in his conviction of a felony or of any offense that  
20 involved dishonesty or false statement, is waived unless duly  
21 raised at the hearing on such adjudication, or unless the  
22 State's Attorney's proof shows that such prior adjudication was  
23 not based upon proof of what would have been a felony.

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

1 credit for adult prisoners serving determinate sentences for  
2 felonies.

3 For purposes of determining good conduct credit,  
4 commitment as an Habitual Juvenile Offender shall be considered  
5 a determinate commitment, and the difference between the date  
6 of the commitment and the minor's 21st birthday shall be  
7 considered the determinate period of his confinement.

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

9 (705 ILCS 405/5-820)

10 Sec. 5-820. Violent Juvenile Offender.

11 (a) Definition. A minor having been previously adjudicated  
12 a delinquent minor for an offense which, had he or she been  
13 prosecuted as an adult, would have been a Class 2 or greater  
14 felony involving the use or threat of physical force or  
15 violence against an individual or a Class 2 or greater felony  
16 for which an element of the offense is possession or use of a  
17 firearm, and who is thereafter adjudicated a delinquent minor  
18 for a second time for any of those offenses shall be  
19 adjudicated a Violent Juvenile Offender if:

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

22 (2) The second offense occurred on or after January 1,  
23 1995.

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 a  
27 delinquency petition, adjudication upon which would mandate  
28 the minor's disposition as a Violent Juvenile Offender.

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

32 The petition upon which the Violent Juvenile Offender  
33 notice is based shall contain the information and averments



1 required for all other delinquency petitions filed under this  
2 Act and its service shall be according to the provisions of  
3 this Act.

4 No prior adjudication shall be alleged in the petition.

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

8 Except as otherwise provided in this Section, the  
9 provisions of this Act concerning delinquency proceedings  
10 generally shall be applicable to Violent Juvenile Offender  
11 proceedings.

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

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

33 The court shall then cause the minor to be brought before  
34 it; shall inform the minor of the allegations of the statement

1 so filed, of his or her right to a hearing before the court on  
2 the issue of the prior adjudication and of his or her right to  
3 counsel at the hearing; and unless the minor admits the  
4 adjudication, the court shall hear and determine the issue, and  
5 shall make a written finding of the issue.

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

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

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

33 For purposes of determining good conduct credit,  
34 commitment as a Violent Juvenile Offender shall be considered a

1 determinate commitment, and the difference between the date of  
2 the commitment and the minor's 21st birthday shall be  
3 considered the determinate period of his or her confinement.

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

8 (h) A continuance under supervision authorized by Section  
9 5-615 of this Act shall not be permitted under this Section.

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

11 (705 ILCS 405/5-901)

12 Sec. 5-901. Court file.

13 (1) The Court file with respect to proceedings under this  
14 Article shall consist of the petitions, pleadings, victim  
15 impact statements, process, service of process, orders, writs  
16 and docket entries reflecting hearings held and judgments and  
17 decrees entered by the court. The court file shall be kept  
18 separate from other records of the court.

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

23 (i) A judge of the circuit court and members of the  
24 staff of the court designated by the judge;

25 (ii) Parties to the proceedings and their  
26 attorneys;

27 (iii) Victims and their attorneys, except in cases  
28 of multiple victims of sex offenses in which case the  
29 information identifying the nonrequesting victims  
30 shall be redacted;

31 (iv) Probation officers, law enforcement officers  
32 or prosecutors or their staff;

33 (v) Adult and juvenile Prisoner Review Boards.

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

5 (i) Authorized military personnel;

6 (ii) Persons engaged in bona fide research, with  
7 the permission of the judge of the juvenile court and  
8 the chief executive of the agency that prepared the  
9 particular recording: provided that publication of  
10 such research results in no disclosure of a minor's  
11 identity and protects the confidentiality of the  
12 record;

13 (iii) The Secretary of State to whom the Clerk of  
14 the Court shall report the disposition of all cases, as  
15 required in Section 6-204 or Section 6-205.1 of the  
16 Illinois Vehicle Code. However, information reported  
17 relative to these offenses shall be privileged and  
18 available only to the Secretary of State, courts, and  
19 police officers;

20 (iv) The administrator of a bonafide substance  
21 abuse student assistance program with the permission  
22 of the presiding judge of the juvenile court;

23 (v) Any individual, or any public or private agency  
24 or institution, having custody of the juvenile under  
25 court order or providing educational, medical or  
26 mental health services to the juvenile or a  
27 court-approved advocate for the juvenile or any  
28 placement provider or potential placement provider as  
29 determined by the court.

30 (3) A minor who is the victim or alleged victim in a  
31 juvenile proceeding shall be provided the same confidentiality  
32 regarding disclosure of identity as the minor who is the  
33 subject of record. Information identifying victims and alleged  
34 victims of sex offenses, shall not be disclosed or open to

1 public inspection under any circumstances. Nothing in this  
2 Section shall prohibit the victim or alleged victim of any sex  
3 offense from voluntarily disclosing his or her identity.

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

8 (5) Except as otherwise provided in this subsection (5),  
9 juvenile court records shall not be made available to the  
10 general public but may be inspected by representatives of  
11 agencies, associations and news media or other properly  
12 interested persons by general or special order of the court.  
13 The State's Attorney, the minor, his or her parents, guardian  
14 and counsel shall at all times have the right to examine court  
15 files and records.

16 (a) The court shall allow the general public to have  
17 access to the name, address, and offense of a minor who is  
18 adjudicated a delinquent minor under this Act under either  
19 of the following circumstances:

20 (i) The adjudication of delinquency was based upon  
21 the minor's commission of first degree murder, attempt  
22 to commit first degree murder, aggravated criminal  
23 sexual assault, or criminal sexual assault; or

24 (ii) The court has made a finding that the minor  
25 was at least 13 years of age at the time the act was  
26 committed and the adjudication of delinquency was  
27 based upon the minor's commission of: (A) an act in  
28 furtherance of the commission of a felony as a member  
29 of or on behalf of a criminal street gang, (B) an act  
30 involving the use of a firearm in the commission of a  
31 felony, (C) an act that would be a Class X felony  
32 offense under or the minor's second or subsequent Class  
33 2 or greater felony offense under the Cannabis Control  
34 Act if committed by an adult, (D) an act that would be

1 a second or subsequent offense under Section 402 of the  
2 Illinois Controlled Substances Act if committed by an  
3 adult, (E) an act that would be an offense under  
4 Section 401 of the Illinois Controlled Substances Act  
5 if committed by an adult, or (F) an act that would be  
6 an offense under the Methamphetamine Control and  
7 Community Protection Act if committed by an adult.

8 (b) The court shall allow the general public to have  
9 access to the name, address, and offense of a minor who is  
10 at least 13 years of age at the time the offense is  
11 committed and who is convicted, in criminal proceedings  
12 permitted or required under Section 5-805, under either of  
13 the following circumstances:

14 (i) The minor has been convicted of first degree  
15 murder, attempt to commit first degree murder,  
16 aggravated criminal sexual assault, or criminal sexual  
17 assault,

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

33 (6) Nothing in this Section shall be construed to limit the  
34 use of a adjudication of delinquency as evidence in any

1 juvenile or criminal proceeding, where it would otherwise be  
2 admissible under the rules of evidence, including but not  
3 limited to, use as impeachment evidence against any witness,  
4 including the minor if he or she testifies.

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

12 (8) Following any adjudication of delinquency for a crime  
13 which would be a felony if committed by an adult, or following  
14 any adjudication of delinquency for a violation of Section  
15 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961, the  
16 State's Attorney shall ascertain whether the minor respondent  
17 is enrolled in school and, if so, shall provide a copy of the  
18 sentencing order to the principal or chief administrative  
19 officer of the school. Access to such juvenile records shall be  
20 limited to the principal or chief administrative officer of the  
21 school and any guidance counselor designated by him or her.

22 (9) Nothing contained in this Act prevents the sharing or  
23 disclosure of information or records relating or pertaining to  
24 juveniles subject to the provisions of the Serious Habitual  
25 Offender Comprehensive Action Program when that information is  
26 used to assist in the early identification and treatment of  
27 habitual juvenile offenders.

28 (11) The Clerk of the Circuit Court shall report to the  
29 Department of State Police, in the form and manner required by  
30 the Department of State Police, the final disposition of each  
31 minor who has been arrested or taken into custody before his or  
32 her 17th birthday for those offenses required to be reported  
33 under Section 5 of the Criminal Identification Act. Information  
34 reported to the Department under this Section may be maintained

1 with records that the Department files under Section 2.1 of the  
2 Criminal Identification Act.

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

6 (Source: P.A. 94-556, eff. 9-11-05.)

7 (705 ILCS 405/5-905)

8 Sec. 5-905. Law enforcement records.

9 (1) Law Enforcement Records. Inspection and copying of law  
10 enforcement records maintained by law enforcement agencies  
11 that relate to a minor who has been arrested or taken into  
12 custody before his or her 17th birthday shall be restricted to  
13 the following and when necessary for the discharge of their  
14 official duties:

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

17 (b) Law enforcement officers, probation officers or  
18 prosecutors or their staff;

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

22 (d) Adult and Juvenile Prisoner Review Boards;

23 (e) Authorized military personnel;

24 (f) Persons engaged in bona fide research, with the  
25 permission of the judge of juvenile court and the chief  
26 executive of the agency that prepared the particular  
27 recording: provided that publication of such research  
28 results in no disclosure of a minor's identity and protects  
29 the confidentiality of the record;

30 (g) Individuals responsible for supervising or  
31 providing temporary or permanent care and custody of minors  
32 pursuant to orders of the juvenile court or directives from  
33 officials of the Department of Children and Family Services



1 or the Department of Human Services who certify in writing  
2 that the information will not be disclosed to any other  
3 party except as provided under law or order of court;

4 (h) The appropriate school official. Inspection and  
5 copying shall be limited to law enforcement records  
6 transmitted to the appropriate school official by a local  
7 law enforcement agency under a reciprocal reporting system  
8 established and maintained between the school district and  
9 the local law enforcement agency under Section 10-20.14 of  
10 the School Code concerning a minor enrolled in a school  
11 within the school district who has been arrested for any  
12 offense classified as a felony or a Class A or B  
13 misdemeanor.

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

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

23 (4) Nothing in this Section shall prohibit the inspection  
24 or disclosure to victims and witnesses of photographs contained  
25 in the records of law enforcement agencies when the inspection  
26 or disclosure is conducted in the presence of a law enforcement  
27 officer for purposes of identification or apprehension of any  
28 person in the course of any criminal investigation or  
29 prosecution.

30 (5) The records of law enforcement officers concerning all  
31 minors under 17 years of age must be maintained separate from  
32 the records of adults and may not be open to public inspection  
33 or their contents disclosed to the public except by order of  
34 the court or when the institution of criminal proceedings has

1 been permitted under Section 5-130 or 5-805 or required under  
2 Section 5-130 or 5-805 or such a person has been convicted of a  
3 crime and is the subject of pre-sentence investigation or when  
4 provided by law.

5 (6) Except as otherwise provided in this subsection (6),  
6 law enforcement officers may not disclose the identity of any  
7 minor in releasing information to the general public as to the  
8 arrest, investigation or disposition of any case involving a  
9 minor. Any victim or parent or legal guardian of a victim may  
10 petition the court to disclose the name and address of the  
11 minor and the minor's parents or legal guardian, or both. Upon  
12 a finding by clear and convincing evidence that the disclosure  
13 is either necessary for the victim to pursue a civil remedy  
14 against the minor or the minor's parents or legal guardian, or  
15 both, or to protect the victim's person or property from the  
16 minor, then the court may order the disclosure of the  
17 information to the victim or to the parent or legal guardian of  
18 the victim only for the purpose of the victim pursuing a civil  
19 remedy against the minor or the minor's parents or legal  
20 guardian, or both, or to protect the victim's person or  
21 property from the minor.

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

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

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

1 (705 ILCS 405/5-915)

2 Sec. 5-915. Expungement of juvenile law enforcement and  
3 court records.

4 (1) Whenever any person has attained the age of 17 or  
5 whenever all juvenile court proceedings relating to that person  
6 have been terminated, whichever is later, the person may  
7 petition the court to expunge law enforcement records relating  
8 to incidents occurring before his or her 17th birthday or his  
9 or her juvenile court records, or both, but only in the  
10 following circumstances:

11 (a) the minor was arrested and no petition for  
12 delinquency was filed with the clerk of the circuit court;  
13 or

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

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

19 (d) the minor was adjudicated for an offense which  
20 would be a Class B misdemeanor, Class C misdemeanor, or a  
21 petty or business offense if committed by an adult.

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

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

31 (b) 5 years have elapsed since all juvenile court  
32 proceedings relating to him or her have been terminated or  
33 his or her commitment to the Department of Juvenile Justice  
34 ~~Corrections, Juvenile Division~~ pursuant to this Act has

1           been terminated;

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

3           (2.5) If a minor is arrested and no petition for  
4 delinquency is filed with the clerk of the circuit court as  
5 provided in paragraph (a) of subsection (1) at the time the  
6 minor is released from custody, the youth officer, if  
7 applicable, or other designated person from the arresting  
8 agency, shall notify verbally and in writing to the minor or  
9 the minor's parents or guardians that if the State's Attorney  
10 does not file a petition for delinquency, the minor has a right  
11 to petition to have his or her arrest record expunged when the  
12 minor attains the age of 17 or when all juvenile court  
13 proceedings relating to that minor have been terminated and  
14 that unless a petition to expunge is filed, the minor shall  
15 have an arrest record and shall provide the minor and the  
16 minor's parents or guardians with an expungement information  
17 packet, including a petition to expunge juvenile records  
18 obtained from the clerk of the circuit court.

19           (2.6) If a minor is charged with an offense and is found  
20 not delinquent of that offense; or if a minor is placed under  
21 supervision under Section 5-615, and the order of supervision  
22 is successfully terminated; or if a minor is adjudicated for an  
23 offense that would be a Class B misdemeanor, a Class C  
24 misdemeanor, or a business or petty offense if committed by an  
25 adult; or if a minor has incidents occurring before his or her  
26 17th birthday that have not resulted in proceedings in criminal  
27 court, or resulted in proceedings in juvenile court, and the  
28 adjudications were not based upon first degree murder or sex  
29 offenses that would be felonies if committed by an adult; then  
30 at the time of sentencing or dismissal of the case, the judge  
31 shall inform the delinquent minor of his or her right to  
32 petition for expungement as provided by law, and the clerk of  
33 the circuit court shall provide an expungement information  
34 packet to the delinquent minor, written in plain language,

1 including a petition for expungement, a sample of a completed  
 2 petition, expungement instructions that shall include  
 3 information informing the minor that (i) once the case is  
 4 expunged, it shall be treated as if it never occurred, (ii) he  
 5 or she may apply to have petition fees waived, (iii) once he or  
 6 she obtains an expungement, he or she may not be required to  
 7 disclose that he or she had a juvenile record, and (iv) he or  
 8 she may file the petition on his or her own or with the  
 9 assistance of an attorney. The failure of the judge to inform  
 10 the delinquent minor of his or her right to petition for  
 11 expungement as provided by law does not create a substantive  
 12 right, nor is that failure grounds for: (i) a reversal of an  
 13 adjudication of delinquency, (ii) a new trial; or (iii) an  
 14 appeal.

15 (2.7) For counties with a population over 3,000,000, the  
 16 clerk of the circuit court shall send a "Notification of a  
 17 Possible Right to Expungement" post card to the minor at the  
 18 address last received by the clerk of the circuit court on the  
 19 date that the minor attains the age of 17 based on the  
 20 birthdate provided to the court by the minor or his or her  
 21 guardian in cases under paragraphs (b), (c), and (d) of  
 22 subsection (1); and when the minor attains the age of 21 based  
 23 on the birthdate provided to the court by the minor or his or  
 24 her guardian in cases under subsection (2).

25 (2.8) The petition for expungement for subsection (1) shall  
 26 be substantially in the following form:

27 IN THE CIRCUIT COURT OF ....., ILLINOIS

28 ..... JUDICIAL CIRCUIT

29 IN THE INTEREST OF ) NO.

30 )

31 )

32 .....)

33 (Name of Petitioner)

1                                    PETITION TO EXPUNGE JUVENILE RECORDS

2                                    (705 ILCS 405/5-915 (SUBSECTION 1))

3                                    (Please prepare a separate petition for each offense)

4 Now comes ....., petitioner, and respectfully requests  
5 that this Honorable Court enter an order expunging all juvenile  
6 law enforcement and court records of petitioner and in support  
7 thereof states that: Petitioner has attained the age of 17,  
8 his/her birth date being ....., or all Juvenile Court  
9 proceedings terminated as of ....., whichever occurred later.  
10 Petitioner was arrested on ..... by the ..... Police  
11 Department for the offense of ....., and:

12 (Check One:)

13 ( ) a. no petition was filed with the Clerk of the Circuit  
14 Court.

15 ( ) b. was charged with ..... and was found not delinquent of  
16 the offense.

17 ( ) c. a petition was filed and the petition was dismissed  
18 without a finding of delinquency on .....

19 ( ) d. on ..... placed under supervision pursuant to Section  
20 5-615 of the Juvenile Court Act of 1987 and such order of  
21 supervision successfully terminated on .....

22 ( ) e. was adjudicated for the offense, which would have been a  
23 Class B misdemeanor, a Class C misdemeanor, or a petty offense  
24 or business offense if committed by an adult.

25 Petitioner .... has .... has not been arrested on charges in  
26 this or any county other than the charges listed above. If  
27 petitioner has been arrested on additional charges, please list  
28 the charges below:

29 Charge(s): .....

30 Arresting Agency or Agencies: .....

31 Disposition/Result: (choose from a. through e., above): .....

32 WHEREFORE, the petitioner respectfully requests this Honorable  
33 Court to (1) order all law enforcement agencies to expunge all

1 records of petitioner to this incident, and (2) to order the  
2 Clerk of the Court to expunge all records concerning the  
3 petitioner regarding this incident.

4 .....  
5 Petitioner (Signature)

6 .....  
7 Petitioner's Street Address

8 .....  
9 City, State, Zip Code

10 .....  
11 Petitioner's Telephone Number

12 Pursuant to the penalties of perjury under the Code of Civil  
13 Procedure, 735 ILCS 5/1-109, I hereby certify that the  
14 statements in this petition are true and correct, or on  
15 information and belief I believe the same to be true.

16 .....  
17 Petitioner (Signature)

18 The Petition for Expungement for subsection (2) shall be  
19 substantially in the following form:

20 IN THE CIRCUIT COURT OF ....., ILLINOIS  
21 ..... JUDICIAL CIRCUIT

22 IN THE INTEREST OF ) NO.  
23 )  
24 )  
25 .....)  
26 (Name of Petitioner)

1                   PETITION TO EXPUNGE JUVENILE RECORDS

2                   (705 ILCS 405/5-915 (SUBSECTION 2))

3                   (Please prepare a separate petition for each offense)

4 Now comes ....., petitioner, and respectfully requests  
5 that this Honorable Court enter an order expunging all Juvenile  
6 Law Enforcement and Court records of petitioner and in support  
7 thereof states that:

8 The incident for which the Petitioner seeks expungement  
9 occurred before the Petitioner's 17th birthday and did not  
10 result in proceedings in criminal court and the Petitioner has  
11 not had any convictions for any crime since his/her 17th  
12 birthday; and

13 The incident for which the Petitioner seeks expungement  
14 occurred before the Petitioner's 17th birthday and the  
15 adjudication was not based upon first-degree murder or sex  
16 offenses which would be felonies if committed by an adult, and  
17 the Petitioner has not had any convictions for any crime since  
18 his/her 17th birthday.

19 Petitioner was arrested on ..... by the ..... Police  
20 Department for the offense of ....., and:

21 (Check whichever one occurred the latest:)

22 ( ) a. The Petitioner has attained the age of 21 years, his/her  
23 birthday being .....; or

24 ( ) b. 5 years have elapsed since all juvenile court  
25 proceedings relating to the Petitioner have been terminated; or  
26 the Petitioner's commitment to the Department of Juvenile  
27 Justice Corrections, ~~Juvenile Division~~, pursuant to the  
28 expungement of juvenile law enforcement and court records  
29 provisions of the Juvenile Court Act of 1987 has been  
30 terminated. Petitioner ...has ...has not been arrested on  
31 charges in this or any other county other than the charge  
32 listed above. If petitioner has been arrested on additional  
33 charges, please list the charges below:



1 Charge(s): .....

2 Arresting Agency or Agencies: .....

3 Disposition/Result: (choose from a or b, above): .....

4 WHEREFORE, the petitioner respectfully requests this Honorable  
5 Court to (1) order all law enforcement agencies to expunge all  
6 records of petitioner related to this incident, and (2) to  
7 order the Clerk of the Court to expunge all records concerning  
8 the petitioner regarding this incident.

9 .....

10 Petitioner (Signature)

11 .....

12 Petitioner's Street Address

13 .....

14 City, State, Zip Code

15 .....

16 Petitioner's Telephone Number

17 Pursuant to the penalties of perjury under the Code of Civil  
18 Procedure, 735 ILCS 5/1-109, I hereby certify that the  
19 statements in this petition are true and correct, or on  
20 information and belief I believe the same to be true.

21 .....

22 Petitioner (Signature)

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

1 State Police. The person whose records are to be expunged shall  
 2 petition the court using the appropriate form containing his or  
 3 her current address and shall promptly notify the clerk of the  
 4 circuit court of any change of address. Notice of the petition  
 5 shall be served upon the State's Attorney or prosecutor charged  
 6 with the duty of prosecuting the offense, the Department of  
 7 State Police, and the arresting agency or agencies by the clerk  
 8 of the circuit court. If an objection is filed within 90 days  
 9 of the notice of the petition, the clerk of the circuit court  
 10 shall set a date for hearing after the 90 day objection period.  
 11 At the hearing the court shall hear evidence on whether the  
 12 expungement should or should not be granted. Unless the State's  
 13 Attorney or prosecutor, the Department of State Police, or an  
 14 arresting agency objects to the expungement within 90 days of  
 15 the notice, the court may enter an order granting expungement.  
 16 The person whose records are to be expunged shall pay the clerk  
 17 of the circuit court a fee equivalent to the cost associated  
 18 with expungement of records by the clerk and the Department of  
 19 State Police. The clerk shall forward a certified copy of the  
 20 order to the Department of State Police, the appropriate  
 21 portion of the fee to the Department of State Police for  
 22 processing, and deliver a certified copy of the order to the  
 23 arresting agency. ▸

24 (3.1) The Notice of Expungement shall be in substantially  
 25 the following form:

26 IN THE CIRCUIT COURT OF ....., ILLINOIS  
 27 ..... JUDICIAL CIRCUIT

28 IN THE INTEREST OF ) NO.  
 29 )  
 30 )  
 31 .....)  
 32 (Name of Petitioner)

NOTICE

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TO: State's Attorney  
TO: Arresting Agency  
.....  
.....  
.....  
.....  
TO: Illinois State Police

ATTENTION: Expungement

You are hereby notified that on ....., at ....., in courtroom  
..., located at ..., before the Honorable ..., Judge, or any  
judge sitting in his/her stead, I shall then and there present  
a Petition to Expunge Juvenile records in the above-entitled  
matter, at which time and place you may appear.

.....  
Petitioner's Signature  
.....  
Petitioner's Street Address  
.....  
City, State, Zip Code  
.....  
Petitioner's Telephone Number

PROOF OF SERVICE

On the ..... day of ....., 20..., I on oath state that I  
served this notice and true and correct copies of the  
above-checked documents by:

(Check One:)  
delivering copies personally to each entity to whom they are

1 directed;  
 2 or  
 3 by mailing copies to each entity to whom they are directed by  
 4 depositing the same in the U.S. Mail, proper postage fully  
 5 prepaid, before the hour of 5:00 p.m., at the United States  
 6 Postal Depository located at .....

7 .....

8  
 9 Signature

10 Clerk of the Circuit Court or Deputy Clerk

11 Printed Name of Delinquent Minor/Petitioner: ....

12 Address: .....

13 Telephone Number: .....

14 (3.2) The Order of Expungement shall be in substantially  
 15 the following form:

16 IN THE CIRCUIT COURT OF ....., ILLINOIS  
 17 ..... JUDICIAL CIRCUIT

18 IN THE INTEREST OF ) NO.  
 19 )  
 20 )  
 21 .....)  
 22 (Name of Petitioner)

23 DOB .....

24 Arresting Agency/Agencies .....

25 ORDER OF EXPUNGEMENT  
 26 (705 ILCS 405/5-915 (SUBSECTION 3))

27 This matter having been heard on the petitioner's motion and  
 28 the court being fully advised in the premises does find that  
 29 the petitioner is indigent or has presented reasonable cause to  
 30 waive all costs in this matter, IT IS HEREBY ORDERED that:

31 ( ) 1. Clerk of Court and Department of State Police costs  
 32 are hereby waived in this matter.

1 ( ) 2. The Illinois State Police Bureau of Identification  
2 and the following law enforcement agencies expunge all records  
3 of petitioner relating to an arrest dated ..... for the  
4 offense of .....

5 Law Enforcement Agencies:  
6 .....  
7 .....

8 ( ) 3. IT IS FURTHER ORDERED that the Clerk of the Circuit  
9 Court expunge all records regarding the above-captioned case.

10 ENTER: .....

11  
12 JUDGE

13 DATED: .....

14 Name:

15 Attorney for:

16 Address: City/State/Zip:

17 Attorney Number:

18 (3.3) The Notice of Objection shall be in substantially the  
19 following form:

20 IN THE CIRCUIT COURT OF ....., ILLINOIS  
21 ..... JUDICIAL CIRCUIT

22 IN THE INTEREST OF ) NO.

23 )

24 )

25 .....)

26 (Name of Petitioner)

27 NOTICE OF OBJECTION

28 TO:(Attorney, Public Defender, Minor)

29 .....

30 .....

31 TO:(Illinois State Police)

32 .....

1 .....

2 TO: (Clerk of the Court)

3 .....

4 .....

5 TO: (Judge)

6 .....

7 .....

8 TO: (Arresting Agency/Agencies)

9 .....

10 .....

11 ATTENTION: You are hereby notified that an objection has been  
12 filed by the following entity regarding the above-named minor's  
13 petition for expungement of juvenile records:

- 14 ( ) State's Attorney's Office;
- 15 ( ) Prosecutor (other than State's Attorney's Office) charged
- 16 with the duty of prosecuting the offense sought to be expunged;
- 17 ( ) Department of Illinois State Police; or
- 18 ( ) Arresting Agency or Agencies.

19 The agency checked above respectfully requests that this case  
20 be continued and set for hearing on whether the expungement  
21 should or should not be granted.

22 DATED: .....

23 Name:

24 Attorney For:

25 Address:

26 City/State/Zip:

27 Telephone:

28 Attorney No.:

29 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

30 This matter has been set for hearing on the foregoing  
31 objection, on ..... in room ....., located at ....., before the  
32 Honorable ....., Judge, or any judge sitting in his/her stead.

33 (Only one hearing shall be set, regardless of the number of  
34 Notices of Objection received on the same case).

1 A copy of this completed Notice of Objection containing the  
2 court date, time, and location, has been sent via regular U.S.  
3 Mail to the following entities. (If more than one Notice of  
4 Objection is received on the same case, each one must be  
5 completed with the court date, time and location and mailed to  
6 the following entities):

7 ( ) Attorney, Public Defender or Minor;

8 ( ) State's Attorney's Office;

9 ( ) Prosecutor (other than State's Attorney's Office) charged  
10 with the duty of prosecuting the offense sought to be expunged;

11 ( ) Department of Illinois State Police; and

12 ( ) Arresting agency or agencies.

13 Date: .....

14 Initials of Clerk completing this section: .....

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

20 (5) Records which have not been expunged are sealed, and  
21 may be obtained only under the provisions of Sections 5-901,  
22 5-905 and 5-915.

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

29 (7)(a) The State Appellate Defender shall establish,  
30 maintain, and carry out, by December 31, 2004, a juvenile  
31 expungement program to provide information and assistance to  
32 minors eligible to have their juvenile records expunged.

33 (b) The State Appellate Defender shall develop brochures,  
34 pamphlets, and other materials in printed form and through the

1 agency's World Wide Web site. The pamphlets and other materials  
2 shall include at a minimum the following information:

3 (i) An explanation of the State's juvenile expungement  
4 process;

5 (ii) The circumstances under which juvenile  
6 expungement may occur;

7 (iii) The juvenile offenses that may be expunged;

8 (iv) The steps necessary to initiate and complete the  
9 juvenile expungement process; and

10 (v) Directions on how to contact the State Appellate  
11 Defender.

12 (c) The State Appellate Defender shall establish and  
13 maintain a statewide toll-free telephone number that a person  
14 may use to receive information or assistance concerning the  
15 expungement of juvenile records. The State Appellate Defender  
16 shall advertise the toll-free telephone number statewide. The  
17 State Appellate Defender shall develop an expungement  
18 information packet that may be sent to eligible persons seeking  
19 expungement of their juvenile records, which may include, but  
20 is not limited to, a pre-printed expungement petition with  
21 instructions on how to complete the petition and a pamphlet  
22 containing information that would assist individuals through  
23 the juvenile expungement process.

24 (d) The State Appellate Defender shall compile a statewide  
25 list of volunteer attorneys willing to assist eligible  
26 individuals through the juvenile expungement process.

27 (e) This Section shall be implemented from funds  
28 appropriated by the General Assembly to the State Appellate  
29 Defender for this purpose. The State Appellate Defender shall  
30 employ the necessary staff and adopt the necessary rules for  
31 implementation of this Section.

32 (8) (a) Except with respect to law enforcement agencies, the  
33 Department of Corrections, State's Attorneys, or other  
34 prosecutors, an expunged juvenile record may not be considered



1 by any private or public entity in employment matters,  
2 certification, licensing, revocation of certification or  
3 licensure, or registration. Applications for employment must  
4 contain specific language that states that the applicant is not  
5 obligated to disclose expunged juvenile records of conviction  
6 or arrest. Employers may not ask if an applicant has had a  
7 juvenile record expunged. Effective January 1, 2005, the  
8 Department of Labor shall develop a link on the Department's  
9 website to inform employers that employers may not ask if an  
10 applicant had a juvenile record expunged and that application  
11 for employment must contain specific language that states that  
12 the applicant is not obligated to disclose expunged juvenile  
13 records of arrest or conviction.

14 (b) A person whose juvenile records have been expunged is  
15 not entitled to remission of any fines, costs, or other money  
16 paid as a consequence of expungement. This amendatory Act of  
17 the 93rd General Assembly does not affect the right of the  
18 victim of a crime to prosecute or defend a civil action for  
19 damages.

20 (Source: P.A. 93-912, eff. 8-12-04; revised 10-14-04.)

21 Section 21. The Rights of Crime Victims and Witnesses Act  
22 is amended by changing Sections 4.5, 5, 8.5, and 9 as follows:

23 (725 ILCS 120/4.5)

24 Sec. 4.5. Procedures to implement the rights of crime  
25 victims. To afford crime victims their rights, law enforcement,  
26 prosecutors, judges and corrections will provide information,  
27 as appropriate of the following procedures:

28 (a) At the request of the crime victim, law enforcement  
29 authorities investigating the case shall provide notice of the  
30 status of the investigation, except where the State's Attorney  
31 determines that disclosure of such information would  
32 unreasonably interfere with the investigation, until such time

1 as the alleged assailant is apprehended or the investigation is  
2 closed.

3 (b) The office of the State's Attorney:

4 (1) shall provide notice of the filing of information,  
5 the return of an indictment by which a prosecution for any  
6 violent crime is commenced, or the filing of a petition to  
7 adjudicate a minor as a delinquent for a violent crime;

8 (2) shall provide notice of the date, time, and place  
9 of trial;

10 (3) or victim advocate personnel shall provide  
11 information of social services and financial assistance  
12 available for victims of crime, including information of  
13 how to apply for these services and assistance;

14 (4) shall assist in having any stolen or other personal  
15 property held by law enforcement authorities for  
16 evidentiary or other purposes returned as expeditiously as  
17 possible, pursuant to the procedures set out in Section  
18 115-9 of the Code of Criminal Procedure of 1963;

19 (5) or victim advocate personnel shall provide  
20 appropriate employer intercession services to ensure that  
21 employers of victims will cooperate with the criminal  
22 justice system in order to minimize an employee's loss of  
23 pay and other benefits resulting from court appearances;

24 (6) shall provide information whenever possible, of a  
25 secure waiting area during court proceedings that does not  
26 require victims to be in close proximity to defendant or  
27 juveniles accused of a violent crime, and their families  
28 and friends;

29 (7) shall provide notice to the crime victim of the  
30 right to have a translator present at all court  
31 proceedings;

32 (8) in the case of the death of a person, which death  
33 occurred in the same transaction or occurrence in which  
34 acts occurred for which a defendant is charged with an

1 offense, shall notify the spouse, parent, child or sibling  
2 of the decedent of the date of the trial of the person or  
3 persons allegedly responsible for the death;

4 (9) shall inform the victim of the right to have  
5 present at all court proceedings, subject to the rules of  
6 evidence, an advocate or other support person of the  
7 victim's choice, and the right to retain an attorney, at  
8 the victim's own expense, who, upon written notice filed  
9 with the clerk of the court and State's Attorney, is to  
10 receive copies of all notices, motions and court orders  
11 filed thereafter in the case, in the same manner as if the  
12 victim were a named party in the case; and

13 (10) at the sentencing hearing shall make a good faith  
14 attempt to explain the minimum amount of time during which  
15 the defendant may actually be physically imprisoned. The  
16 Office of the State's Attorney shall further notify the  
17 crime victim of the right to request from the Prisoner  
18 Review Board information concerning the release of the  
19 defendant under subparagraph (d) (1) of this Section; and

20 (11) shall request restitution at sentencing and shall  
21 consider restitution in any plea negotiation, as provided  
22 by law.

23 (c) At the written request of the crime victim, the office  
24 of the State's Attorney shall:

25 (1) provide notice a reasonable time in advance of the  
26 following court proceedings: preliminary hearing, any  
27 hearing the effect of which may be the release of defendant  
28 from custody, or to alter the conditions of bond and the  
29 sentencing hearing. The crime victim shall also be notified  
30 of the cancellation of the court proceeding in sufficient  
31 time, wherever possible, to prevent an unnecessary  
32 appearance in court;

33 (2) provide notice within a reasonable time after  
34 receipt of notice from the custodian, of the release of the

1 defendant on bail or personal recognizance or the release  
2 from detention of a minor who has been detained for a  
3 violent crime;

4 (3) explain in nontechnical language the details of any  
5 plea or verdict of a defendant, or any adjudication of a  
6 juvenile as a delinquent for a violent crime;

7 (4) where practical, consult with the crime victim  
8 before the Office of the State's Attorney makes an offer of  
9 a plea bargain to the defendant or enters into negotiations  
10 with the defendant concerning a possible plea agreement,  
11 and shall consider the written victim impact statement, if  
12 prepared prior to entering into a plea agreement;

13 (5) provide notice of the ultimate disposition of the  
14 cases arising from an indictment or an information, or a  
15 petition to have a juvenile adjudicated as a delinquent for  
16 a violent crime;

17 (6) provide notice of any appeal taken by the defendant  
18 and information on how to contact the appropriate agency  
19 handling the appeal;

20 (7) provide notice of any request for post-conviction  
21 review filed by the defendant under Article 122 of the Code  
22 of Criminal Procedure of 1963, and of the date, time and  
23 place of any hearing concerning the petition. Whenever  
24 possible, notice of the hearing shall be given in advance;

25 (8) forward a copy of any statement presented under  
26 Section 6 to the Prisoner Review Board to be considered by  
27 the Board in making its determination under subsection (b)  
28 of Section 3-3-8 of the Unified Code of Corrections.

29 (d) (1) The Prisoner Review Board shall inform a victim or  
30 any other concerned citizen, upon written request, of the  
31 prisoner's release on parole, mandatory supervised release,  
32 electronic detention, work release or by the custodian of the  
33 discharge of any individual who was adjudicated a delinquent  
34 for a violent crime from State custody and by the sheriff of

1 the appropriate county of any such person's final discharge  
2 from county custody. The Prisoner Review Board, upon written  
3 request, shall provide to a victim or any other concerned  
4 citizen a recent photograph of any person convicted of a  
5 felony, upon his or her release from custody. The Prisoner  
6 Review Board, upon written request, shall inform a victim or  
7 any other concerned citizen when feasible at least 7 days prior  
8 to the prisoner's release on furlough of the times and dates of  
9 such furlough. Upon written request by the victim or any other  
10 concerned citizen, the State's Attorney shall notify the person  
11 once of the times and dates of release of a prisoner sentenced  
12 to periodic imprisonment. Notification shall be based on the  
13 most recent information as to victim's or other concerned  
14 citizen's residence or other location available to the  
15 notifying authority. For purposes of this paragraph (1) of  
16 subsection (d), "concerned citizen" includes relatives of the  
17 victim, friends of the victim, witnesses to the crime, or any  
18 other person associated with the victim or prisoner.

19 (2) When the defendant has been committed to the  
20 Department of Human Services pursuant to Section 5-2-4 or  
21 any other provision of the Unified Code of Corrections, the  
22 victim may request to be notified by the releasing  
23 authority of the defendant's discharge from State custody.

24 (3) In the event of an escape from State custody, the  
25 Department of Corrections or the Department of Juvenile  
26 Justice immediately shall notify the Prisoner Review Board  
27 of the escape and the Prisoner Review Board shall notify  
28 the victim. The notification shall be based upon the most  
29 recent information as to the victim's residence or other  
30 location available to the Board. When no such information  
31 is available, the Board shall make all reasonable efforts  
32 to obtain the information and make the notification. When  
33 the escapee is apprehended, the Department of Corrections  
34 or the Department of Juvenile Justice immediately shall

1 notify the Prisoner Review Board and the Board shall notify  
2 the victim.

3 (4) The victim of the crime for which the prisoner has  
4 been sentenced shall receive reasonable written notice not  
5 less than 15 days prior to the parole hearing and may  
6 submit, in writing, on film, videotape or other electronic  
7 means or in the form of a recording or in person at the  
8 parole hearing or if a victim of a violent crime, by  
9 calling the toll-free number established in subsection (f)  
10 of this Section, information for consideration by the  
11 Prisoner Review Board. The victim shall be notified within  
12 7 days after the prisoner has been granted parole and shall  
13 be informed of the right to inspect the registry of parole  
14 decisions, established under subsection (g) of Section  
15 3-3-5 of the Unified Code of Corrections. The provisions of  
16 this paragraph (4) are subject to the Open Parole Hearings  
17 Act.

18 (5) If a statement is presented under Section 6, the  
19 Prisoner Review Board shall inform the victim of any order  
20 of discharge entered by the Board pursuant to Section 3-3-8  
21 of the Unified Code of Corrections.

22 (6) At the written request of the victim of the crime  
23 for which the prisoner was sentenced, the Prisoner Review  
24 Board shall notify the victim of the death of the prisoner  
25 if the prisoner died while on parole or mandatory  
26 supervised release.

27 (7) When a defendant who has been committed to the  
28 Department of Corrections, the Department of Juvenile  
29 Justice, or the Department of Human Services is released or  
30 discharged and subsequently committed to the Department of  
31 Human Services as a sexually violent person and the victim  
32 had requested to be notified by the releasing authority of  
33 the defendant's discharge from State custody, the  
34 releasing authority shall provide to the Department of

1 Human Services such information that would allow the  
2 Department of Human Services to contact the victim.

3 (e) The officials named in this Section may satisfy some or  
4 all of their obligations to provide notices and other  
5 information through participation in a statewide victim and  
6 witness notification system established by the Attorney  
7 General under Section 8.5 of this Act.

8 (f) To permit a victim of a violent crime to provide  
9 information to the Prisoner Review Board for consideration by  
10 the Board at a parole hearing of a person who committed the  
11 crime against the victim in accordance with clause (d)(4) of  
12 this Section or at a proceeding to determine the conditions of  
13 mandatory supervised release of a person sentenced to a  
14 determinate sentence or at a hearing on revocation of mandatory  
15 supervised release of a person sentenced to a determinate  
16 sentence, the Board shall establish a toll-free number that may  
17 be accessed by the victim of a violent crime to present that  
18 information to the Board.

19 (Source: P.A. 93-235, eff. 7-22-03.)

20 (725 ILCS 120/5) (from Ch. 38, par. 1405)

21 Sec. 5. Rights of Witnesses.

22 (a) Witnesses as defined in subsection (b) of Section 3 of  
23 this Act shall have the following rights:

24 (1) to be notified by the Office of the State's  
25 Attorney of all court proceedings at which the witness'  
26 presence is required in a reasonable amount of time prior  
27 to the proceeding, and to be notified of the cancellation  
28 of any scheduled court proceeding in sufficient time to  
29 prevent an unnecessary appearance in court, where  
30 possible;

31 (2) to be provided with appropriate employer  
32 intercession services by the Office of the State's Attorney  
33 or the victim advocate personnel to ensure that employers

1 of witnesses will cooperate with the criminal justice  
2 system in order to minimize an employee's loss of pay and  
3 other benefits resulting from court appearances;

4 (3) to be provided, whenever possible, a secure waiting  
5 area during court proceedings that does not require  
6 witnesses to be in close proximity to defendants and their  
7 families and friends;

8 (4) to be provided with notice by the Office of the  
9 State's Attorney, where necessary, of the right to have a  
10 translator present whenever the witness' presence is  
11 required.

12 (b) At the written request of the witness, the witness  
13 shall:

14 (1) receive notice from the office of the State's  
15 Attorney of any request for post-conviction review filed by  
16 the defendant under Article 122 of the Code of Criminal  
17 Procedure of 1963, and of the date, time, and place of any  
18 hearing concerning the petition for post-conviction  
19 review; whenever possible, notice of the hearing on the  
20 petition shall be given in advance;

21 (2) receive notice by the releasing authority of the  
22 defendant's discharge from State custody if the defendant  
23 was committed to the Department of Human Services under  
24 Section 5-2-4 or any other provision of the Unified Code of  
25 Corrections;

26 (3) receive notice from the Prisoner Review Board of  
27 the prisoner's escape from State custody, after the Board  
28 has been notified of the escape by the Department of  
29 Corrections or the Department of Juvenile Justice; when the  
30 escapee is apprehended, the Department of Corrections or  
31 the Department of Juvenile Justice shall immediately  
32 notify the Prisoner Review Board and the Board shall notify  
33 the witness;

34 (4) receive notice from the Prisoner Review Board of



1 the prisoner's release on parole, electronic detention,  
2 work release or mandatory supervised release and of the  
3 prisoner's final discharge from parole, electronic  
4 detention, work release, or mandatory supervised release.

5 (Source: P.A. 91-357, eff. 7-29-99.)

6 (725 ILCS 120/8.5)

7 Sec. 8.5. Statewide victim and witness notification  
8 system.

9 (a) The Attorney General may establish a crime victim and  
10 witness notification system to assist public officials in  
11 carrying out their duties to notify and inform crime victims  
12 and witnesses under Section 4.5 of this Act as the Attorney  
13 General specifies by rule. The system shall download necessary  
14 information from participating officials into its computers,  
15 where it shall be maintained, updated, and automatically  
16 transmitted to victims and witnesses by telephone, computer, or  
17 written notice.

18 (b) The Illinois Department of Corrections, the Department  
19 of Juvenile Justice, the Department of Human Services, and the  
20 Prisoner Review Board shall cooperate with the Attorney General  
21 in the implementation of this Section and shall provide  
22 information as necessary to the effective operation of the  
23 system.

24 (c) State's attorneys, circuit court clerks, and local law  
25 enforcement and correctional authorities may enter into  
26 agreements with the Attorney General for participation in the  
27 system. The Attorney General may provide those who elect to  
28 participate with the equipment, software, or training  
29 necessary to bring their offices into the system.

30 (d) The provision of information to crime victims and  
31 witnesses through the Attorney General's notification system  
32 satisfies a given State or local official's corresponding  
33 obligation under Section 4.5 to provide the information.

1 (e) The Attorney General may provide for telephonic,  
2 electronic, or other public access to the database established  
3 under this Section.

4 (f) The Attorney General shall adopt rules as necessary to  
5 implement this Section. The rules shall include, but not be  
6 limited to, provisions for the scope and operation of any  
7 system the Attorney General may establish and procedures,  
8 requirements, and standards for entering into agreements to  
9 participate in the system and to receive equipment, software,  
10 or training.

11 (g) There is established in the Office of the Attorney  
12 General a Crime Victim and Witness Notification Advisory  
13 Committee consisting of those victims advocates, sheriffs,  
14 State's Attorneys, circuit court clerks, Illinois Department  
15 of Corrections, the Department of Juvenile Justice, and  
16 Prisoner Review Board employees that the Attorney General  
17 chooses to appoint. The Attorney General shall designate one  
18 member to chair the Committee.

19 (1) The Committee shall consult with and advise the  
20 Attorney General as to the exercise of the Attorney  
21 General's authority under this Section, including, but not  
22 limited to:

23 (i) the design, scope, and operation of the  
24 notification system;

25 (ii) the content of any rules adopted to implement  
26 this Section;

27 (iii) the procurement of hardware, software, and  
28 support for the system, including choice of supplier or  
29 operator; and

30 (iv) the acceptance of agreements with and the  
31 award of equipment, software, or training to officials  
32 that seek to participate in the system.

33 (2) The Committee shall review the status and operation  
34 of the system and report any findings and recommendations

1 for changes to the Attorney General and the General  
2 Assembly by November 1 of each year.

3 (3) The members of the Committee shall receive no  
4 compensation for their services as members of the  
5 Committee, but may be reimbursed for their actual expenses  
6 incurred in serving on the Committee.

7 (Source: P.A. 93-258, eff. 1-1-04.)

8 (725 ILCS 120/9) (from Ch. 38, par. 1408)

9 Sec. 9. This Act does not limit any rights or  
10 responsibilities otherwise enjoyed by or imposed upon victims  
11 or witnesses of violent crime, nor does it grant any person a  
12 cause of action for damages or attorneys fees. Any act of  
13 omission or commission by any law enforcement officer, circuit  
14 court clerk, or State's Attorney, by the Attorney General,  
15 Prisoner Review Board, Department of Corrections, the  
16 Department of Juvenile Justice, Department of Human Services,  
17 or other State agency, or private entity under contract  
18 pursuant to Section 8, or by any employee of any State agency  
19 or private entity under contract pursuant to Section 8 acting  
20 in good faith in rendering crime victim's assistance or  
21 otherwise enforcing this Act shall not impose civil liability  
22 upon the individual or entity or his or her supervisor or  
23 employer. Nothing in this Act shall create a basis for vacating  
24 a conviction or a ground for appellate relief in any criminal  
25 case. Failure of the crime victim to receive notice as  
26 required, however, shall not deprive the court of the power to  
27 act regarding the proceeding before it; nor shall any such  
28 failure grant the defendant the right to seek a continuance.

29 (Source: P.A. 93-258, eff. 1-1-04.)

30 Section 22. The Sexually Violent Persons Commitment Act is  
31 amended by changing Sections 15 and 75 as follows:

1 (725 ILCS 207/15)

2 Sec. 15. Sexually violent person petition; contents;  
3 filing.

4 (a) A petition alleging that a person is a sexually violent  
5 person may be filed by:

6 (1) The Attorney General, at the request of the agency  
7 with jurisdiction over the person, as defined in subsection  
8 (a) of Section 10 of this Act, or on his or her own motion.  
9 If the Attorney General, after consulting with and advising  
10 the State's Attorney of the county referenced in paragraph  
11 (a)(2) of this Section, decides to file a petition under  
12 this Section, he or she shall file the petition before the  
13 date of the release or discharge of the person or within 30  
14 days of placement onto parole or mandatory supervised  
15 release for an offense enumerated in paragraph (e) of  
16 Section 5 of this Act.

17 (2) If the Attorney General does not file a petition  
18 under this Section, the State's Attorney of the county in  
19 which the person was convicted of a sexually violent  
20 offense, adjudicated delinquent for a sexually violent  
21 offense or found not guilty of or not responsible for a  
22 sexually violent offense by reason of insanity, mental  
23 disease, or mental defect may file a petition.

24 (3) The Attorney General and the State's Attorney  
25 referenced in paragraph (a)(2) of this Section jointly.

26 (b) A petition filed under this Section shall allege that  
27 all of the following apply to the person alleged to be a  
28 sexually violent person:

29 (1) The person satisfies any of the following criteria:

30 (A) The person has been convicted of a sexually  
31 violent offense;

32 (B) The person has been found delinquent for a  
33 sexually violent offense; or

34 (C) The person has been found not guilty of a

1 sexually violent offense by reason of insanity, mental  
2 disease, or mental defect.

3 (2) (Blank).

4 (3) (Blank).

5 (4) The person has a mental disorder.

6 (5) The person is dangerous to others because the  
7 person's mental disorder creates a substantial probability  
8 that he or she will engage in acts of sexual violence.

9 (b-5) The petition must be filed:

10 (1) No more than 90 days before discharge or entry into  
11 mandatory supervised release from a Department of  
12 Corrections correctional facility for a sentence that was  
13 imposed upon a conviction for a sexually violent offense,  
14 or for a sentence that is being served concurrently or  
15 consecutively with a sexually violent offense, and no more  
16 than 30 days after the person's entry into parole or  
17 mandatory supervised release; or

18 (2) No more than 90 days before discharge or release:

19 (A) from a Department of Juvenile Justice  
20 ~~Corrections~~ juvenile correctional facility if the  
21 person was placed in the facility for being adjudicated  
22 delinquent under Section 5-20 of the Juvenile Court Act  
23 of 1987 or found guilty under Section 5-620 of that Act  
24 on the basis of a sexually violent offense; or

25 (B) from a commitment order that was entered as a  
26 result of a sexually violent offense.

27 (c) A petition filed under this Section shall state with  
28 particularity essential facts to establish probable cause to  
29 believe the person is a sexually violent person. If the  
30 petition alleges that a sexually violent offense or act that is  
31 a basis for the allegation under paragraph (b)(1) of this  
32 Section was an act that was sexually motivated as provided  
33 under paragraph (e)(2) of Section 5 of this Act, the petition  
34 shall state the grounds on which the offense or act is alleged

1 to be sexually motivated.

2 (d) A petition under this Section shall be filed in either  
3 of the following:

4 (1) The circuit court for the county in which the  
5 person was convicted of a sexually violent offense,  
6 adjudicated delinquent for a sexually violent offense or  
7 found not guilty of a sexually violent offense by reason of  
8 insanity, mental disease or mental defect.

9 (2) The circuit court for the county in which the  
10 person is in custody under a sentence, a placement to a  
11 Department of Corrections correctional facility or a  
12 Department of Juvenile Justice juvenile correctional  
13 facility, or a commitment order.

14 (Source: P.A. 91-227, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16,  
15 eff. 6-28-01.)

16 (725 ILCS 207/75)

17 Sec. 75. Notice concerning conditional release, discharge,  
18 escape, death, or court-ordered change in the custody status of  
19 a detainee or civilly committed sexually violent person.

20 (a) As used in this Section, the term:

21 (1) "Act of sexual violence" means an act or attempted  
22 act that is a basis for an allegation made in a petition  
23 under paragraph (b) (1) of Section 15 of this Act.

24 (2) "Member of the family" means spouse, child,  
25 sibling, parent, or legal guardian.

26 (3) "Victim" means a person against whom an act of  
27 sexual violence has been committed.

28 (b) If the court places a civilly committed sexually  
29 violent person on conditional release under Section 40 or 60 of  
30 this Act or discharges a person under Section 65, or if a  
31 detainee or civilly committed sexually violent person escapes,  
32 dies, or is subject to any court-ordered change in custody  
33 status of the detainee or sexually violent person, the

1 Department shall make a reasonable attempt, if he or she can be  
2 found, to notify all of the following who have requested  
3 notification under this Act or under the Rights of Crime  
4 Victims and Witnesses Act:

5 (1) Whichever of the following persons is appropriate  
6 in accordance with the provisions of subsection (a) (3):

7 (A) The victim of the act of sexual violence.

8 (B) An adult member of the victim's family, if the  
9 victim died as a result of the act of sexual violence.

10 (C) The victim's parent or legal guardian, if the  
11 victim is younger than 18 years old.

12 (2) The Department of Corrections or the Department of  
13 Juvenile Justice.

14 (c) The notice under subsection (b) of this Section shall  
15 inform the Department of Corrections or the Department of  
16 Juvenile Justice and the person notified under paragraph (b) (1)  
17 of this Section of the name of the person committed under this  
18 Act and the date the person is placed on conditional release,  
19 discharged, or if a detainee or civilly committed sexually  
20 violent person escapes, dies, or is subject to any  
21 court-ordered change in the custody status of the detainee or  
22 sexually violent person. The Department shall send the notice,  
23 postmarked at least 7 days before the date the person committed  
24 under this Act is placed on conditional release, discharged, or  
25 if a detainee or civilly committed sexually violent person  
26 escapes, dies, or is subject to any court-ordered change in the  
27 custody status of the detainee or sexually violent person,  
28 unless unusual circumstances do not permit advance written  
29 notification, to the Department of Corrections or the  
30 Department of Juvenile Justice and the last-known address of  
31 the person notified under paragraph (b) (1) of this Section.

32 (d) The Department shall design and prepare cards for  
33 persons specified in paragraph (b) (1) of this Section to send  
34 to the Department. The cards shall have space for these persons

1 to provide their names and addresses, the name of the person  
2 committed under this Act and any other information the  
3 Department determines is necessary. The Department shall  
4 provide the cards, without charge, to the Attorney General and  
5 State's Attorneys. The Attorney General and State's Attorneys  
6 shall provide the cards, without charge, to persons specified  
7 in paragraph (b)(1) of this Section. These persons may send  
8 completed cards to the Department. All records or portions of  
9 records of the Department that relate to mailing addresses of  
10 these persons are not subject to inspection or copying under  
11 Section 3 of the Freedom of Information Act.

12 (Source: P.A. 93-885, eff. 8-6-04.)

13 Section 25. The Unified Code of Corrections is amended by  
14 adding Article 2.5 to Chapter III and by changing Sections  
15 3-1-2, 3-2-2, 3-2-5, 3-2-6, 3-3-3, 3-3-4, 3-3-5, 3-3-9, 3-4-3,  
16 3-5-1, 3-5-3.1, 3-6-2, 3-9-1, 3-9-2, 3-9-3, 3-9-4, 3-9-5,  
17 3-9-6, 3-9-7, 3-10-1, 3-10-2, 3-10-3, 3-10-4, 3-10-5, 3-10-6,  
18 3-10-7, 3-10-8, 3-10-9, 3-10-10, 3-10-11, 3-10-12, 3-10-13,  
19 3-15-2, 3-16-5, and 5-8-6 and the heading of Article 9 of  
20 Chapter III as follows:

21 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

22 Sec. 3-1-2. Definitions.

23 (a) "Chief Administrative Officer" means the person  
24 designated by the Director to exercise the powers and duties of  
25 the Department of Corrections in regard to committed persons  
26 within a correctional institution or facility, and includes the  
27 superintendent of any juvenile institution or facility.

28 (a-5) "Sex offense" for the purposes of paragraph (16) of  
29 subsection (a) of Section 3-3-7, paragraph (10) of subsection  
30 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of  
31 Section 5-6-3.1 only means:

32 (i) A violation of any of the following Sections of the



1 Criminal Code of 1961: 10-7 (aiding and abetting child  
2 abduction under Section 10-5(b)(10)), 10-5(b)(10) (child  
3 luring), 11-6 (indecent solicitation of a child), 11-6.5  
4 (indecent solicitation of an adult), 11-15.1 (soliciting  
5 for a juvenile prostitute), 11-17.1 (keeping a place of  
6 juvenile prostitution), 11-18.1 (patronizing a juvenile  
7 prostitute), 11-19.1 (juvenile pimping), 11-19.2  
8 (exploitation of a child), 11-20.1 (child pornography),  
9 12-14.1 (predatory criminal sexual assault of a child), or  
10 12-33 (ritualized abuse of a child). An attempt to commit  
11 any of these offenses.

12 (ii) A violation of any of the following Sections of  
13 the Criminal Code of 1961: 12-13 (criminal sexual assault),  
14 12-14 (aggravated criminal sexual assault), 12-16  
15 (aggravated criminal sexual abuse), and subsection (a) of  
16 Section 12-15 (criminal sexual abuse). An attempt to commit  
17 any of these offenses.

18 (iii) A violation of any of the following Sections of  
19 the Criminal Code of 1961 when the defendant is not a  
20 parent of the victim:

- 21 10-1 (kidnapping),
- 22 10-2 (aggravated kidnapping),
- 23 10-3 (unlawful restraint),
- 24 10-3.1 (aggravated unlawful restraint).

25 An attempt to commit any of these offenses.

26 (iv) A violation of any former law of this State  
27 substantially equivalent to any offense listed in this  
28 subsection (a-5).

29 An offense violating federal law or the law of another  
30 state that is substantially equivalent to any offense listed in  
31 this subsection (a-5) shall constitute a sex offense for the  
32 purpose of this subsection (a-5). A finding or adjudication as  
33 a sexually dangerous person under any federal law or law of  
34 another state that is substantially equivalent to the Sexually

1 Dangerous Persons Act shall constitute an adjudication for a  
2 sex offense for the purposes of this subsection (a-5).

3 (b) "Commitment" means a judicially determined placement  
4 in the custody of the Department of Corrections on the basis of  
5 delinquency or conviction.

6 (c) "Committed Person" is a person committed to the  
7 Department, however a committed person shall not be considered  
8 to be an employee of the Department of Corrections for any  
9 purpose, including eligibility for a pension, benefits, or any  
10 other compensation or rights or privileges which may be  
11 provided to employees of the Department.

12 (d) "Correctional Institution or Facility" means any  
13 building or part of a building where committed persons are kept  
14 in a secured manner.

15 (e) In the case of functions performed before the effective  
16 date of this amendatory Act of the 94th General Assembly,  
17 "Department" means the Department of Corrections of this State.  
18 In the case of functions performed on or after the effective  
19 date of this amendatory Act of the 94th General Assembly,  
20 "Department" has the meaning ascribed to it in subsection  
21 (f-5).

22 (f) In the case of functions performed before the effective  
23 date of this amendatory Act of the 94th General Assembly,  
24 "Director" means the Director of the Department of Corrections.  
25 In the case of functions performed on or after the effective  
26 date of this amendatory Act of the 94th General Assembly,  
27 "Director" has the meaning ascribed to it in subsection (f-5).

28 (f-5) In the case of functions performed on or after the  
29 effective date of this amendatory Act of the 94th General  
30 Assembly, references to "Department" or "Director" refer to  
31 either the Department of Corrections or the Director of  
32 Corrections or to the Department of Juvenile Justice or the  
33 Director of Juvenile Justice unless the context is specific to  
34 the Department of Juvenile Justice or the Director of Juvenile

1 Justice.

2 (g) "Discharge" means the final termination of a commitment  
3 to the Department of Corrections.

4 (h) "Discipline" means the rules and regulations for the  
5 maintenance of order and the protection of persons and property  
6 within the institutions and facilities of the Department and  
7 their enforcement.

8 (i) "Escape" means the intentional and unauthorized  
9 absence of a committed person from the custody of the  
10 Department.

11 (j) "Furlough" means an authorized leave of absence from  
12 the Department of Corrections for a designated purpose and  
13 period of time.

14 (k) "Parole" means the conditional and revocable release of  
15 a committed person under the supervision of a parole officer.

16 (l) "Prisoner Review Board" means the Board established in  
17 Section 3-3-1(a), independent of the Department, to review  
18 rules and regulations with respect to good time credits, to  
19 hear charges brought by the Department against certain  
20 prisoners alleged to have violated Department rules with  
21 respect to good time credits, to set release dates for certain  
22 prisoners sentenced under the law in effect prior to the  
23 effective date of this Amendatory Act of 1977, to hear requests  
24 and make recommendations to the Governor with respect to  
25 pardon, reprieve or commutation, to set conditions for parole  
26 and mandatory supervised release and determine whether  
27 violations of those conditions justify revocation of parole or  
28 release, and to assume all other functions previously exercised  
29 by the Illinois Parole and Pardon Board.

30 (m) Whenever medical treatment, service, counseling, or  
31 care is referred to in this Unified Code of Corrections, such  
32 term may be construed by the Department or Court, within its  
33 discretion, to include treatment, service or counseling by a  
34 Christian Science practitioner or nursing care appropriate

1 therewith whenever request therefor is made by a person subject  
2 to the provisions of this Act.

3 (n) "Victim" shall have the meaning ascribed to it in  
4 subsection (a) of Section 3 of the Bill of Rights for Victims  
5 and Witnesses of Violent Crime Act.

6 (Source: P.A. 94-159, eff. 7-11-05.)

7 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

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

9 (1) In addition to the powers, duties and responsibilities  
10 which are otherwise provided by law, the Department shall have  
11 the following powers:

12 (a) To accept persons committed to it by the courts of  
13 this State for care, custody, treatment and  
14 rehabilitation, and to accept federal prisoners and aliens  
15 over whom the Office of the Federal Detention Trustee is  
16 authorized to exercise the federal detention function for  
17 limited purposes and periods of time.

18 (b) To develop and maintain reception and evaluation  
19 units for purposes of analyzing the custody and  
20 rehabilitation needs of persons committed to it and to  
21 assign such persons to institutions and programs under its  
22 control or transfer them to other appropriate agencies. In  
23 consultation with the Department of Alcoholism and  
24 Substance Abuse (now the Department of Human Services), the  
25 Department of Corrections shall develop a master plan for  
26 the screening and evaluation of persons committed to its  
27 custody who have alcohol or drug abuse problems, and for  
28 making appropriate treatment available to such persons;  
29 the Department shall report to the General Assembly on such  
30 plan not later than April 1, 1987. The maintenance and  
31 implementation of such plan shall be contingent upon the  
32 availability of funds.

33 (b-1) To create and implement, on January 1, 2002, a

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

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

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

29 Pursuant to its power to establish new institutions and  
30 facilities, the Department may authorize the Department of  
31 Central Management Services to accept bids from counties  
32 and municipalities for the construction, remodeling or  
33 conversion of a structure to be leased to the Department of  
34 Corrections for the purposes of its serving as a

1 correctional institution or facility. Such construction,  
2 remodeling or conversion may be financed with revenue bonds  
3 issued pursuant to the Industrial Building Revenue Bond Act  
4 by the municipality or county. The lease specified in a bid  
5 shall be for a term of not less than the time needed to  
6 retire any revenue bonds used to finance the project, but  
7 not to exceed 40 years. The lease may grant to the State  
8 the option to purchase the structure outright.

9 Upon receipt of the bids, the Department may certify  
10 one or more of the bids and shall submit any such bids to  
11 the General Assembly for approval. Upon approval of a bid  
12 by a constitutional majority of both houses of the General  
13 Assembly, pursuant to joint resolution, the Department of  
14 Central Management Services may enter into an agreement  
15 with the county or municipality pursuant to such bid.

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

29 (d) To develop and maintain programs of control,  
30 rehabilitation and employment of committed persons within  
31 its institutions.

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

34 (f) To establish in cooperation with the Department of

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

30 (g) To maintain records of persons committed to it and  
31 to establish programs of research, statistics and  
32 planning.

33 (h) To investigate the grievances of any person  
34 committed to the Department, to inquire into any alleged

1 misconduct by employees or committed persons, and to  
2 investigate the assets of committed persons to implement  
3 Section 3-7-6 of this Code; and for these purposes it may  
4 issue subpoenas and compel the attendance of witnesses and  
5 the production of writings and papers, and may examine  
6 under oath any witnesses who may appear before it; to also  
7 investigate alleged violations of a parolee's or  
8 releasee's conditions of parole or release; and for this  
9 purpose it may issue subpoenas and compel the attendance of  
10 witnesses and the production of documents only if there is  
11 reason to believe that such procedures would provide  
12 evidence that such violations have occurred.

13 If any person fails to obey a subpoena issued under  
14 this subsection, the Director may apply to any circuit  
15 court to secure compliance with the subpoena. The failure  
16 to comply with the order of the court issued in response  
17 thereto shall be punishable as contempt of court.

18 (i) To appoint and remove the chief administrative  
19 officers, and administer programs of training and  
20 development of personnel of the Department. Personnel  
21 assigned by the Department to be responsible for the  
22 custody and control of committed persons or to investigate  
23 the alleged misconduct of committed persons or employees or  
24 alleged violations of a parolee's or releasee's conditions  
25 of parole shall be conservators of the peace for those  
26 purposes, and shall have the full power of peace officers  
27 outside of the facilities of the Department in the  
28 protection, arrest, retaking and reconfining of committed  
29 persons or where the exercise of such power is necessary to  
30 the investigation of such misconduct or violations.

31 (j) To cooperate with other departments and agencies  
32 and with local communities for the development of standards  
33 and programs for better correctional services in this  
34 State.



1           (k) To administer all moneys and properties of the  
2 Department.

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

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

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

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

27           (o) To administer the distribution of funds from the  
28 State Treasury to reimburse counties where State penal  
29 institutions are located for the payment of assistant  
30 state's attorneys' salaries under Section 4-2001 of the  
31 Counties Code.

32           (p) To exchange information with the Department of  
33 Human Services and the Illinois Department of Public Aid  
34 for the purpose of verifying living arrangements and for

1 other purposes directly connected with the administration  
2 of this Code and the Illinois Public Aid Code.

3 (q) To establish a diversion program.

4 The program shall provide a structured environment for  
5 selected technical parole or mandatory supervised release  
6 violators and committed persons who have violated the rules  
7 governing their conduct while in work release. This program  
8 shall not apply to those persons who have committed a new  
9 offense while serving on parole or mandatory supervised  
10 release or while committed to work release.

11 Elements of the program shall include, but shall not be  
12 limited to, the following:

13 (1) The staff of a diversion facility shall provide  
14 supervision in accordance with required objectives set  
15 by the facility.

16 (2) Participants shall be required to maintain  
17 employment.

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

21 (4) Each participant shall:

22 (A) provide restitution to victims in  
23 accordance with any court order;

24 (B) provide financial support to his  
25 dependents; and

26 (C) make appropriate payments toward any other  
27 court-ordered obligations.

28 (5) Each participant shall complete community  
29 service in addition to employment.

30 (6) Participants shall take part in such  
31 counseling, educational and other programs as the  
32 Department may deem appropriate.

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

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

3           (r) To enter into intergovernmental cooperation  
4 agreements under which persons in the custody of the  
5 Department may participate in a county impact  
6 incarceration program established under Section 3-6038 or  
7 3-15003.5 of the Counties Code.

8           (r-5) (Blank). ~~To enter into intergovernmental~~  
9 ~~cooperation agreements under which minors adjudicated~~  
10 ~~delinquent and committed to the Department of Corrections,~~  
11 ~~Juvenile Division, may participate in a county juvenile~~  
12 ~~impact incarceration program established under Section~~  
13 ~~3-6039 of the Counties Code.~~

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

25           (i) are members of a criminal streetgang;

26           (ii) with respect to other individuals within the  
27 streetgang, occupy a position of organizer,  
28 supervisor, or other position of management or  
29 leadership; and

30           (iii) are actively and personally engaged in  
31 directing, ordering, authorizing, or requesting  
32 commission of criminal acts by others, which are  
33 punishable as a felony, in furtherance of streetgang  
34 related activity both within and outside of the

1 Department of Corrections.

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

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

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

21 As used in this subdivision (1)(t), "unprivileged  
22 conversation" or "unprivileged communication" means a  
23 conversation or communication that is not protected by any  
24 privilege recognized by law or by decision, rule, or order  
25 of the Illinois Supreme Court.

26 (u) To establish a Women's and Children's Pre-release  
27 Community Supervision Program for the purpose of providing  
28 housing and services to eligible female inmates, as  
29 determined by the Department, and their newborn and young  
30 children.

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

33 (2) The Department of Corrections shall by January 1, 1998,  
34 consider building and operating a correctional facility within

1 100 miles of a county of over 2,000,000 inhabitants, especially  
2 a facility designed to house juvenile participants in the  
3 impact incarceration program.

4 (3) When the Department lets bids for contracts for medical  
5 services to be provided to persons committed to Department  
6 facilities by a health maintenance organization, medical  
7 service corporation, or other health care provider, the bid may  
8 only be let to a health care provider that has obtained an  
9 irrevocable letter of credit or performance bond issued by a  
10 company whose bonds are rated AAA by a bond rating  
11 organization.

12 (4) When the Department lets bids for contracts for food or  
13 commissary services to be provided to Department facilities,  
14 the bid may only be let to a food or commissary services  
15 provider that has obtained an irrevocable letter of credit or  
16 performance bond issued by a company whose bonds are rated AAA  
17 by a bond rating organization.

18 (Source: P.A. 92-444, eff. 1-1-02; 92-712, eff. 1-1-03; 93-839,  
19 eff. 7-30-04.)

20 (730 ILCS 5/3-2-5) (from Ch. 38, par. 1003-2-5)

21 Sec. 3-2-5. Organization of the Department of Corrections  
22 and the Department of Juvenile Justice.

23 (a) There shall be an Adult Division within the Department  
24 which shall be administered by an Assistant Director appointed  
25 by the Governor under The Civil Administrative Code of  
26 Illinois. The Assistant Director shall be under the direction  
27 of the Director. The Adult Division shall be responsible for  
28 all persons committed or transferred to the Department under  
29 Sections 3-10-7 or 5-8-6 of this Code.

30 (b) There shall be a Department of Juvenile Justice which  
31 shall be administered by a Director appointed by the Governor  
32 under the Civil Administrative Code of Illinois. The Department  
33 of Juvenile Justice shall be responsible for all persons under

1 17 years of age when sentenced to imprisonment and committed to  
2 the Department under subsection (c) of Section 5-8-6 of this  
3 Code, Section 5-10 of the Juvenile Court Act, or Section 5-750  
4 of the Juvenile Court Act of 1987. Persons under 17 years of  
5 age committed to the Department of Juvenile Justice pursuant to  
6 this Code shall be sight and sound separate from adult  
7 offenders committed to the Department of Corrections. There  
8 ~~shall be a Juvenile Division within the Department which shall~~  
9 ~~be administered by an Assistant Director appointed by the~~  
10 ~~Governor under The Civil Administrative Code of Illinois. The~~  
11 ~~Assistant Director shall be under the direction of the~~  
12 ~~Director. The Juvenile Division shall be responsible for all~~  
13 ~~persons committed to the Juvenile Division of the Department~~  
14 ~~under Section 5 8 6 of this Code or Section 5 10 of the~~  
15 ~~Juvenile Court Act or Section 5 750 of the Juvenile Court Act~~  
16 ~~of 1987.~~

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

25 All information collected and maintained by the unit shall  
26 be highly confidential, and access to that information shall be  
27 restricted by the Department. The information shall be used to  
28 control and limit the activities of gangs within correctional  
29 institutions under the jurisdiction of the Illinois Department  
30 of Corrections and may be shared with other law enforcement  
31 agencies in order to curb gang activities outside of  
32 correctional institutions under the jurisdiction of the  
33 Department and to assist in the investigations and prosecutions  
34 of gang activity. The Department shall establish and promulgate

1 rules governing the release of information to outside law  
2 enforcement agencies. Due to the highly sensitive nature of the  
3 information, the information is exempt from requests for  
4 disclosure under the Freedom of Information Act as the  
5 information contained is highly confidential and may be harmful  
6 if disclosed.

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

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

14 (730 ILCS 5/3-2-6) (from Ch. 38, par. 1003-2-6)

15 Sec. 3-2-6. Advisory Boards. (a) There shall be an ~~Adult~~  
16 Advisory Board within the Department of Corrections ~~and a~~  
17 ~~Juvenile Advisory Board~~ each composed of 11 persons, one of  
18 whom shall be a senior citizen age 60 or over, appointed by the  
19 Governor to advise the Director on matters pertaining to adult  
20 ~~and juvenile~~ offenders ~~respectively~~. The members of the Boards  
21 shall be qualified for their positions by demonstrated interest  
22 in and knowledge of adult and juvenile correctional work and  
23 shall not be officials of the State in any other capacity. The  
24 members first appointed under this amendatory Act of 1984 shall  
25 serve for a term of 6 years and shall be appointed as soon as  
26 possible after the effective date of this amendatory Act of  
27 1984. The members of the Boards now serving shall complete  
28 their terms as appointed, and thereafter members shall be  
29 appointed by the Governor to terms of 6 years. Any vacancy  
30 occurring shall be filled in the same manner for the remainder  
31 of the term. The Director of Corrections and the Assistant  
32 Directors, ~~Adult and Juvenile Divisions respectively, for the 2~~  
33 ~~Boards,~~ shall be ex-officio members of the Boards. Each Board

1 shall elect a chairman from among its appointed members. The  
2 Director shall serve as secretary of each Board. Members of  
3 each Board shall serve without compensation but shall be  
4 reimbursed for expenses necessarily incurred in the  
5 performance of their duties. The ~~Each~~ Board shall meet  
6 quarterly and at other times at the call of the chairman. ~~At~~  
7 ~~the request of the Director, the Boards may meet together.~~

8 (b) The Boards shall advise the Director concerning policy  
9 matters and programs of the Department with regard to the  
10 custody, care, study, discipline, training and treatment of  
11 persons in the State correctional institutions and for the care  
12 and supervision of persons released on parole.

13 (c) There shall be a Subcommittee on Women Offenders to the  
14 ~~Adult~~ Advisory Board. The Subcommittee shall be composed of 3  
15 members of the ~~Adult~~ Advisory Board appointed by the Chairman  
16 who shall designate one member as the chairman of the  
17 Subcommittee. Members of the Subcommittee shall serve without  
18 compensation but shall be reimbursed for expenses necessarily  
19 incurred in the performance of their duties. The Subcommittee  
20 shall meet no less often than quarterly and at other times at  
21 the call of its chairman.

22 The Subcommittee shall advise the ~~Adult~~ Advisory Board and  
23 the Director on all policy matters and programs of the  
24 Department with regard to the custody, care, study, discipline,  
25 training and treatment of women in the State correctional  
26 institutions and for the care and supervision of women released  
27 on parole.

28 (Source: P.A. 85-624.)

29 (730 ILCS 5/Ch. III Art. 2.5 heading new)

30 ARTICLE 2.5. DEPARTMENT OF JUVENILE JUSTICE

31 (730 ILCS 5/3-2.5-1 new)

32 Sec. 3-2.5-1. Short title. This Article 2.5 may be cited



1 as the Department of Juvenile Justice Law.

2 (730 ILCS 5/3-2.5-5 new)

3 Sec. 3-2.5-5. Purpose. The purpose of this Article is to  
4 create the Department of Juvenile Justice to provide treatment  
5 and services through a comprehensive continuum of  
6 individualized educational, vocational, social, emotional, and  
7 basic life skills to enable youth to avoid delinquent futures  
8 and become productive, fulfilled citizens. The Department  
9 shall embrace the legislative policy of the State to promote  
10 the philosophy of balanced and restorative justice set forth in  
11 Section 5-101 of the Juvenile Court Act of 1987.

12 This amendatory Act of the 94th General Assembly transfers  
13 to the Department certain rights, powers, duties, and functions  
14 that were exercised by the Juvenile Division of the Department  
15 of Corrections before the effective date of this amendatory Act  
16 of the 94th General Assembly.

17 (730 ILCS 5/3-2.5-10 new)

18 Sec. 3-2.5-10. Definitions. As used in this Article, unless  
19 the context otherwise requires:

20 "Department" means the Department of Juvenile Justice.

21 "Director" means the Director of Juvenile Justice. Any  
22 reference to the "Assistant Director of the Juvenile Division"  
23 or of a predecessor department or agency occurring in any law  
24 or instrument shall, beginning on the effective date of this  
25 amendatory Act of the 94th General Assembly, be construed to  
26 mean the Director of Juvenile Justice.

27 (730 ILCS 5/3-2.5-15 new)

28 Sec. 3-2.5-15. Department of Juvenile Justice; assumption  
29 of duties of the Juvenile Division.

30 (a) The Department of Juvenile Justice shall assume the  
31 rights, powers, duties, and responsibilities of the Juvenile

1 Division of the Department of Corrections. Personnel, books,  
2 records, property, and unencumbered appropriations pertaining  
3 to the Juvenile Division of the Department of Corrections shall  
4 be transferred to the Department of Juvenile Justice on the  
5 effective date of this amendatory Act of the 94th General  
6 Assembly. Any rights of employees or the State under the  
7 Personnel Code or any other contract or plan shall be  
8 unaffected by this transfer.

9 (b) Department of Juvenile Justice personnel who are hired  
10 by the Department on or after the effective date of this  
11 amendatory Act of the 94th General Assembly and who participate  
12 or assist in the rehabilitative and vocational training of  
13 delinquent youths, supervise the daily activities involving  
14 direct and continuing responsibility for the youth's security,  
15 welfare and development, or participate in the personal  
16 rehabilitation of delinquent youth by training, supervising,  
17 and assisting lower level personnel who perform these duties  
18 must be over the age of 21 and have a bachelor's or advanced  
19 degree from an accredited college or university with a  
20 specialization in criminal justice, education, psychology,  
21 social work, or a closely related social science. This  
22 requirement shall not apply to security, clerical, food  
23 service, and maintenance staff that do not have direct and  
24 regular contact with youth. The degree requirements specified  
25 in this subsection (b) are not required of persons who provide  
26 vocational training and who have adequate knowledge in the  
27 skill for which they are providing the vocational training.

28 (c) Subsection (b) of this Section does not apply to  
29 personnel transferred to the Department of Juvenile Justice on  
30 the effective date of this amendatory Act of the 94th General  
31 Assembly.

32 (d) The Department shall be under the direction of the  
33 Director of Juvenile Justice as provided in this Code.

34 (e) The Director shall organize divisions within the

1 Department and shall assign functions, powers, duties, and  
2 personnel as required by law. The Director may create other  
3 divisions and may assign other functions, powers, duties, and  
4 personnel as may be necessary or desirable to carry out the  
5 functions and responsibilities vested by law in the Department.  
6 The Director shall, with the approval of the Office of the  
7 Governor, assign to and share functions, powers, duties, and  
8 personnel with the Department of Corrections or other State  
9 agencies such that administrative services and administrative  
10 facilities are provided by the Department of Corrections or a  
11 shared administrative service center. These administrative  
12 services include, but are not limited to, all of the following  
13 functions: budgeting, accounting related functions, auditing,  
14 human resources, legal, procurement, training, data collection  
15 and analysis, information technology, internal investigations,  
16 intelligence, legislative services, emergency response  
17 capability, statewide transportation services, and general  
18 office support.

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

25 (730 ILCS 5/3-2.5-20 new)

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

27 (a) In addition to the powers, duties, and responsibilities  
28 which are otherwise provided by law or transferred to the  
29 Department as a result of this Article, the Department, as  
30 determined by the Director, shall have, but are not limited to,  
31 the following rights, powers, functions and duties:

32 (1) To accept juveniles committed to it by the courts  
33 of this State for care, custody, treatment, and

1       rehabilitation.

2       (2) To maintain and administer all State juvenile  
3 correctional institutions previously under the control of  
4 the Juvenile and Women's & Children Divisions of the  
5 Department of Corrections, and to establish and maintain  
6 institutions as needed to meet the needs of the youth  
7 committed to its care.

8       (3) To identify the need for and recommend the funding  
9 and implementation of an appropriate mix of programs and  
10 services within the juvenile justice continuum, including  
11 but not limited to prevention, nonresidential and  
12 residential commitment programs, day treatment, and  
13 conditional release programs and services, with the  
14 support of educational, vocational, alcohol, drug abuse,  
15 and mental health services where appropriate.

16       (4) To establish and provide transitional and  
17 post-release treatment programs for juveniles committed to  
18 the Department. Services shall include but are not limited  
19 to:

20           (i) family and individual counseling and treatment  
21 placement;

22           (ii) referral services to any other State or local  
23 agencies;

24           (iii) mental health services;

25           (iv) educational services;

26           (v) family counseling services; and

27           (vi) substance abuse services.

28       (5) To access vital records of juveniles for the  
29 purposes of providing necessary documentation for  
30 transitional services such as obtaining identification,  
31 educational enrollment, employment, and housing.

32       (6) To develop staffing and workload standards and  
33 coordinate staff development and training appropriate for  
34 juvenile populations.

1           (7) To develop, with the approval of the Office of the  
2           Governor and the Governor's Office of Management and  
3           Budget, annual budget requests.

4           (b) The Department may employ personnel in accordance with  
5           the Personnel Code and Section 3-2.5-15 of this Code, provide  
6           facilities, contract for goods and services, and adopt rules as  
7           necessary to carry out its functions and purposes, all in  
8           accordance with applicable State and federal law.

9           (730 ILCS 5/3-2.5-30 new)

10          Sec. 3-2.5-30. Discontinued Department and office;  
11          successor agency.

12          (a) The Juvenile Division of the Department of Corrections  
13          is abolished on the effective date of this amendatory Act of  
14          the 94th General Assembly.

15          (b) The term of the person then serving as the Assistant  
16          Director of the Juvenile Division of the Department of  
17          Corrections shall end on the effective date of this amendatory  
18          Act of the 94th General Assembly, and that office is abolished  
19          on that date.

20          (c) For the purposes of the Successor Agency Act, the  
21          Department of Juvenile Justice is declared to be the successor  
22          agency of the Juvenile Division of the Department of  
23          Corrections.

24          (730 ILCS 5/3-2.5-35 new)

25          Sec. 3-2.5-35. Transfer of powers. Except as otherwise  
26          provided in this Article, all of the rights, powers, duties,  
27          and functions vested by law in the Juvenile Division of the  
28          Department of Corrections are transferred to the Department of  
29          Juvenile Justice on the effective date of this amendatory Act  
30          of the 94th General Assembly.

31          (730 ILCS 5/3-2.5-40 new)

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

2       (a) Personnel employed by the school district of the  
3 Department of Corrections who work with youth under the age of  
4 21 and personnel employed by the Juvenile Division of the  
5 Department of Corrections immediately preceding the effective  
6 date of this amendatory Act of the 94th General Assembly are  
7 transferred to the Department of Juvenile Justice on the  
8 effective date of this amendatory Act of the 94th General  
9 Assembly.

10       (b) The rights of State employees, the State, and its  
11 agencies under the Personnel Code and applicable collective  
12 bargaining agreements and retirement plans are not affected by  
13 this Article. Any rights of State employees affected by this  
14 Article shall be governed by the existing collective bargaining  
15 agreements.

16       (730 ILCS 5/3-2.5-40.1 new)

17       Sec. 3-2.5-40.1. Training. The Department shall design  
18 training for its personnel and shall enter into agreements with  
19 the Department of Corrections or other State agencies and  
20 through them, if necessary, public and private colleges and  
21 universities, or private organizations to ensure that staff are  
22 trained to work with a broad range of youth and possess the  
23 skills necessary to assess, engage, educate, and intervene with  
24 youth in its custody in ways that are appropriate to ensure  
25 successful outcomes for those youth and their families pursuant  
26 to the mission of the Department.

27       (730 ILCS 5/3-2.5-45 new)

28       Sec. 3-2.5-45. Transfer of property. All books, records,  
29 documents, property (real and personal), unexpended  
30 appropriations, and pending business pertaining to the rights,  
31 powers, duties, and functions transferred to the Department of  
32 Juvenile Justice under this Article shall be transferred and

1 delivered to the Department of Juvenile Justice on the  
2 effective date of this amendatory Act of the 94th General  
3 Assembly.

4 (730 ILCS 5/3-2.5-50 new)

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

6 (a) The rules and standards of the Juvenile Division of the  
7 Department of Corrections that are in effect immediately prior  
8 to the effective date of this amendatory Act of the 94th  
9 General Assembly and pertain to the rights, powers, duties, and  
10 functions transferred to the Department of Juvenile Justice  
11 under this Article shall become the rules and standards of the  
12 Department of Juvenile Justice on the effective date of this  
13 amendatory Act of the 94th General Assembly and shall continue  
14 in effect until amended or repealed by the Department.

15 (b) Any rules pertaining to the rights, powers, duties, and  
16 functions transferred to the Department under this Article that  
17 have been proposed by the Juvenile Division of the Department  
18 of Corrections but have not taken effect or been finally  
19 adopted immediately prior to the effective date of this  
20 amendatory Act of the 94th General Assembly shall become  
21 proposed rules of the Department of Juvenile Justice on the  
22 effective date of this amendatory Act of the 94th General  
23 Assembly, and any rulemaking procedures that have already been  
24 completed by the Juvenile Division of the Department of  
25 Corrections for those proposed rules need not be repeated.

26 (c) As soon as practical after the effective date of this  
27 amendatory Act of the 94th General Assembly, the Department of  
28 Juvenile Justice shall revise and clarify the rules transferred  
29 to it under this Article to reflect the reorganization of  
30 rights, powers, duties, and functions effected by this Article  
31 using the procedures for recodification of rules available  
32 under the Illinois Administrative Procedure Act, except that  
33 existing title, part, and section numbering for the affected

1 rules may be retained. The Department may propose and adopt  
2 under the Illinois Administrative Procedure Act such other  
3 rules as may be necessary to consolidate and clarify the rules  
4 of the agency reorganized by this Article.

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

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

7 (a) The rights, powers, duties, and functions transferred  
8 to the Department of Juvenile Justice by this Article shall be  
9 vested in and exercised by the Department subject to the  
10 provisions of this Article. An act done by the Department of an  
11 officer, employee, or agent of the Department in the exercise  
12 of the transferred rights, powers, duties, or functions shall  
13 have the same legal effect as if done by the Juvenile Division  
14 of the Department of Corrections or an officer, employee, or  
15 agent of the Juvenile Division of the Department of  
16 Corrections.

17 (b) The transfer of rights, powers, duties, and functions  
18 to the Department of Juvenile Justice under this Article does  
19 not invalidate any previous action taken by or in respect to  
20 the Juvenile Division of the Department of Corrections or its  
21 officers, employees, or agents. References to the Juvenile  
22 Division of the Department of Corrections or its officers,  
23 employees, or agents in any document, contract, agreement, or  
24 law shall in appropriate contexts, be deemed to refer to the  
25 Department or its officers, employees, or agents.

26 (c) The transfer of rights, powers, duties, and functions  
27 to the Department of Juvenile Justice under this Article does  
28 not affect any person's rights, obligations, or duties,  
29 including any civil or criminal penalties applicable thereto,  
30 arising out of those transferred rights, powers, duties, and  
31 functions.

32 (d) With respect to matters that pertain to a right, power,  
33 duty, or function transferred to the Department of Juvenile



1 Justice under this Article:

2 (1) Beginning on the effective date of this amendatory  
3 Act of the 94th General Assembly, a report or notice that  
4 was previously required to be made or given by any person  
5 to the Juvenile Division of the Department of Corrections  
6 or any of its officers, employees, or agents shall be made  
7 or given in the same manner to the Department or its  
8 appropriate officer, employee, or agent.

9 (2) Beginning on the effective date of this amendatory  
10 Act of the 94th General Assembly, a document that was  
11 previously required to be furnished or served by any person  
12 to or upon the Juvenile Division of the Department of  
13 Corrections or any of its officers, employees, or agents  
14 shall be furnished or served in the same manner to or upon  
15 the Department of Juvenile Justice or its appropriate  
16 officer, employee, or agent.

17 (e) This Article does not affect any act done, ratified, or  
18 cancelled, any right occurring or established, or any action or  
19 proceeding had or commenced in an administrative, civil, or  
20 criminal cause before the effective date of this amendatory Act  
21 of the 94th General Assembly. Any such action or proceeding  
22 that pertains to a right, power, duty, or function transferred  
23 to the Department of Juvenile Justice under this Article and  
24 that is pending on that date may be prosecuted, defended, or  
25 continued by the Department of Juvenile Justice.

26 (730 ILCS 5/3-2.5-65 new)

27 Sec. 3-2.5-65. Juvenile Advisory Board.

28 (a) There is created a Juvenile Advisory Board composed of  
29 11 persons, appointed by the Governor to advise the Director on  
30 matters pertaining to juvenile offenders. The members of the  
31 Board shall be qualified for their positions by demonstrated  
32 interest in and knowledge of juvenile correctional work  
33 consistent with the definition of purpose and mission of the

1 Department in Section 3-2.5-5 and shall not be officials of the  
2 State in any other capacity. The members under this amendatory  
3 Act of the 94th General Assembly shall be appointed as soon as  
4 possible after the effective date of this amendatory Act of the  
5 94th General Assembly and be appointed to staggered terms 3  
6 each expiring in 2007, 2008, and 2009 and 2 of the members'  
7 terms expiring in 2010. Thereafter all members will serve for a  
8 term of 6 years, except that members shall continue to serve  
9 until their replacements are appointed. Any vacancy occurring  
10 shall be filled in the same manner for the remainder of the  
11 term. The Director of Juvenile Justice shall be an ex officio  
12 member of the Board. The Board shall elect a chair from among  
13 its appointed members. The Director shall serve as secretary of  
14 the Board. Members of the Board shall serve without  
15 compensation but shall be reimbursed for expenses necessarily  
16 incurred in the performance of their duties. The Board shall  
17 meet quarterly and at other times at the call of the chair.

18 (b) The Board shall:

19 (1) Advise the Director concerning policy matters and  
20 programs of the Department with regard to the custody,  
21 care, study, discipline, training, and treatment of  
22 juveniles in the State juvenile correctional institutions  
23 and for the care and supervision of juveniles released on  
24 parole.

25 (2) Establish, with the Director and in conjunction  
26 with the Office of the Governor, outcome measures for the  
27 Department in order to ascertain that it is successfully  
28 fulfilling the mission mandated in Section 3-2.5-5 of this  
29 Code. The annual results of the Department's work as  
30 defined by those measures shall be approved by the Board  
31 and shall be included in an annual report transmitted to  
32 the Governor and General Assembly jointly by the Director  
33 and the Board.

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

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

3 (a) Except for those offenders who accept the fixed release  
4 date established by the Prisoner Review Board under Section  
5 3-3-2.1, every person serving a term of imprisonment under the  
6 law in effect prior to the effective date of this amendatory  
7 Act of 1977 shall be eligible for parole when he has served:

8 (1) the minimum term of an indeterminate sentence less  
9 time credit for good behavior, or 20 years less time credit  
10 for good behavior, whichever is less; or

11 (2) 20 years of a life sentence less time credit for  
12 good behavior; or

13 (3) 20 years or one-third of a determinate sentence,  
14 whichever is less, less time credit for good behavior.

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

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

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

27 (e) Every person committed to the Department of Juvenile  
28 Justice ~~Juvenile Division~~ under Section 5-10 of the Juvenile  
29 Court Act or Section 5-750 of the Juvenile Court Act of 1987 or  
30 Section 5-8-6 of this Code and confined in the State  
31 correctional institutions or facilities if such juvenile has  
32 not been tried as an adult shall be eligible for parole without  
33 regard to the length of time the person has been confined or  
34 whether the person has served any minimum term imposed.

1 However, if a juvenile has been tried as an adult he shall only  
2 be eligible for parole or mandatory supervised release as an  
3 adult under this Section.

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

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

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

7 (a) The Prisoner Review Board shall consider the parole of  
8 each eligible person committed to the Adult Division at least  
9 30 days prior to the date he shall first become eligible for  
10 parole, and shall consider the parole of each person committed  
11 to the Department of Juvenile Justice ~~Juvenile Division~~ as a  
12 delinquent at least 30 days prior to the expiration of the  
13 first year of confinement.

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

25 (c) The members of the Board shall have access at all  
26 reasonable times to any committed person and to his master  
27 record file within the Department, and the Department shall  
28 furnish such reports to the Board as the Board may require  
29 concerning the conduct and character of any such person.

30 (d) In making its determination of parole, the Board shall  
31 consider:

32 (1) material transmitted to the Department of Juvenile  
33 Justice by the clerk of the committing court under Section

1 5-4-1 or Section 5-10 of the Juvenile Court Act or Section  
2 5-750 of the Juvenile Court Act of 1987;

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

4 (3) a report by the Department and any report by the  
5 chief administrative officer of the institution or  
6 facility;

7 (4) a parole progress report;

8 (5) a medical and psychological report, if requested by  
9 the Board;

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

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

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

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

27 (g) Any recording considered under the provisions of  
28 subsection (d) (6), (d) (7) or (e) of this Section shall be in  
29 the form designated by the Board. Such recording shall be both  
30 visual and aural. Every voice on the recording and person  
31 present shall be identified and the recording shall contain  
32 either a visual or aural statement of the person submitting  
33 such recording, the date of the recording and the name of the  
34 person whose parole eligibility is being considered. Such

1 recordings, if retained by the Board shall be deemed to be  
2 submitted at any subsequent parole hearing if the victim or  
3 State's Attorney submits in writing a declaration clearly  
4 identifying such recording as representing the present  
5 position of the victim or State's Attorney regarding the issues  
6 to be considered at the parole hearing.

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

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

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

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

19 (b) If the person under consideration for parole is in the  
20 custody of the Department, at least one member of the Board  
21 shall interview him, and a report of that interview shall be  
22 available for the Board's consideration. However, in the  
23 discretion of the Board, the interview need not be conducted if  
24 a psychiatric examination determines that the person could not  
25 meaningfully contribute to the Board's consideration. The  
26 Board may in its discretion parole a person who is then outside  
27 the jurisdiction on his record without an interview. The Board  
28 need not hold a hearing or interview a person who is paroled  
29 under paragraphs (d) or (e) of this Section or released on  
30 Mandatory release under Section 3-3-10.

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

33 (1) there is a substantial risk that he will not

1 conform to reasonable conditions of parole; or

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

5 (3) his release would have a substantially adverse  
6 effect on institutional discipline.

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

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

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

29 (g) The Board shall maintain a registry of decisions in  
30 which parole has been granted, which shall include the name and  
31 case number of the prisoner, the highest charge for which the  
32 prisoner was sentenced, the length of sentence imposed, the  
33 date of the sentence, the date of the parole, the basis for the  
34 decision of the Board to grant parole and the vote of the Board

1 on any such decisions. The registry shall be made available for  
2 public inspection and copying during business hours and shall  
3 be a public record pursuant to the provisions of the Freedom of  
4 Information Act.

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

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

8 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

9 Sec. 3-3-9. Violations; changes of conditions; preliminary  
10 hearing; revocation of parole or mandatory supervised release;  
11 revocation hearing.

12 (a) If prior to expiration or termination of the term of  
13 parole or mandatory supervised release, a person violates a  
14 condition set by the Prisoner Review Board or a condition of  
15 parole or mandatory supervised release under Section 3-3-7 of  
16 this Code to govern that term, the Board may:

17 (1) continue the existing term, with or without  
18 modifying or enlarging the conditions; or

19 (2) parole or release the person to a half-way house;  
20 or

21 (3) revoke the parole or mandatory supervised release  
22 and reconfine the person for a term computed in the  
23 following manner:

24 (i) (A) For those sentenced under the law in effect  
25 prior to this amendatory Act of 1977, the recommitment  
26 shall be for any portion of the imposed maximum term of  
27 imprisonment or confinement which had not been served  
28 at the time of parole and the parole term, less the  
29 time elapsed between the parole of the person and the  
30 commission of the violation for which parole was  
31 revoked;

32 (B) Except as set forth in paragraph (C), for those  
33 subject to mandatory supervised release under



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

10 (C) For those subject to sex offender supervision  
11 under clause (d) (4) of Section 5-8-1 of this Code, the  
12 reconfinement period for violations of clauses (a) (3)  
13 through (b-1) (15) of Section 3-3-7 shall not exceed 2  
14 years from the date of reconfinement.

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 (b-5) The Board shall revoke parole or mandatory supervised  
2 release for violation of the conditions prescribed in paragraph  
3 (7.6) of subsection (a) of Section 3-3-7.

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

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

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

26 (1) appear and answer the charge; and

27 (2) bring witnesses on his behalf.

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

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

1 (Source: P.A. 94-161, eff. 7-11-05; 94-165, eff. 7-11-05;  
2 revised 8-19-05.)

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

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

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

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

1 unclaimed for a period of 1 year for the same purpose.  
2 Clothing, if unclaimed within 30 days, may be used or disposed  
3 of as determined by the Department.

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

17 (d) The Department shall confiscate any unauthorized  
18 currency found in the possession of a committed person. The  
19 Department shall transmit the confiscated currency to the State  
20 Treasurer who shall deposit it into the General Revenue Fund.

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

22 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

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

24 (a) The Department of Corrections and the Department of  
25 Juvenile Justice shall maintain a master record file on each  
26 person committed to it, which shall contain the following  
27 information:

28 (1) all information from the committing court;

29 (2) reception summary;

30 (3) evaluation and assignment reports and  
31 recommendations;

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

33 (5) reports of disciplinary infractions and

1 disposition;

2 (6) any parole plan;

3 (7) any parole reports;

4 (8) the date and circumstances of final discharge; and  
5 any other pertinent data concerning the person's  
6 background, conduct, associations and family relationships  
7 as may be required by the respective Department. A current  
8 summary index shall be maintained on each file which shall  
9 include the person's known active and past gang  
10 affiliations and ranks.

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

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

1 requested by the agency under rules and regulations of the  
2 respective Department.

3 (d) The master file of a person no longer in the custody of  
4 the respective Department shall be placed on inactive status  
5 and its use shall be restricted subject to rules and  
6 regulations of the Department.

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

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

12 (730 ILCS 5/3-5-3.1) (from Ch. 38, par. 1003-5-3.1)

13 Sec. 3-5-3.1. As used in this Section, "facility" includes  
14 any facility of the Adult Division ~~and any facility of the~~  
15 ~~Juvenile Division~~ of the Department of Corrections and any  
16 facility of the Department of Juvenile Justice.

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

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

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

26 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

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

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

1 such persons.

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

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

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



1 for the award of that degree. The costs for which reimbursement  
2 is required under this subsection shall be determined and  
3 computed by the Department under rules and regulations that it  
4 shall establish for that purpose. However, interest at the rate  
5 of 6% per annum shall be charged on the balance of those costs  
6 from time to time remaining unpaid, from the date of the  
7 person's parole, mandatory supervised release, or release  
8 constituting a final termination of his or her commitment to  
9 the Department until paid.

10 (d-5) A person committed to the Department is entitled to  
11 confidential testing for infection with human immunodeficiency  
12 virus (HIV) and to counseling in connection with such testing,  
13 with no copay to the committed person. A person committed to  
14 the Department who has tested positive for infection with HIV  
15 is entitled to medical care while incarcerated, counseling, and  
16 referrals to support services, in connection with that positive  
17 test result. Implementation of this subsection (d-5) is subject  
18 to appropriation.

19 (e) A person committed to the Department who becomes in  
20 need of medical or surgical treatment but is incapable of  
21 giving consent thereto shall receive such medical or surgical  
22 treatment by the chief administrative officer consenting on the  
23 person's behalf. Before the chief administrative officer  
24 consents, he or she shall obtain the advice of one or more  
25 physicians licensed to practice medicine in all its branches in  
26 this State. If such physician or physicians advise:

27 (1) that immediate medical or surgical treatment is  
28 required relative to a condition threatening to cause  
29 death, damage or impairment to bodily functions, or  
30 disfigurement; and

31 (2) that the person is not capable of giving consent to  
32 such treatment; the chief administrative officer may give  
33 consent for such medical or surgical treatment, and such  
34 consent shall be deemed to be the consent of the person for

1 all purposes, including, but not limited to, the authority  
2 of a physician to give such treatment.

3 (e-5) If a physician providing medical care to a committed  
4 person on behalf of the Department advises the chief  
5 administrative officer that the committed person's mental or  
6 physical health has deteriorated as a result of the cessation  
7 of ingestion of food or liquid to the point where medical or  
8 surgical treatment is required to prevent death, damage, or  
9 impairment to bodily functions, the chief administrative  
10 officer may authorize such medical or surgical treatment.

11 (f) In the event that the person requires medical care and  
12 treatment at a place other than the institution or facility,  
13 the person may be removed therefrom under conditions prescribed  
14 by the Department. The Department shall require the committed  
15 person receiving medical or dental services on a non-emergency  
16 basis to pay a \$2 co-payment to the Department for each visit  
17 for medical or dental services. The amount of each co-payment  
18 shall be deducted from the committed person's individual  
19 account. A committed person who has a chronic illness, as  
20 defined by Department rules and regulations, shall be exempt  
21 from the \$2 co-payment for treatment of the chronic illness. A  
22 committed person shall not be subject to a \$2 co-payment for  
23 follow-up visits ordered by a physician, who is employed by, or  
24 contracts with, the Department. A committed person who is  
25 indigent is exempt from the \$2 co-payment and is entitled to  
26 receive medical or dental services on the same basis as a  
27 committed person who is financially able to afford the  
28 co-payment. Notwithstanding any other provision in this  
29 subsection (f) to the contrary, any person committed to any  
30 facility operated by the Department of Juvenile Justice  
31 ~~Juvenile Division~~, as set forth in ~~subsection (b) of~~ Section  
32 3-2.5-15 ~~3-2-5~~ of this Code, is exempt from the co-payment  
33 requirement for the duration of confinement in those  
34 facilities.

1           (g) Any person having sole custody of a child at the time  
2 of commitment or any woman giving birth to a child after her  
3 commitment, may arrange through the Department of Children and  
4 Family Services for suitable placement of the child outside of  
5 the Department of Corrections. The Director of the Department  
6 of Corrections may determine that there are special reasons why  
7 the child should continue in the custody of the mother until  
8 the child is 6 years old.

9           (h) The Department may provide Family Responsibility  
10 Services which may consist of, but not be limited to the  
11 following:

12                 (1) family advocacy counseling;

13                 (2) parent self-help group;

14                 (3) parenting skills training;

15                 (4) parent and child overnight program;

16                 (5) parent and child reunification counseling, either  
17 separately or together, preceding the inmate's release;  
18 and

19                 (6) a prerelease reunification staffing involving the  
20 family advocate, the inmate and the child's counselor, or  
21 both and the inmate.

22           (i) Prior to the release of any inmate who has a documented  
23 history of intravenous drug use, and upon the receipt of that  
24 inmate's written informed consent, the Department shall  
25 provide for the testing of such inmate for infection with human  
26 immunodeficiency virus (HIV) and any other identified  
27 causative agent of acquired immunodeficiency syndrome (AIDS).  
28 The testing provided under this subsection shall consist of an  
29 enzyme-linked immunosorbent assay (ELISA) test or such other  
30 test as may be approved by the Illinois Department of Public  
31 Health. If the test result is positive, the Western Blot Assay  
32 or more reliable confirmatory test shall be administered. All  
33 inmates tested in accordance with the provisions of this  
34 subsection shall be provided with pre-test and post-test

1 counseling. Notwithstanding any provision of this subsection  
2 to the contrary, the Department shall not be required to  
3 conduct the testing and counseling required by this subsection  
4 unless sufficient funds to cover all costs of such testing and  
5 counseling are appropriated for that purpose by the General  
6 Assembly.

7 (j) Any person convicted of a sex offense as defined in the  
8 Sex Offender Management Board Act shall be required to receive  
9 a sex offender evaluation prior to release into the community  
10 from the Department of Corrections. The sex offender evaluation  
11 shall be conducted in conformance with the standards and  
12 guidelines developed under the Sex Offender Management Board  
13 Act and by an evaluator approved by the Board.

14 (k) Any minor committed to the Department of Juvenile  
15 Justice ~~Corrections~~ ~~Juvenile~~ ~~Division~~ for a sex offense as  
16 defined by the Sex Offender Management Board Act shall be  
17 required to undergo sex offender treatment by a treatment  
18 provider approved by the Board and conducted in conformance  
19 with the Sex Offender Management Board Act.

20 (l) Prior to the release of any inmate, the Department must  
21 provide the inmate with the option of testing for infection  
22 with human immunodeficiency virus (HIV), as well as counseling  
23 in connection with such testing, with no copayment for the  
24 test. At the same time, the Department shall require each such  
25 inmate to sign a form stating that the inmate has been informed  
26 of his or her rights with respect to the testing required to be  
27 offered under this subsection (l) and providing the inmate with  
28 an opportunity to indicate either that he or she wants to be  
29 tested or that he or she does not want to be tested. The  
30 Department, in consultation with the Department of Public  
31 Health, shall prescribe the contents of the form. The testing  
32 provided under this subsection (l) shall consist of an  
33 enzyme-linked immunosorbent assay (ELISA) test or any other  
34 test approved by the Department of Public Health. If the test

1 result is positive, the Western Blot Assay or more reliable  
2 confirmatory test shall be administered.

3 Prior to the release of an inmate who the Department knows  
4 has tested positive for infection with HIV, the Department in a  
5 timely manner shall offer the inmate transitional case  
6 management, including referrals to other support services.

7 Implementation of this subsection (1) is subject to  
8 appropriation.

9 (Source: P.A. 93-616, eff. 1-1-04; 93-928, eff. 1-1-05; 94-629,  
10 eff. 1-1-06.)

11 (730 ILCS 5/Ch. III Art. 9 heading)

12 ARTICLE 9. PROGRAMS OF THE DEPARTMENT OF JUVENILE JUSTICE

13 ~~JUVENILE DIVISION~~

14 (730 ILCS 5/3-9-1) (from Ch. 38, par. 1003-9-1)

15 Sec. 3-9-1. Educational Programs.

16 (a) The Department of Juvenile Justice, subject to  
17 appropriation and with the cooperation of other State agencies  
18 that work with children, shall establish programming, the  
19 components of which shall include, but are not limited to:

20 (1) Case management services.

21 (2) Treatment modalities, including substance abuse  
22 treatment services, mental health services, and  
23 developmental disability services.

24 (3) Prevocational education and career education  
25 services.

26 (4) Diagnostic evaluation services/Medical screening

27 (5) Educational services.

28 (6) Self-sufficiency planning.

29 (7) Independent living skills.

30 (8) Parenting skills.

31 (9) Recreational and leisure time activities.

32 (10) Program evaluation.

1           (11) Medical services.

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

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

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

27          (Source: P.A. 85-736.)

28                 (730 ILCS 5/3-9-2) (from Ch. 38, par. 1003-9-2)

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

30           (a) The Department of Juvenile Justice ~~Juvenile Division~~,  
31 in conjunction with the private sector, may establish and offer  
32 work training to develop work habits and equip persons  
33 committed to it with marketable skills to aid in their

1 community placement upon release. Committed persons  
2 participating in this program shall be paid wages similar to  
3 those of comparable jobs in the surrounding community. A  
4 portion of the wages earned shall go to the Department of  
5 Juvenile Justice ~~Juvenile Division~~ to pay part of the committed  
6 person's room and board, a portion shall be deposited into the  
7 Violent Crime Victim's Assistance Fund to assist victims of  
8 crime, and the remainder shall be placed into a savings account  
9 for the committed person which shall be given to the committed  
10 person upon release. The Department shall promulgate rules to  
11 regulate the distribution of the wages earned.

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

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

19 (730 ILCS 5/3-9-3) (from Ch. 38, par. 1003-9-3)

20 Sec. 3-9-3. Day Release.

21 (a) The Department of Juvenile Justice may institute day  
22 release programs for persons committed to the Department of  
23 Juvenile Justice ~~Juvenile Division~~ and shall establish rules  
24 and regulations therefor.

25 (b) The Department of Juvenile Justice may arrange with  
26 local schools, public or private agencies or persons approved  
27 by the Department for the release of persons committed to the  
28 Department of Juvenile Justice ~~Juvenile Division~~ on a daily  
29 basis to the custody of such schools, agencies or persons for  
30 participation in programs or activities.

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

32 (730 ILCS 5/3-9-4) (from Ch. 38, par. 1003-9-4)

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

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

12         (Source: P.A. 77-2097.)

13           (730 ILCS 5/3-9-5) (from Ch. 38, par. 1003-9-5)

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

15           The minimum standards under Article 7 shall apply to all  
16 institutions and facilities under the authority of the  
17 Department of Juvenile Justice ~~Juvenile Division~~.

18         (Source: P.A. 77-2097.)

19           (730 ILCS 5/3-9-6) (from Ch. 38, par. 1003-9-6)

20           Sec. 3-9-6. Unauthorized Absence. Whenever a person  
21 committed to the Department of Juvenile Justice ~~Juvenile~~  
22 ~~Division of the Department of Corrections~~ absconds or absents  
23 himself or herself without authority to do so, from any  
24 facility or program to which he or she is assigned, he or she  
25 may be held in custody for return to the proper correctional  
26 official by the authorities or whomsoever directed, when an  
27 order is certified by the Director of Juvenile Justice or a  
28 person duly designated by the Director, with the seal of the  
29 Department of Juvenile Justice ~~Corrections~~ attached. The  
30 person so designated by the Director of Juvenile Justice with  
31 such seal attached may be one or more persons and the  
32 appointment shall be made as a ministerial one with no



1 recordation or notice necessary as to the designated  
2 appointees. The order shall be directed to all sheriffs,  
3 coroners, police officers, keepers or custodians of jails or  
4 other detention facilities whether in or out of the State of  
5 Illinois, or to any particular person named in the order.

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

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

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

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

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

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

22 (730 ILCS 5/3-10-1) (from Ch. 38, par. 1003-10-1)

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

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

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

28 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

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

31 (a) A person committed to the Department of Juvenile

1 Justice Juvenile Division shall be examined in regard to his  
2 medical, psychological, social, educational and vocational  
3 condition and history, including the use of alcohol and other  
4 drugs, the circumstances of his offense and any other  
5 information as the Department of Juvenile Justice may  
6 determine.

7 (a-5) Upon admission of a person committed to the  
8 Department of Juvenile Justice Juvenile Division, the  
9 Department of Juvenile Justice must provide the person with  
10 appropriate written information and counseling concerning HIV  
11 and AIDS. The Department of Juvenile Justice shall develop the  
12 written materials in consultation with the Department of Public  
13 Health. At the same time, the Department of Juvenile Justice  
14 also must offer the person the option of being tested, at no  
15 charge to the person, for infection with human immunodeficiency  
16 virus (HIV) or any other identified causative agent of acquired  
17 immunodeficiency syndrome (AIDS). The Department of Juvenile  
18 Justice shall require each person committed to the Department  
19 of Juvenile Justice Juvenile Division to sign a form stating  
20 that the person has been informed of his or her rights with  
21 respect to the testing required to be offered under this  
22 subsection (a-5) and providing the person with an opportunity  
23 to indicate either that he or she wants to be tested or that he  
24 or she does not want to be tested. The Department of Juvenile  
25 Justice, in consultation with the Department of Public Health,  
26 shall prescribe the contents of the form. The testing provided  
27 under this subsection (a-5) shall consist of an enzyme-linked  
28 immunosorbent assay (ELISA) test or any other test approved by  
29 the Department of Public Health. If the test result is  
30 positive, the Western Blot Assay or more reliable confirmatory  
31 test shall be administered.

32 Also upon admission of a person committed to the Department  
33 of Juvenile Justice Juvenile Division, the Department of  
34 Juvenile Justice must inform the person of the Department's

1 obligation to provide the person with medical care.

2 Implementation of this subsection (a-5) is subject to  
3 appropriation.

4 (b) Based on its examination, the Department of Juvenile  
5 Justice may exercise the following powers in developing a  
6 treatment program of any person committed to the Department of  
7 Juvenile Justice ~~Juvenile Division~~:

8 (1) Require participation by him in vocational,  
9 physical, educational and corrective training and  
10 activities to return him to the community.

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

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

17 (4) Enter into agreements with the Secretary of Human  
18 Services and the Director of Children and Family Services,  
19 with courts having probation officers, and with private  
20 agencies or institutions for separate care or special  
21 treatment of persons subject to the control of the  
22 Department of Juvenile Justice.

23 (c) The Department of Juvenile Justice shall make periodic  
24 reexamination of all persons under the control of the  
25 Department of Juvenile Justice ~~Juvenile Division~~ to determine  
26 whether existing orders in individual cases should be modified  
27 or continued. This examination shall be made with respect to  
28 every person at least once annually.

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

32 (e) The Department of Juvenile Justice shall by certified  
33 mail, return receipt requested, notify the parent, guardian or  
34 nearest relative of any person committed to the Department of

1 Juvenile Justice ~~Juvenile Division~~ of his physical location and  
2 any change thereof.

3 (Source: P.A. 94-629, eff. 1-1-06.)

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

6 (a) The chief administrative officer of each institution or  
7 facility of the Department of Juvenile Justice ~~Juvenile~~  
8 ~~Division~~ shall designate a person or persons to classify and  
9 assign juveniles to programs in the institution or facility.

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

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

21 (2) The program assignment shall be reviewed at least once  
22 every 3 months and he shall be interviewed if it is deemed  
23 desirable or if he so requests. After review, such changes in  
24 his program of education, employment, training, treatment,  
25 care and custody may be made as is considered necessary or  
26 desirable and a record thereof made a part of his file. If he  
27 requests a change in his program and such request is denied,  
28 the basis for denial shall be given to him and a written  
29 statement thereof shall be made a part of his file.

30 (c) The Department may promulgate rules and regulations  
31 governing the administration of treatment programs within  
32 institutions and facilities of the Department of Juvenile  
33 Justice.

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

2 (730 ILCS 5/3-10-4) (from Ch. 38, par. 1003-10-4)

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

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

8 (b) The chief administrative officer of an institution or  
9 facility desiring to transfer a committed person to another  
10 institution or facility shall notify the ~~Assistant~~ Director of  
11 Juvenile Justice ~~the Juvenile Division~~ or his delegate of the  
12 basis for the transfer. The ~~Assistant~~ Director or his delegate  
13 shall approve or deny such request.

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

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

25 (730 ILCS 5/3-10-5) (from Ch. 38, par. 1003-10-5)

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

27 (a) If a person committed to the Department of Juvenile  
28 Justice ~~Juvenile Division~~ meets the standard for admission of a  
29 minor to a mental health facility or is suitable for admission  
30 to a developmental disability facility, as these terms are used  
31 in the Mental Health and Developmental Disabilities Code, the  
32 Department may transfer the person to an appropriate State

1 hospital or institution of the Department of Human Services for  
2 a period not to exceed 6 months, if the person consents in  
3 writing to the transfer. The person shall be advised of his  
4 right not to consent, and if he does not consent, the transfer  
5 may be effected only by commitment under paragraph (e) of this  
6 Section.

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

22 (c) If a person committed to the Department under the  
23 Juvenile Court Act or the Juvenile Court Act of 1987 is  
24 committed to a hospital or facility of the Department of Human  
25 Services under this Section, the ~~Assistant~~ Director of Juvenile  
26 Justice ~~the Juvenile Division~~ shall so notify the committing  
27 juvenile court.

28 (d) Nothing in this Section shall limit the right of the  
29 ~~Assistant~~ Director of Juvenile Justice ~~the Juvenile Division~~ or  
30 the chief administrative officer of any institution or facility  
31 to utilize the emergency admission provisions of the Mental  
32 Health and Developmental Disabilities Code with respect to any  
33 person in his custody or care. The transfer of a person to an  
34 institution or facility of the Department of Human Services

1 under paragraph (a) of this Section does not discharge the  
2 person from the control of the Department of Juvenile Justice.

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

27 (f) The court shall set a date for a hearing on the  
28 petition within the time limit set forth in the Mental Health  
29 and Developmental Disabilities Code. The hearing shall be  
30 conducted in the manner prescribed by the Mental Health and  
31 Developmental Disabilities Code. If the person is found to be  
32 in need of commitment to the Department of Human Services for  
33 treatment or habilitation, the court may commit him to that  
34 Department.

1 (g) In the event that a person committed to the Department  
2 under the Juvenile Court Act or the Juvenile Court Act of 1987  
3 is committed to facilities of the Department of Human Services  
4 under paragraph (e) of this Section, the ~~Assistant~~ Director of  
5 Juvenile Justice shall petition the committing juvenile court  
6 for an order terminating the ~~Assistant~~ Director's custody.

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

8 (730 ILCS 5/3-10-6) (from Ch. 38, par. 1003-10-6)

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

11 (a) The Department of Human Services shall return to the  
12 Department of Juvenile Justice ~~Juvenile Division~~ any person  
13 committed to a facility of the Department under paragraph (a)  
14 of Section 3-10-5 when the person no longer meets the standard  
15 for admission of a minor to a mental health facility, or is  
16 suitable for administrative admission to a developmental  
17 disability facility.

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

22 (c) The Department of Juvenile Justice ~~Juvenile Division~~  
23 shall notify the Secretary of Human Services of the expiration  
24 of the commitment or sentence of any person transferred to the  
25 Department of Human Services under Section 3-10-5. If the  
26 Department of Human Services determines that such person  
27 transferred to it under paragraph (a) of Section 3-10-5  
28 requires further hospitalization, it shall file a petition for  
29 commitment of such person under the Mental Health and  
30 Developmental Disabilities Code.

31 (d) The Department of Human Services shall release under  
32 the Mental Health and Developmental Disabilities Code, any  
33 person transferred to it pursuant to paragraph (c) of Section



1 3-10-5, whose sentence has expired and whom it deems no longer  
2 meets the standard for admission of a minor to a mental health  
3 facility, or is suitable for administrative admission to a  
4 developmental disability facility. A person committed to the  
5 Department of Juvenile Justice ~~Corrections~~ under the Juvenile  
6 Court Act or the Juvenile Court Act of 1987 and transferred to  
7 the Department of Human Services under paragraph (c) of Section  
8 3-10-5 shall be released to the committing juvenile court when  
9 the Department of Human Services determines that he no longer  
10 requires hospitalization for treatment.

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

12 (730 ILCS 5/3-10-7) (from Ch. 38, par. 1003-10-7)

13 Sec. 3-10-7. Interdivisional Transfers. (a) In any case  
14 where a minor was originally prosecuted under the provisions of  
15 the Criminal Code of 1961, as amended, and sentenced under the  
16 provisions of this Act pursuant to Section 2-7 of the Juvenile  
17 Court Act or Section 5-805 of the Juvenile Court Act of 1987  
18 and committed to the Department of Juvenile Justice ~~Juvenile~~  
19 ~~Division~~ under Section 5-8-6, the Department of Juvenile  
20 Justice ~~Corrections~~ shall, within 30 days of the date that the  
21 minor reaches the age of 17, send formal notification to the  
22 sentencing court and the State's Attorney of the county from  
23 which the minor was sentenced indicating the day upon which the  
24 minor offender will achieve the age of 17. Within 90 days of  
25 receipt of that notice, the sentencing court shall conduct a  
26 hearing, pursuant to the provisions of subsection (c) of this  
27 Section to determine whether or not the minor shall continue to  
28 remain under the auspices of the Department of Juvenile Justice  
29 ~~Juvenile Division~~ or be transferred to the Adult Division of  
30 the Department of Corrections.

31 The minor shall be served with notice of the date of the  
32 hearing, shall be present at the hearing, and has the right to  
33 counsel at the hearing. The minor, with the consent of his or

1 her counsel or guardian may waive his presence at hearing.

2 (b) Unless sooner paroled under Section 3-3-3, the  
3 confinement of a minor person committed for an indeterminate  
4 sentence in a criminal proceeding shall terminate at the  
5 expiration of the maximum term of imprisonment, and he shall  
6 thereupon be released to serve a period of parole under Section  
7 5-8-1, but if the maximum term of imprisonment does not expire  
8 until after his 21st birthday, he shall continue to be subject  
9 to the control and custody of the Department of Juvenile  
10 Justice, and on his 21st birthday, he shall be transferred to  
11 the Adult Division of the Department of Corrections. If such  
12 person is on parole on his 21st birthday, his parole  
13 supervision may be transferred to the Adult Division of the  
14 Department of Corrections.

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

24 1. The nature of the offense for which the minor was found  
25 guilty and the length of the sentence the minor has to serve  
26 and the record and previous history of the minor.

27 2. The record of the minor's adjustment within the  
28 Department of Juvenile Justice ~~Corrections' Juvenile Division~~,  
29 including, but not limited to, reports from the minor's  
30 counselor, any escapes, attempted escapes or violent or  
31 disruptive conduct on the part of the minor, any tickets  
32 received by the minor, summaries of classes attended by the  
33 minor, and any record of work performed by the minor while in  
34 the institution.

1           3. The relative maturity of the minor based upon the  
2 physical, psychological and emotional development of the  
3 minor.

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

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

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

27           (d) Whenever the Director of Juvenile Justice or his  
28 designee determines that the interests of safety, security and  
29 discipline require the transfer to the Department of  
30 Corrections ~~Adult Division~~ of a person 17 years or older who  
31 was prosecuted under the provisions of the Criminal Code of  
32 1961, as amended, and sentenced under the provisions of this  
33 Act pursuant to Section 2-7 of the Juvenile Court Act or  
34 Section 5-805 of the Juvenile Court Act of 1987 and committed

1 to the Department of Juvenile Justice ~~Juvenile Division~~ under  
2 Section 5-8-6, the Director or his designee may authorize the  
3 emergency transfer of such person, unless the transfer of the  
4 person is governed by subsection (e) of this Section. The  
5 sentencing court shall be provided notice of any emergency  
6 transfer no later than 3 days after the emergency transfer.  
7 Upon motion brought within 60 days of the emergency transfer by  
8 the sentencing court or any party, the sentencing court may  
9 conduct a hearing pursuant to the provisions of subsection (c)  
10 of this Section in order to determine whether the person shall  
11 remain confined in the Department of Corrections ~~Adult~~  
12 ~~Division~~.

13 (e) The Director of Juvenile Justice or his designee may  
14 authorize the permanent transfer to the Department of  
15 Corrections ~~Adult Division~~ of any person 18 years or older who  
16 was prosecuted under the provisions of the Criminal Code of  
17 1961, as amended, and sentenced under the provisions of this  
18 Act pursuant to Section 2-7 of the Juvenile Court Act or  
19 Section 5-805 of the Juvenile Court Act of 1987 and committed  
20 to the Department of Juvenile Justice ~~Juvenile Division~~ under  
21 Section 5-8-6 of this Act. The Director of Juvenile Justice or  
22 his designee shall be governed by the following factors in  
23 determining whether to authorize the permanent transfer of the  
24 person to the Department of Corrections ~~Adult Division~~:

25 1. The nature of the offense for which the person was found  
26 guilty and the length of the sentence the person has to serve  
27 and the record and previous history of the person.

28 2. The record of the person's adjustment within the  
29 Department of Juvenile Justice ~~Department of Corrections!~~  
30 ~~Juvenile Division~~, including, but not limited to, reports from  
31 the person's counselor, any escapes, attempted escapes or  
32 violent or disruptive conduct on the part of the person, any  
33 tickets received by the person, summaries of classes attended  
34 by the person, and any record of work performed by the person

1 while in the institution.

2 3. The relative maturity of the person based upon the  
3 physical, psychological and emotional development of the  
4 person.

5 4. The record of the rehabilitative progress of the person  
6 and an assessment of the vocational potential of the person.

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

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

21 (730 ILCS 5/3-10-8) (from Ch. 38, par. 1003-10-8)

22 Sec. 3-10-8. Discipline.) (a) (1) Corporal punishment and  
23 disciplinary restrictions on diet, medical or sanitary  
24 facilities, clothing, bedding or mail are prohibited, as are  
25 reductions in the frequency of use of toilets, washbowls and  
26 showers.

27 (2) Disciplinary restrictions on visitation, work,  
28 education or program assignments, the use of toilets, washbowls  
29 and showers shall be related as closely as practicable to abuse  
30 of such privileges or facilities. This paragraph shall not  
31 apply to segregation or isolation of persons for purposes of  
32 institutional control.

33 (3) No person committed to the Department of Juvenile

1 Justice ~~Juvenile Division~~ may be isolated for disciplinary  
2 reasons for more than 7 consecutive days nor more than 15 days  
3 out of any 30 day period except in cases of violence or  
4 attempted violence committed against another person or  
5 property when an additional period of isolation for  
6 disciplinary reasons is approved by the chief administrative  
7 officer. A person who has been isolated for 24 hours or more  
8 shall be interviewed daily by his staff counselor or other  
9 staff member.

10 (b) The Department of Juvenile Justice ~~Juvenile Division~~  
11 shall establish rules and regulations governing disciplinary  
12 practices, the penalties for violation thereof, and the  
13 disciplinary procedure by which such penalties may be imposed.  
14 The rules of behavior shall be made known to each committed  
15 person, and the discipline shall be suited to the infraction  
16 and fairly applied.

17 (c) All disciplinary action imposed upon persons in  
18 institutions and facilities of the Department of Juvenile  
19 Justice ~~Juvenile Division~~ shall be consistent with this Section  
20 and Department rules and regulations adopted hereunder.

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

23 (e) A written report of any infraction for which discipline  
24 is imposed shall be filed with the chief administrative officer  
25 within 72 hours of the occurrence of the infraction or the  
26 discovery of it and such report shall be placed in the file of  
27 the institution or facility.

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

1 (g) In disciplinary cases which may involve the imposition  
2 of disciplinary isolation, delay in referral to the Parole and  
3 Pardon Board, or a change in work, education or other program  
4 assignment of more than 7 days duration, the Director shall  
5 establish disciplinary procedures consistent with the  
6 following principles:

7 (1) Any person or persons who initiate a disciplinary  
8 charge against a person shall not decide the charge. To the  
9 extent possible, a person representing the counseling staff of  
10 the institution or facility shall participate in deciding the  
11 disciplinary case.

12 (2) Any committed person charged with a violation of  
13 Department rules of behavior shall be given notice of the  
14 charge including a statement of the misconduct alleged and of  
15 the rules this conduct is alleged to violate.

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

20 (4) The person or persons deciding the charge may also  
21 summon to testify any witnesses or other persons with relevant  
22 knowledge of the incident. The person charged may be permitted  
23 to question any person so summoned.

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

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

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

33 (730 ILCS 5/3-10-9) (from Ch. 38, par. 1003-10-9)

1           Sec. 3-10-9. Grievances.

2           The procedures for grievances of the Department of Juvenile  
3 Justice ~~Juvenile Division~~ shall be governed under Section  
4 3-8-8.

5           (Source: P.A. 77-2097.)

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

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

8           A person committed to the Department of Juvenile Justice  
9 ~~Juvenile Division~~ shall be furnished with staff assistance in  
10 the exercise of any rights and privileges granted him under  
11 this Code. Such person shall be informed of his right to  
12 assistance by his staff counselor or other staff member.

13           (Source: P.A. 77-2097.)

14           (730 ILCS 5/3-10-11) (from Ch. 38, par. 1003-10-11)

15           Sec. 3-10-11. Transfers from Department of Children and  
16 Family Services.

17           (a) If (i) a minor 10 years of age or older is adjudicated  
18 a delinquent under the Juvenile Court Act or the Juvenile Court  
19 Act of 1987 and placed with the Department of Children and  
20 Family Services, (ii) it is determined by an interagency review  
21 committee that the Department of Children and Family Services  
22 lacks adequate facilities to care for and rehabilitate such  
23 minor and that placement of such minor with the Department of  
24 Juvenile Justice ~~Corrections~~, subject to certification by the  
25 Department of Juvenile Justice ~~Corrections~~, is appropriate,  
26 and (iii) the Department of Juvenile Justice ~~Corrections~~  
27 certifies that it has suitable facilities and personnel  
28 available for the confinement of the minor, the Department of  
29 Children and Family Services may transfer custody of the minor  
30 to the Department of Juvenile Justice ~~Juvenile Division of the~~  
31 ~~Department of Corrections~~ provided that:

32           (1) the juvenile court that adjudicated the minor a



1 delinquent orders the transfer after a hearing with  
2 opportunity to the minor to be heard and defend; and

3 (2) the ~~Assistant~~ Director of Juvenile Justice ~~the~~  
4 ~~Department of Corrections, Juvenile Division,~~ is made a  
5 party to the action; and

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

8 (4) a term of incarceration is permitted by law for  
9 adults found guilty of the offense for which the minor was  
10 adjudicated delinquent.

11 The interagency review committee shall include a  
12 representative from the Department of Children and Family  
13 Services, a representative from the Department of Juvenile  
14 Justice Corrections, and an educator and a qualified mental  
15 health professional jointly selected by the Department of  
16 Children and Family Services and the Department of Juvenile  
17 Justice Corrections. The Department of Children and Family  
18 Services, in consultation with the Department of Juvenile  
19 Justice Corrections, shall promulgate rules governing the  
20 operation of the interagency review committee pursuant to the  
21 Illinois Administrative Procedure Act.

22 (b) Guardianship of a minor transferred under this Section  
23 shall remain with the Department of Children and Family  
24 Services.

25 (c) Minors transferred under this Section may be placed by  
26 the Department of Juvenile Justice Corrections in any program  
27 or facility of the Department of Juvenile Justice Corrections,  
28 ~~Juvenile Division~~, or any juvenile residential facility.

29 (d) A minor transferred under this Section shall remain in  
30 the custody of the Department of Juvenile Justice Corrections,  
31 ~~Juvenile Division~~, until the Department of Juvenile Justice  
32 Corrections determines that the minor is ready to leave its  
33 program. The Department of Juvenile Justice Corrections in  
34 consultation with the Department of Children and Family

1 Services shall develop a transition plan and cooperate with the  
2 Department of Children and Family Services to move the minor to  
3 an alternate program. Thirty days before implementing the  
4 transition plan, the Department of Juvenile Justice  
5 ~~Corrections~~ shall provide the court with notice of the plan.  
6 The Department of Juvenile Justice's ~~Corrections~~  
7 custodianship of the minor shall automatically terminate 30  
8 days after notice is provided to the court and the State's  
9 Attorney.

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

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

15 (730 ILCS 5/3-10-12) (from Ch. 38, par. 1003-10-12)

16 Sec. 3-10-12.

17 The Director of the Department of Juvenile Justice  
18 ~~Corrections~~ may authorize the use of any institution or  
19 facility of the Department of Juvenile Justice ~~Juvenile~~  
20 ~~Division~~ as a Juvenile Detention Facility for the confinement  
21 of minors under 16 years of age in the custody or detained by  
22 the Sheriff of any County or the police department of any city  
23 when said juvenile is being held for appearance before a  
24 Juvenile Court or by Order of Court or for other legal reason,  
25 when there is no Juvenile Detention facility available or there  
26 are no other arrangements suitable for the confinement of  
27 juveniles. The Director of Juvenile Justice ~~the Department of~~  
28 ~~Corrections~~ may certify that suitable facilities and personnel  
29 are available at the appropriate institution or facility for  
30 the confinement of such minors and this certification shall be  
31 filed with the Clerk of the Circuit Court of the County. The  
32 Director of Juvenile Justice ~~the Department of Corrections~~ may  
33 withdraw or withhold certification at any time. Upon the filing

1 of the certificate in a county the authorities of the county  
2 may then use those facilities and set forth in the certificate  
3 under the terms and conditions therein for the above purpose.  
4 Juveniles confined, by the Department of Juvenile Justice  
5 ~~Corrections~~, under this Section, must be kept separate from  
6 adjudicated delinquents.

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

8 (730 ILCS 5/3-10-13)

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

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

15 (b) The Department of Juvenile Justice shall establish  
16 procedures to provide immediate notification of the escape of  
17 any person from the Department of Juvenile Justice ~~Juvenile~~  
18 ~~Division~~ to the persons and agencies specified in subsection  
19 (c) of Section 3-14-1 of this Code.

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

21 (730 ILCS 5/3-15-2) (from Ch. 38, par. 1003-15-2)

22 Sec. 3-15-2. Standards and Assistance to Local Jails and  
23 Detention and Shelter Care Facilities.

24 (a) The Department of Corrections shall establish for the  
25 operation of county and municipal jails and houses of  
26 correction, ~~and county juvenile detention and shelter care~~  
27 ~~facilities established pursuant to the "County Shelter Care and~~  
28 ~~Detention Home Act"~~, minimum standards for the physical  
29 condition of such institutions and for the treatment of inmates  
30 with respect to their health and safety and the security of the  
31 community.

32 The Department of Juvenile Justice shall establish for the

1 operation of county juvenile detention and shelter care  
2 facilities established pursuant to the County Shelter Care and  
3 Detention Home Act, minimum standards for the physical  
4 condition of such institutions and for the treatment of  
5 juveniles with respect to their health and safety and the  
6 security of the community.

7 Such standards shall not apply to county shelter care  
8 facilities which were in operation prior to January 1, 1980.  
9 Such standards shall not seek to mandate minimum floor space  
10 requirements for each inmate housed in cells and detention  
11 rooms in county and municipal jails and houses of correction.  
12 However, no more than two inmates may be housed in a single  
13 cell or detention room.

14 When an inmate is tested for an airborne communicable  
15 disease, as determined by the Illinois Department of Public  
16 Health including but not limited to tuberculosis, the results  
17 of the test shall be personally delivered by the warden or his  
18 or her designee in a sealed envelope to the judge of the court  
19 in which the inmate must appear for the judge's inspection in  
20 camera if requested by the judge. Acting in accordance with the  
21 best interests of those in the courtroom, the judge shall have  
22 the discretion to determine what if any precautions need to be  
23 taken to prevent transmission of the disease in the courtroom.

24 (b) At least once each year, the Department of Corrections  
25 may inspect each adult facility for compliance with the  
26 standards established and the results of such inspection shall  
27 be made available by the Department for public inspection. At  
28 least once each year, the Department of Juvenile Justice shall  
29 inspect each county juvenile detention and shelter care  
30 facility for compliance with the standards established, and the  
31 Department of Juvenile Justice shall make the results of such  
32 inspections available for public inspection. If any detention,  
33 shelter care or correctional facility does not comply with the  
34 standards established, the Director of Corrections or the

1 Director of Juvenile Justice, as the case may be, shall give  
2 notice to the county board and the sheriff or the corporate  
3 authorities of the municipality, as the case may be, of such  
4 noncompliance, specifying the particular standards that have  
5 not been met by such facility. If the facility is not in  
6 compliance with such standards when six months have elapsed  
7 from the giving of such notice, the Director of Corrections or  
8 the Director of Juvenile Justice, as the case may be, may  
9 petition the appropriate court for an order requiring such  
10 facility to comply with the standards established by the  
11 Department or for other appropriate relief.

12 (c) The Department of Corrections may provide consultation  
13 services for the design, construction, programs and  
14 administration of ~~detention, shelter care, and~~ correctional  
15 facilities and services for ~~children and~~ adults operated by  
16 counties and municipalities and may make studies and surveys of  
17 the programs and the administration of such facilities.  
18 Personnel of the Department shall be admitted to these  
19 facilities as required for such purposes. The Department may  
20 develop and administer programs of grants-in-aid for  
21 correctional services in cooperation with local agencies. The  
22 Department may provide courses of training for the personnel of  
23 such institutions and conduct pilot projects in the  
24 institutions.

25 (c-5) The Department of Juvenile Justice may provide  
26 consultation services for the design, construction, programs,  
27 and administration of detention and shelter care services for  
28 children operated by counties and municipalities and may make  
29 studies and surveys of the programs and the administration of  
30 such facilities. Personnel of the Department of Juvenile  
31 Justice shall be admitted to these facilities as required for  
32 such purposes. The Department of Juvenile Justice may develop  
33 and administer programs of grants-in-aid for juvenile  
34 correctional services in cooperation with local agencies. The

1 Department of Juvenile Justice may provide courses of training  
2 for the personnel of such institutions and conduct pilot  
3 projects in the institutions.

4 (d) The Department is authorized to issue reimbursement  
5 grants for counties, municipalities or public building  
6 commissions for the purpose of meeting minimum correctional  
7 facilities standards set by the Department under this Section.  
8 Grants may be issued only for projects that were completed  
9 after July 1, 1980 and initiated prior to January 1, 1987.

10 (1) Grants for regional correctional facilities shall  
11 not exceed 90% of the project costs or \$7,000,000,  
12 whichever is less.

13 (2) Grants for correctional facilities by a single  
14 county, municipality or public building commission shall  
15 not exceed 75% of the proposed project costs or \$4,000,000,  
16 whichever is less.

17 (3) As used in this subsection (d), "project" means  
18 only that part of a facility that is constructed for jail,  
19 correctional or detention purposes and does not include  
20 other areas of multi-purpose buildings.

21 Construction or renovation grants are authorized to be  
22 issued by the Capital Development Board from capital  
23 development bond funds after application by a county or  
24 counties, municipality or municipalities or public building  
25 commission or commissions and approval of a construction or  
26 renovation grant by the Department for projects initiated after  
27 January 1, 1987.

28 (e) The Department of Juvenile Justice shall adopt  
29 standards for county jails to hold juveniles on a temporary  
30 basis, as provided in Section 5-410 of the Juvenile Court Act  
31 of 1987. These standards shall include educational,  
32 recreational, and disciplinary standards as well as access to  
33 medical services, crisis intervention, mental health services,  
34 suicide prevention, health care, nutritional needs, and

1 visitation rights. The Department of Juvenile Justice shall  
2 also notify any county applying to hold juveniles in a county  
3 jail of the monitoring and program standards for juvenile  
4 detention facilities under Section 5-410 of the Juvenile Court  
5 Act of 1987.

6 (Source: P.A. 89-64, eff. 1-1-96; 89-477, eff. 6-18-96; 89-656,  
7 eff. 8-14-96; 90-14, eff. 7-1-97; 90-590, eff. 1-1-99.)

8 (730 ILCS 5/3-16-5)

9 Sec. 3-16-5. Multi-year pilot program for selected paroled  
10 youth released from institutions of the Department of Juvenile  
11 Justice ~~Juvenile Division~~.

12 (a) The Department of Juvenile Justice ~~Corrections~~ may  
13 establish in Cook County, DuPage County, Lake County, Will  
14 County, and Kane County a 6 year pilot program for selected  
15 youthful offenders released to parole by the Department of  
16 Juvenile Justice ~~Juvenile Division of the Department of~~  
17 ~~Corrections~~.

18 (b) A person who is being released to parole from the  
19 Department of Juvenile Justice ~~Juvenile Division~~ under  
20 subsection (e) of Section 3-3-3 whom the Department of Juvenile  
21 Justice ~~Juvenile Division~~ deems a serious or at risk delinquent  
22 youth who is likely to have difficulty re-adjusting to the  
23 community, who has had either significant clinical problems or  
24 a history of criminal activity related to sex offenses, drugs,  
25 weapons, or gangs, and who is returning to Cook County, Will  
26 County, Lake County, DuPage County, or Kane County may be  
27 screened for eligibility to participate in the pilot program.

28 (c) If the Department of Juvenile Justice establishes a  
29 pilot program under this Section, the Department of Juvenile  
30 Justice ~~Juvenile Division~~ shall provide supervision and  
31 structured services to persons selected to participate in the  
32 program to: (i) ensure that they receive high levels of  
33 supervision and case managed, structured services; (ii)

1 prepare them for re-integration into the community; (iii)  
2 effectively monitor their compliance with parole requirements  
3 and programming; and (iv) minimize the likelihood that they  
4 will commit additional offenses.

5 (d) Based upon the needs of a participant, the Department  
6 of Juvenile Justice may provide any or all of the following to  
7 a participant:

8 (1) Risk and needs assessment;

9 (2) Comprehensive case management;

10 (3) Placement in licensed secured community facilities  
11 as a transitional measure;

12 (4) Transition to residential programming;

13 (5) Targeted intensive outpatient treatment services;

14 (6) Structured day and evening reporting programs and  
15 behavioral day treatment;

16 (7) Family counseling;

17 (8) Transitional programs to independent living;

18 (9) Alternative placements;

19 (10) Substance abuse treatment.

20 (e) A needs assessment case plan and parole supervision  
21 profile may be completed by the Department of Juvenile Justice  
22 ~~Corrections~~ before the selected eligible person's release from  
23 institutional custody to parole supervision. The needs  
24 assessment case plan and parole supervision profile shall  
25 include identification of placement requirements, intensity of  
26 parole supervision, and assessments of educational,  
27 psychological, vocational, medical, and substance abuse  
28 treatment needs. Following the completion by the Department of  
29 Juvenile Justice ~~Corrections~~ of the parole supervision profile  
30 and needs assessment case plan, a comprehensive parole case  
31 management plan shall be developed for each committed youth  
32 eligible and selected for admission to the pilot program. The  
33 comprehensive parole case management plan shall be submitted  
34 for approval by the Department of Juvenile Justice and for



1 presentation to the Prisoner Review Board.

2 (f) The Department of Juvenile Justice may identify in a  
3 comprehensive parole case management plan any special  
4 conditions for parole supervision and establish sanctions for a  
5 participant who fails to comply with the program requirements  
6 or who violates parole rules. These sanctions may include the  
7 return of a participant to a secure community placement or  
8 recommendations for parole revocation to the Prisoner Review  
9 Board. Paroled youth may be held for investigation in secure  
10 community facilities or on warrant pending revocation in local  
11 detention or jail facilities based on age.

12 (g) The Department of Juvenile Justice may select and  
13 contract with a community-based network and work in partnership  
14 with private providers to provide the services specified in  
15 subsection (d).

16 (h) If the Department of Juvenile Justice establishes a  
17 pilot program under this Section, the Department of Juvenile  
18 Justice shall, in the 3 years following the effective date of  
19 this amendatory Act of 1997, first implement the pilot program  
20 in Cook County and then implement the pilot program in DuPage  
21 County, Lake County, Will County, and Kane County in accordance  
22 with a schedule to be developed by the Department of Juvenile  
23 Justice.

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

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

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

33 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

1           Sec. 5-8-6. Place of Confinement. (a) Offenders sentenced  
2 to a term of imprisonment for a felony shall be committed to  
3 the penitentiary system of the Department of Corrections.  
4 However, such sentence shall not limit the powers of the  
5 Department of Children and Family Services in relation to any  
6 child under the age of one year in the sole custody of a person  
7 so sentenced, nor in relation to any child delivered by a  
8 female so sentenced while she is so confined as a consequence  
9 of such sentence. A person sentenced for a felony may be  
10 assigned by the Department of Corrections to any of its  
11 institutions, facilities or programs.

12           (b) Offenders sentenced to a term of imprisonment for less  
13 than one year shall be committed to the custody of the sheriff.  
14 A person committed to the Department of Corrections, prior to  
15 July 14, 1983, for less than one year may be assigned by the  
16 Department to any of its institutions, facilities or programs.

17           (c) All offenders under 17 years of age when sentenced to  
18 imprisonment shall be committed to the Department of Juvenile  
19 Justice ~~Juvenile Division of the Department of Corrections~~ and  
20 the court in its order of commitment shall set a definite term.  
21 Such order of commitment shall be the sentence of the court  
22 which may be amended by the court while jurisdiction is  
23 retained; and such sentence shall apply whenever the offender  
24 sentenced is in the control and custody of the ~~Adult Division~~  
25 ~~of the~~ Department of Corrections. The provisions of Section  
26 3-3-3 shall be a part of such commitment as fully as though  
27 written in the order of commitment. The committing court shall  
28 retain jurisdiction of the subject matter and the person until  
29 he or she reaches the age of 21 unless earlier discharged.  
30 However, the Department of Juvenile Justice ~~Juvenile Division~~  
31 ~~of the Department of Corrections~~ shall, after a juvenile has  
32 reached 17 years of age, petition the court to conduct a  
33 hearing pursuant to subsection (c) of Section 3-10-7 of this  
34 Code.

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

3 (e) When a court sentences a defendant to a term of  
4 imprisonment concurrent with a previous and unexpired sentence  
5 of imprisonment imposed by any district court of the United  
6 States, it may commit the offender to the custody of the  
7 Attorney General of the United States. The Attorney General of  
8 the United States, or the authorized representative of the  
9 Attorney General of the United States, shall be furnished with  
10 the warrant of commitment from the court imposing sentence,  
11 which warrant of commitment shall provide that, when the  
12 offender is released from federal confinement, whether by  
13 parole or by termination of sentence, the offender shall be  
14 transferred by the Sheriff of the committing county to the  
15 Department of Corrections. The court shall cause the Department  
16 to be notified of such sentence at the time of commitment and  
17 to be provided with copies of all records regarding the  
18 sentence.

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

20 Section 30. The Probation and Probation Officers Act is  
21 amended by changing Sections 15 and 16.1 as follows:

22 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

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

28 (a) establish qualifications for chief probation  
29 officers and other probation and court services personnel  
30 as to hiring, promotion, and training.

31 (b) make available, on a timely basis, lists of those  
32 applicants whose qualifications meet the regulations

1 referred to herein, including on said lists all candidates  
2 found qualified.

3 (c) establish a means of verifying the conditions for  
4 reimbursement under this Act and develop criteria for  
5 approved costs for reimbursement.

6 (d) develop standards and approve employee  
7 compensation schedules for probation and court services  
8 departments.

9 (e) employ sufficient personnel in the Division to  
10 carry out the functions of the Division.

11 (f) establish a system of training and establish  
12 standards for personnel orientation and training.

13 (g) develop standards for a system of record keeping  
14 for cases and programs, gather statistics, establish a  
15 system of uniform forms, and develop research for planning  
16 of Probation Services.

17 (h) develop standards to assure adequate support  
18 personnel, office space, equipment and supplies, travel  
19 expenses, and other essential items necessary for  
20 Probation and Court Services Departments to carry out their  
21 duties.

22 (i) review and approve annual plans submitted by  
23 Probation and Court Services Departments.

24 (j) monitor and evaluate all programs operated by  
25 Probation and Court Services Departments, and may include  
26 in the program evaluation criteria such factors as the  
27 percentage of Probation sentences for felons convicted of  
28 Probationable offenses.

29 (k) seek the cooperation of local and State government  
30 and private agencies to improve the quality of probation  
31 and court services.

32 (l) where appropriate, establish programs and  
33 corresponding standards designed to generally improve the  
34 quality of probation and court services and reduce the rate

1 of adult or juvenile offenders committed to the Department  
2 of Corrections.

3 (m) establish such other standards and regulations and  
4 do all acts necessary to carry out the intent and purposes  
5 of this Act.

6 The Division shall establish a model list of structured  
7 intermediate sanctions that may be imposed by a probation  
8 agency for violations of terms and conditions of a sentence of  
9 probation, conditional discharge, or supervision.

10 The State of Illinois shall provide for the costs of  
11 personnel, travel, equipment, telecommunications, postage,  
12 commodities, printing, space, contractual services and other  
13 related costs necessary to carry out the intent of this Act.

14 (2) (a) The chief judge of each circuit shall provide  
15 full-time probation services for all counties within the  
16 circuit, in a manner consistent with the annual probation plan,  
17 the standards, policies, and regulations established by the  
18 Supreme Court. A probation district of two or more counties  
19 within a circuit may be created for the purposes of providing  
20 full-time probation services. Every county or group of counties  
21 within a circuit shall maintain a probation department which  
22 shall be under the authority of the Chief Judge of the circuit  
23 or some other judge designated by the Chief Judge. The Chief  
24 Judge, through the Probation and Court Services Department  
25 shall submit annual plans to the Division for probation and  
26 related services.

27 (b) The Chief Judge of each circuit shall appoint the Chief  
28 Probation Officer and all other probation officers for his or  
29 her circuit from lists of qualified applicants supplied by the  
30 Supreme Court. Candidates for chief managing officer and other  
31 probation officer positions must apply with both the Chief  
32 Judge of the circuit and the Supreme Court.

33 (3) A Probation and Court Service Department shall apply to  
34 the Supreme Court for funds for basic services, and may apply

1 for funds for new and expanded programs or Individualized  
2 Services and Programs. Costs shall be reimbursed monthly based  
3 on a plan and budget approved by the Supreme Court. No  
4 Department may be reimbursed for costs which exceed or are not  
5 provided for in the approved annual plan and budget. After the  
6 effective date of this amendatory Act of 1985, each county must  
7 provide basic services in accordance with the annual plan and  
8 standards created by the division. No department may receive  
9 funds for new or expanded programs or individualized services  
10 and programs unless they are in compliance with standards as  
11 enumerated in paragraph (h) of subsection (1) of this Section,  
12 the annual plan, and standards for basic services.

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

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

17 (b) 100% of the salary for all probation officer and  
18 supervisor positions approved for reimbursement by the  
19 division after April 1, 1984, to meet workload standards  
20 and to implement intensive sanction and probation  
21 supervision programs and other basic services as defined in  
22 this Act.

23 (c) 100% of the salary for all secure detention  
24 personnel and non-secure group home personnel approved for  
25 reimbursement after December 1, 1990. For all such  
26 positions approved for reimbursement before December 1,  
27 1990, the counties shall be reimbursed \$1,250 per month  
28 beginning July 1, 1995, and an additional \$250 per month  
29 beginning each July 1st thereafter until the positions  
30 receive 100% salary reimbursement. Allocation of such  
31 positions will be based on comparative need considering  
32 capacity, staff/resident ratio, physical plant and  
33 program.

34 (d) \$1,000 per month for salaries for the remaining

1 probation officer positions engaged in basic services and  
2 new or expanded services. All such positions shall be  
3 approved by the division in accordance with this Act and  
4 division standards.

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

8 (f) If the amount of funds reimbursed to the county  
9 under paragraphs (a) through (e) of subsection 4 of this  
10 Section on an annual basis is less than the amount the  
11 county had received during the 12 month period immediately  
12 prior to the effective date of this amendatory Act of 1985,  
13 then the Division shall reimburse the amount of the  
14 difference to the county. The effect of paragraph (b) of  
15 subsection 7 of this Section shall be considered in  
16 implementing this supplemental reimbursement provision.

17 (5) The Division shall provide funds beginning on April 1,  
18 1987 for the counties to provide Individualized Services and  
19 Programs as provided in Section 16 of this Act.

20 (6) A Probation and Court Services Department in order to  
21 be eligible for the reimbursement must submit to the Supreme  
22 Court an application containing such information and in such a  
23 form and by such dates as the Supreme Court may require.  
24 Departments to be eligible for funding must satisfy the  
25 following conditions:

26 (a) The Department shall have on file with the Supreme  
27 Court an annual Probation plan for continuing, improved,  
28 and new Probation and Court Services Programs approved by  
29 the Supreme Court or its designee. This plan shall indicate  
30 the manner in which Probation and Court Services will be  
31 delivered and improved, consistent with the minimum  
32 standards and regulations for Probation and Court  
33 Services, as established by the Supreme Court. In counties  
34 with more than one Probation and Court Services Department

1 eligible to receive funds, all Departments within that  
2 county must submit plans which are approved by the Supreme  
3 Court.

4 (b) The annual probation plan shall seek to generally  
5 improve the quality of probation services and to reduce the  
6 commitment of adult ~~and juvenile~~ offenders to the  
7 Department of Corrections and to reduce the commitment of  
8 juvenile offenders to the Department of Juvenile Justice  
9 and shall require, when appropriate, coordination with the  
10 Department of Corrections, the Department of Juvenile  
11 Justice, and the Department of Children and Family Services  
12 in the development and use of community resources,  
13 information systems, case review and permanency planning  
14 systems to avoid the duplication of services.

15 (c) The Department shall be in compliance with  
16 standards developed by the Supreme Court for basic, new and  
17 expanded services, training, personnel hiring and  
18 promotion.

19 (d) The Department shall in its annual plan indicate  
20 the manner in which it will support the rights of crime  
21 victims and in which manner it will implement Article I,  
22 Section 8.1 of the Illinois Constitution and in what manner  
23 it will coordinate crime victims' support services with  
24 other criminal justice agencies within its jurisdiction,  
25 including but not limited to, the State's Attorney, the  
26 Sheriff and any municipal police department.

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

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

32 (b) The probation officer, in order to be eligible for  
33 State reimbursement, is receiving a salary of at least  
34 \$17,000 per year.



1           (c) The probation officer is appointed or was  
2           reappointed in accordance with minimum qualifications or  
3           criteria established by the Supreme Court; however, all  
4           probation officers appointed prior to January 1, 1978,  
5           shall be exempted from the minimum requirements  
6           established by the Supreme Court. Payments shall be made to  
7           counties employing these exempted probation officers as  
8           long as they are employed in the position held on the  
9           effective date of this amendatory Act of 1985. Promotions  
10          shall be governed by minimum qualifications established by  
11          the Supreme Court.

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

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

1 positions below the base amount.

2 (9) Before the 15th day of each month, the treasurer of any  
3 county which has a Probation and Court Services Department, or  
4 the treasurer of the most populous county, in the case of a  
5 Probation or Court Services Department funded by more than one  
6 county, shall submit an itemized statement of all approved  
7 costs incurred in the delivery of Basic Probation and Court  
8 Services under this Act to the Supreme Court. The treasurer may  
9 also submit an itemized statement of all approved costs  
10 incurred in the delivery of new and expanded Probation and  
11 Court Services as well as Individualized Services and Programs.  
12 The Supreme Court or its designee shall verify compliance with  
13 this Section and shall examine and audit the monthly statement  
14 and, upon finding them to be correct, shall forward them to the  
15 Comptroller for payment to the county treasurer. In the case of  
16 payment to a treasurer of a county which is the most populous  
17 of counties sharing the salary and expenses of a Probation and  
18 Court Services Department, the treasurer shall divide the money  
19 between the counties in a manner that reflects each county's  
20 share of the cost incurred by the Department.

21 (10) The county treasurer must certify that funds received  
22 under this Section shall be used solely to maintain and improve  
23 Probation and Court Services. The county or circuit shall  
24 remain in compliance with all standards, policies and  
25 regulations established by the Supreme Court. If at any time  
26 the Supreme Court determines that a county or circuit is not in  
27 compliance, the Supreme Court shall immediately notify the  
28 Chief Judge, county board chairman and the Director of Court  
29 Services Chief Probation Officer. If after 90 days of written  
30 notice the noncompliance still exists, the Supreme Court shall  
31 be required to reduce the amount of monthly reimbursement by  
32 10%. An additional 10% reduction of monthly reimbursement shall  
33 occur for each consecutive month of noncompliance. Except as  
34 provided in subsection 5 of Section 15, funding to counties

1 shall commence on April 1, 1986. Funds received under this Act  
2 shall be used to provide for Probation Department expenses  
3 including those required under Section 13 of this Act. For  
4 State fiscal years 2004, 2005, and 2006 only, the Mandatory  
5 Arbitration Fund may be used to provide for Probation  
6 Department expenses, including those required under Section 13  
7 of this Act.

8 (11) The respective counties shall be responsible for  
9 capital and space costs, fringe benefits, clerical costs,  
10 equipment, telecommunications, postage, commodities and  
11 printing.

12 (12) For purposes of this Act only, probation officers  
13 shall be considered peace officers. In the exercise of their  
14 official duties, probation officers, sheriffs, and police  
15 officers may, anywhere within the State, arrest any probationer  
16 who is in violation of any of the conditions of his or her  
17 probation, conditional discharge, or supervision, and it shall  
18 be the duty of the officer making the arrest to take the  
19 probationer before the Court having jurisdiction over the  
20 probationer for further order.

21 (Source: P.A. 93-25, eff. 6-20-03; 93-576, eff. 1-1-04; 93-839,  
22 eff. 7-30-04; 94-91, eff. 7-1-05.)

23 (730 ILCS 110/16.1)

24 Sec. 16.1. Redeploy Illinois Program.

25 (a) The purpose of this Section is to encourage the  
26 deinstitutionalization of juvenile offenders establishing  
27 pilot projects in counties or groups of counties that  
28 reallocate State funds from juvenile correctional confinement  
29 to local jurisdictions, which will establish a continuum of  
30 local, community-based sanctions and treatment alternatives  
31 for juvenile offenders who would be incarcerated if those local  
32 services and sanctions did not exist. The allotment of funds  
33 will be based on a formula that rewards local jurisdictions for

1 the establishment or expansion of local alternatives to  
2 incarceration, and requires them to pay for utilization of  
3 incarceration as a sanction. This redeployment of funds shall  
4 be made in a manner consistent with the Juvenile Court Act of  
5 1987 and the following purposes and policies:

6 (1) The juvenile justice system should protect the  
7 community, impose accountability to victims and  
8 communities for violations of law, and equip juvenile  
9 offenders with competencies to live responsibly and  
10 productively.

11 (2) Juveniles should be treated in the least  
12 restrictive manner possible while maintaining the safety  
13 of the community.

14 (3) A continuum of services and sanctions from least  
15 restrictive to most restrictive should be available in  
16 every community.

17 (4) There should be local responsibility and authority  
18 for planning, organizing, and coordinating service  
19 resources in the community. People in the community can  
20 best choose a range of services which reflect community  
21 values and meet the needs of their own youth.

22 (5) Juveniles who pose a threat to the community or  
23 themselves need special care, including secure settings.  
24 Such services as detention, long-term incarceration, or  
25 residential treatment are too costly to provide in each  
26 community and should be coordinated and provided on a  
27 regional or Statewide basis.

28 (6) The roles of State and local government in creating  
29 and maintaining services to youth in the juvenile justice  
30 system should be clearly defined. The role of the State is  
31 to fund services, set standards of care, train service  
32 providers, and monitor the integration and coordination of  
33 services. The role of local government should be to oversee  
34 the provision of services.

1 (b) Each county or circuit participating in the pilot  
2 program must create a local plan demonstrating how it will  
3 reduce the county or circuit's utilization of secure  
4 confinement of juvenile offenders in the Illinois Department of  
5 Juvenile Justice ~~Corrections~~ or county detention centers by the  
6 creation or expansion of individualized services or programs  
7 that may include but are not limited to the following:

8 (1) Assessment and evaluation services to provide the  
9 juvenile justice system with accurate individualized case  
10 information on each juvenile offender including mental  
11 health, substance abuse, educational, and family  
12 information;

13 (2) Direct services to individual juvenile offenders  
14 including educational, vocational, mental health,  
15 substance abuse, supervision, and service coordination;  
16 and

17 (3) Programs that seek to restore the offender to the  
18 community, such as victim offender panels, teen courts,  
19 competency building, enhanced accountability measures,  
20 restitution, and community service. The local plan must be  
21 directed in such a manner as to emphasize an individualized  
22 approach to providing services to juvenile offenders in an  
23 integrated community based system including probation as  
24 the broker of services. The plan must also detail the  
25 reduction in utilization of secure confinement. The local  
26 plan shall be limited to services and shall not include  
27 costs for:

28 (i) capital expenditures;

29 (ii) renovations or remodeling;

30 (iii) personnel costs for probation.

31 The local plan shall be submitted to the Department of  
32 Human Services.

33 (c) A county or group of counties may develop an agreement  
34 with the Department of Human Services to reduce their number of

1 commitments of juvenile offenders, excluding minors sentenced  
2 based upon a finding of guilt of first degree murder or an  
3 offense which is a Class X forcible felony as defined in the  
4 Criminal Code of 1961, to the Department of Juvenile Justice  
5 ~~Corrections~~, and then use the savings to develop local  
6 programming for youth who would otherwise have been committed  
7 to the Department of Juvenile Justice ~~Corrections~~. The county  
8 or group of counties shall agree to limit their commitments to  
9 75% of the level of commitments from the average number of  
10 juvenile commitments for the past 3 years, and will receive the  
11 savings to redeploy for local programming for juveniles who  
12 would otherwise be held in confinement. The agreement shall set  
13 forth the following:

14 (1) a Statement of the number and type of juvenile  
15 offenders from the county who were held in secure  
16 confinement by the Illinois Department of Juvenile Justice  
17 ~~Corrections~~ or in county detention the previous year, and  
18 an explanation of which, and how many, of these offenders  
19 might be served through the proposed Redeploy Illinois  
20 Program for which the funds shall be used;

21 (2) a Statement of the service needs of currently  
22 confined juveniles;

23 (3) a Statement of the type of services and programs to  
24 provide for the individual needs of the juvenile offenders,  
25 and the research or evidence base that qualifies those  
26 services and programs as proven or promising practices;

27 (4) a budget indicating the costs of each service or  
28 program to be funded under the plan;

29 (5) a summary of contracts and service agreements  
30 indicating the treatment goals and number of juvenile  
31 offenders to be served by each service provider; and

32 (6) a Statement indicating that the Redeploy Illinois  
33 Program will not duplicate existing services and programs.  
34 Funds for this plan shall not supplant existing county

1 funded programs.

2 (d) (Blank).

3 (e) The Department of Human Services shall be responsible  
4 for the following:

5 (1) Reviewing each Redeploy Illinois Program plan for  
6 compliance with standards established for such plans. A  
7 plan may be approved as submitted, approved with  
8 modifications, or rejected. No plan shall be considered for  
9 approval if the circuit or county is not in full compliance  
10 with all regulations, standards and guidelines pertaining  
11 to the delivery of basic probation services as established  
12 by the Supreme Court.

13 (2) Monitoring on a continual basis and evaluating  
14 annually both the program and its fiscal activities in all  
15 counties receiving an allocation under the Redeploy  
16 Illinois Program. Any program or service that has not met  
17 the goals and objectives of its contract or service  
18 agreement shall be subject to denial for funding in  
19 subsequent years. The Department of Human Services shall  
20 evaluate the effectiveness of the Redeploy Illinois  
21 Program in each circuit or county. In determining the  
22 future funding for the Redeploy Illinois Program under this  
23 Act, the evaluation shall include, as a primary indicator  
24 of success, a decreased number of confinement days for the  
25 county's juvenile offenders.

26 (f) Any Redeploy Illinois Program allocations not applied  
27 for and approved by the Department of Human Services shall be  
28 available for redistribution to approved plans for the  
29 remainder of that fiscal year. Any county that invests local  
30 moneys in the Redeploy Illinois Program shall be given first  
31 consideration for any redistribution of allocations.  
32 Jurisdictions participating in Redeploy Illinois that exceed  
33 their agreed upon level of commitments to the Department of  
34 Juvenile Justice ~~Corrections~~ shall reimburse the Department of

1 Corrections for each commitment above the agreed upon level.

2 (g) Implementation of Redeploy Illinois.

3 (1) Planning Phase.

4 (i) Redeploy Illinois Oversight Board. The  
5 Department of Human Services shall convene an  
6 oversight board to develop plans for a pilot Redeploy  
7 Illinois Program. The Board shall include, but not be  
8 limited to, designees from the Department of Juvenile  
9 Justice ~~Corrections~~, the Administrative Office of  
10 Illinois Courts, the Illinois Juvenile Justice  
11 Commission, the Illinois Criminal Justice Information  
12 Authority, the Department of Children and Family  
13 Services, the State Board of Education, the Cook County  
14 State's Attorney, and a State's Attorney selected by  
15 the President of the Illinois State's Attorney's  
16 Association.

17 (ii) Responsibilities of the Redeploy Illinois  
18 Oversight Board. The Oversight Board shall:

19 (A) Identify jurisdictions to be invited in  
20 the initial pilot program of Redeploy Illinois.

21 (B) Develop a formula for reimbursement of  
22 local jurisdictions for local and community-based  
23 services utilized in lieu of commitment to the  
24 Department of Juvenile Justice ~~Corrections~~, as  
25 well as for any charges for local jurisdictions for  
26 commitments above the agreed upon limit in the  
27 approved plan.

28 (C) Identify resources sufficient to support  
29 the administration and evaluation of Redeploy  
30 Illinois.

31 (D) Develop a process and identify resources  
32 to support on-going monitoring and evaluation of  
33 Redeploy Illinois.

34 (E) Develop a process and identify resources



1 to support training on Redeploy Illinois.

2 (F) Report to the Governor and the General  
3 Assembly on an annual basis on the progress of  
4 Redeploy Illinois.

5 (iii) Length of Planning Phase. The planning phase  
6 may last up to, but may in no event last longer than,  
7 July 1, 2004.

8 (2) Pilot Phase. In the second phase of the Redeploy  
9 Illinois program, the Department of Human Services shall  
10 implement several pilot programs of Redeploy Illinois in  
11 counties or groups of counties as identified by the  
12 Oversight Board. Annual review of the Redeploy Illinois  
13 program by the Oversight Board shall include  
14 recommendations for future sites for Redeploy Illinois.

15 (Source: P.A. 93-641, eff. 12-31-03.)

16 Section 35. The Private Correctional Facility Moratorium  
17 Act is amended by changing Section 3 as follows:

18 (730 ILCS 140/3) (from Ch. 38, par. 1583)

19 Sec. 3. Certain contracts prohibited. After the effective  
20 date of this Act, the State shall not contract with a private  
21 contractor or private vendor for the provision of services  
22 relating to the operation of a correctional facility or the  
23 incarceration of persons in the custody of the Department of  
24 Corrections or of the Department of Juvenile Justice; however,  
25 this Act does not apply to (1) State work release centers or  
26 juvenile residential facilities that provide separate care or  
27 special treatment operated in whole or part by private  
28 contractors or (2) contracts for ancillary services, including  
29 medical services, educational services, repair and maintenance  
30 contracts, or other services not directly related to the  
31 ownership, management or operation of security services in a  
32 correctional facility.

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

2 Section 40. The Line of Duty Compensation Act is amended by  
3 changing Section 2 as follows:

4 (820 ILCS 315/2) (from Ch. 48, par. 282)

5 Sec. 2. As used in this Act, unless the context otherwise  
6 requires:

7 (a) "Law enforcement officer" or "officer" means any person  
8 employed by the State or a local governmental entity as a  
9 policeman, peace officer, auxiliary policeman or in some like  
10 position involving the enforcement of the law and protection of  
11 the public interest at the risk of that person's life. This  
12 includes supervisors, wardens, superintendents and their  
13 assistants, guards and keepers, correctional officers, youth  
14 supervisors, parole agents, school teachers and correctional  
15 counsellors in all facilities of both the ~~Juvenile and Adult~~  
16 ~~Divisions of the~~ Department of Corrections and the Department  
17 of Juvenile Justice, while within the facilities under the  
18 control of the Department of Corrections or the Department of  
19 Juvenile Justice or in the act of transporting inmates or wards  
20 from one location to another or while performing their official  
21 duties, and all other Department of Correction or Department of  
22 Juvenile Justice employees who have daily contact with inmates.

23 The death of the foregoing employees of the Department of  
24 Corrections or the Department of Juvenile Justice in order to  
25 be included herein must be by the direct or indirect willful  
26 act of an inmate, ward, work-releasee, parolee, parole  
27 violator, person under conditional release, or any person  
28 sentenced or committed, or otherwise subject to confinement in  
29 or to the Department of Corrections or the Department of  
30 Juvenile Justice.

31 (b) "Fireman" means any person employed by the State or a  
32 local governmental entity as, or otherwise serving as, a member

1 or officer of a fire department either for the purpose of the  
2 prevention or control of fire or the underwater recovery of  
3 drowning victims, including volunteer firemen.

4 (c) "Local governmental entity" includes counties,  
5 municipalities and municipal corporations.

6 (d) "State" means the State of Illinois and its  
7 departments, divisions, boards, bureaus, commissions,  
8 authorities and colleges and universities.

9 (e) "Killed in the line of duty" means losing one's life as  
10 a result of injury received in the active performance of duties  
11 as a law enforcement officer, civil defense worker, civil air  
12 patrol member, paramedic, fireman, or chaplain if the death  
13 occurs within one year from the date the injury was received  
14 and if that injury arose from violence or other accidental  
15 cause. In the case of a State employee, "killed in the line of  
16 duty" means losing one's life as a result of injury received in  
17 the active performance of one's duties as a State employee, if  
18 the death occurs within one year from the date the injury was  
19 received and if that injury arose from a willful act of  
20 violence by another State employee committed during such other  
21 employee's course of employment and after January 1, 1988. The  
22 term excludes death resulting from the willful misconduct or  
23 intoxication of the officer, civil defense worker, civil air  
24 patrol member, paramedic, fireman, chaplain, or State  
25 employee. However, the burden of proof of such willful  
26 misconduct or intoxication of the officer, civil defense  
27 worker, civil air patrol member, paramedic, fireman, chaplain,  
28 or State employee is on the Attorney General. Subject to the  
29 conditions set forth in subsection (a) with respect to  
30 inclusion under this Act of Department of Corrections and  
31 Department of Juvenile Justice employees described in that  
32 subsection, for the purposes of this Act, instances in which a  
33 law enforcement officer receives an injury in the active  
34 performance of duties as a law enforcement officer include but

1 are not limited to instances when:

2 (1) the injury is received as a result of a wilful act  
3 of violence committed other than by the officer and a  
4 relationship exists between the commission of such act and  
5 the officer's performance of his duties as a law  
6 enforcement officer, whether or not the injury is received  
7 while the officer is on duty as a law enforcement officer;

8 (2) the injury is received by the officer while the  
9 officer is attempting to prevent the commission of a  
10 criminal act by another or attempting to apprehend an  
11 individual the officer suspects has committed a crime,  
12 whether or not the injury is received while the officer is  
13 on duty as a law enforcement officer;

14 (3) the injury is received by the officer while the  
15 officer is travelling to or from his employment as a law  
16 enforcement officer or during any meal break, or other  
17 break, which takes place during the period in which the  
18 officer is on duty as a law enforcement officer.

19 In the case of an Armed Forces member, "killed in the line  
20 of duty" means losing one's life while on active duty in  
21 connection with the September 11, 2001 terrorist attacks on the  
22 United States, Operation Enduring Freedom, or Operation Iraqi  
23 Freedom.

24 (f) "Volunteer fireman" means a person having principal  
25 employment other than as a fireman, but who is carried on the  
26 rolls of a regularly constituted fire department either for the  
27 purpose of the prevention or control of fire or the underwater  
28 recovery of drowning victims, the members of which are under  
29 the jurisdiction of the corporate authorities of a city,  
30 village, incorporated town, or fire protection district, and  
31 includes a volunteer member of a fire department organized  
32 under the "General Not for Profit Corporation Act", approved  
33 July 17, 1943, as now or hereafter amended, which is under  
34 contract with any city, village, incorporated town, fire

1 protection district, or persons residing therein, for fire  
2 fighting services. "Volunteer fireman" does not mean an  
3 individual who volunteers assistance without being regularly  
4 enrolled as a fireman.

5 (g) "Civil defense worker" means any person employed by the  
6 State or a local governmental entity as, or otherwise serving  
7 as, a member of a civil defense work force, including volunteer  
8 civil defense work forces engaged in serving the public  
9 interest during periods of disaster, whether natural or  
10 man-made.

11 (h) "Civil air patrol member" means any person employed by  
12 the State or a local governmental entity as, or otherwise  
13 serving as, a member of the organization commonly known as the  
14 "Civil Air Patrol", including volunteer members of the  
15 organization commonly known as the "Civil Air Patrol".

16 (i) "Paramedic" means an Emergency Medical  
17 Technician-Paramedic certified by the Illinois Department of  
18 Public Health under the Emergency Medical Services (EMS)  
19 Systems Act, and all other emergency medical personnel  
20 certified by the Illinois Department of Public Health who are  
21 members of an organized body or not-for-profit corporation  
22 under the jurisdiction of a city, village, incorporated town,  
23 fire protection district or county, that provides emergency  
24 medical treatment to persons of a defined geographical area.

25 (j) "State employee" means any employee as defined in  
26 Section 14-103.05 of the Illinois Pension Code, as now or  
27 hereafter amended.

28 (k) "Chaplain" means an individual who:

29 (1) is a chaplain of (i) a fire department or (ii) a  
30 police department or other agency consisting of law  
31 enforcement officers; and

32 (2) has been designated a chaplain by (i) the fire  
33 department, police department, or other agency or an  
34 officer or body having jurisdiction over the department or

1           agency or (ii) a labor organization representing the  
2           firemen or law enforcement officers.

3           (1) "Armed Forces member" means an Illinois resident who  
4           is: a member of the Armed Forces of the United States; a member  
5           of the Illinois National Guard while on active military service  
6           pursuant to an order of the President of the United States; or  
7           a member of any reserve component of the Armed Forces of the  
8           United States while on active military service pursuant to an  
9           order of the President of the United States.

10          (Source: P.A. 93-1047, eff. 10-18-04; 93-1073, eff.  
11          1-18-05.)".