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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 are required by subsection (b) of Section 3-2.5-15
31 of the Unified Code of Corrections to have a bachelor's or
32 advanced degree from an accredited college or university with a
33 specialization in criminal justice, education, psychology,
34 social work, or a closely related social science or, in the

1 case of persons who provide vocational training, who are
2 required to have adequate knowledge in the skill for which they
3 are providing the vocational training.

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

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

7 (55 ILCS 5/3-6039)

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

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

1 the time limits as set forth in subsection (f) of this Section.

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

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

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

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

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

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

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

32 The court and the Department of Probation and Court
33 Services may also consider, among other matters, whether the
34 delinquent minor has a history of escaping or absconding,

1 whether participation in the county juvenile impact
2 incarceration program may pose a risk to the safety or security
3 of any person, and whether space is available.

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

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

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

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

34 (g) A delinquent minor may be removed from the program for

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

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

27 (i) The Department of Probation and Court Services, with
28 the approval of the county board, shall have the power to enter
29 into intergovernmental cooperation agreements with the
30 Illinois Department of Juvenile Justice ~~Corrections, Juvenile~~
31 ~~Division,~~ under which delinquent minors committed to the
32 Illinois Department of Juvenile Justice ~~Corrections, Juvenile~~
33 ~~Division,~~ may participate in the county juvenile impact
34 incarceration program. A delinquent minor who successfully

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

6 (Source: P.A. 89-302, eff. 8-11-95; 89-626, eff. 8-9-96;
7 89-689, eff. 12-31-96; 90-256, eff. 1-1-98.)

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

10 (55 ILCS 75/2) (from Ch. 23, par. 2682)

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

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

20 (55 ILCS 75/9.1) (from Ch. 23, par. 2689.1)

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

1 all county shelter care homes and detention homes shall be in
2 compliance with this Act.

3 (b) Compliance with this amendatory Act of 1979 shall not
4 affect the validity of any prior referendum or the levy or
5 collection of any tax authorized under this Act. All county
6 shelter care homes and detention homes established and in
7 operation on the effective date of this amendatory Act of 1979
8 may continue to operate, subject to the provisions of this
9 amendatory Act of 1979, without further referendum.

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

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

18 Section 15. The School Code is amended by changing Sections
19 2-3.13a, 13-40, 13-41, 13-42, 13-43.8, 13-43.11, 13-43.18,
20 13-43.19, 13-43.20, 13-44, 13-44.3, 13-44.5, 13-45, 13B-20.15,
21 13B-35.5, and 13B-35.10 and the heading preceding Section 13-40
22 as follows:

23 (105 ILCS 5/2-3.13a) (from Ch. 122, par. 2-3.13a)

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

25 (a) The State Board of Education shall establish and
26 implement rules requiring all of the public schools and all
27 private or nonpublic elementary and secondary schools located
28 in this State, whenever any such school has a student who is
29 transferring to any other public elementary or secondary school
30 located in this or in any other state, to forward within 10
31 days of notice of the student's transfer an unofficial record
32 of that student's grades to the school to which such student is

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

1 school in this State shall within 10 days after the student has
2 paid all of his or her outstanding fines and fees and at its
3 own expense forward an official transcript of the scholastic
4 records of each student transferring from that school in strict
5 accordance with the provisions of this Section and the rules
6 established by the State Board of Education as herein provided.

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

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

1 enrolled in the transferee school or school district. This
2 notification must occur within 150 days after the date the
3 student withdraws from the transferor school or school district
4 or the student shall be counted in the calculation of the
5 transferor school's or school district's annual student
6 dropout rate. A request by the transferee school or school
7 district to the transferor school or school district seeking
8 the student's academic transcripts or medical records shall be
9 considered without limitation adequate documentation of
10 enrollment. Each transferor school or school district shall
11 keep documentation of such transfer students for the minimum
12 period provided in the Illinois School Student Records Act. All
13 records indicating the school or school district to which a
14 student transferred are subject to the Illinois School Student
15 Records Act.

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

17 (105 ILCS 5/prec. Sec. 13-40 heading)

18 DEPARTMENT OF JUVENILE JUSTICE ~~CORRECTIONS~~ SCHOOL DISTRICT
19 ~~DISTRICTS~~

20 (105 ILCS 5/13-40) (from Ch. 122, par. 13-40)

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

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

1 education at the state and federal levels are best used, all of
2 the same being contemplated within the provisions of the
3 Illinois State Constitution of 1970 which provides that "A
4 fundamental goal of the People of the State is the educational
5 development of all persons to the limits of their capacities."
6 Therefore, on July 1, 2006 ~~July 1, 1972~~, the a Department of
7 Corrections school district shall be transferred to the
8 Department of Juvenile Justice. It shall be responsible ~~is~~
9 ~~established~~ for the education of youth inmates and wards within
10 the Department of Juvenile Justice and inmates age 21 or under
11 within the Department of Corrections who have not yet earned a
12 high school diploma or a General Educational Development (GED)
13 certificate ~~Corrections~~ and the said district may establish
14 primary, secondary, vocational, adult, special and advanced
15 educational schools as provided in this Act. The Department of
16 Corrections retains authority as provided for in subsection (d)
17 of Section 3-6-2 of the Unified Code of Corrections. The Board
18 of Education for this district shall with the aid and advice of
19 professional educational personnel of the Department of
20 Juvenile Justice ~~Corrections~~ and the State Board of Education
21 determine the needs and type of schools and the curriculum for
22 each school within the school district and may proceed to
23 establish the same through existing means within present and
24 future appropriations, federal and state school funds,
25 vocational rehabilitation grants and funds and all other funds,
26 gifts and grants, private or public, including federal funds,
27 but not exclusive to the said sources but inclusive of all
28 funds which might be available for school purposes. ~~The school~~
29 ~~district shall first organize a school system for the Adult~~
30 ~~Division of the Department of Corrections to go into effect~~
31 ~~July 1, 1972. A school system for the Juvenile Division shall~~
32 ~~subsequently be organized and put into effect under this school~~
33 ~~district at such time as the school board shall determine~~
34 ~~necessary.~~

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

2 (105 ILCS 5/13-41) (from Ch. 122, par. 13-41)

3 Sec. 13-41. The Board of Education for this school district
4 shall be composed of the Director of the Department of Juvenile
5 Justice Corrections, ~~the Assistant Director of the Juvenile~~
6 ~~Division and the Assistant Director of the Adult Division of~~
7 ~~said Department. Of the remaining members, 2 members shall be~~
8 appointed by the Director of the Department of Juvenile Justice
9 ~~Corrections~~ and 4 members shall be appointed by the State Board
10 of Education, at least one of whom shall have knowledge of, or
11 experience in, vocational education and one of whom shall have
12 knowledge of, or experience in, higher and continuing
13 education. All ~~subsequent to the initial appointments all~~
14 members of the Board shall hold office for a period of 3 years,
15 except that members shall continue to serve until their
16 replacements are appointed. ~~One of the initial appointees of~~
17 ~~the Director of the Department of Corrections and the State~~
18 ~~Board of Education shall be for a one year term. One of the~~
19 ~~initial appointees of the State Board of Education shall be for~~
20 ~~a two year term. The remaining initial appointees shall serve~~
21 ~~for a three year term.~~ Vacancies shall be filled in like manner
22 for the unexpired balance of the term. The members appointed
23 shall be selected so far as is practicable on the basis of
24 their knowledge of, or experience in, problems of education in
25 correctional, vocational and general educational institutions.
26 Members shall serve without compensation, but shall be
27 reimbursed for reasonable expenses incurred in the performance
28 of their duties.

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

30 (105 ILCS 5/13-42) (from Ch. 122, par. 13-42)

31 Sec. 13-42. The ~~President of the Board of Education shall~~
32 ~~be the~~ Director of the Department of Juvenile Justice shall be

1 the President of the Board of Education ~~Corrections~~ and the
2 Secretary of said Board of Education shall be designated at the
3 first regular meeting of said Board of Education. The Board
4 shall hold regular meetings upon the call of the Chairman or
5 any 3 members at such times as they may designate so long as
6 they meet at least 6 times a year. Public notice of meetings
7 must be given as prescribed in Sections 2.02 and 2.03 of "An
8 Act in relation to meetings", approved July 11, 1957, as
9 heretofore or hereafter amended. No official business shall be
10 transacted by the Board except at a regular or special meeting.
11 A majority of said Board shall constitute a quorum.

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

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

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

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

30 (105 ILCS 5/13-43.8) (from Ch. 122, par. 13-43.8)

31 Sec. 13-43.8. To enter agreements with school districts,
32 private junior colleges and public community colleges, and
33 public and private colleges and universities for the purpose of

1 providing advanced vocational training of students who desire
2 preparation for a trade. Such program would utilize private
3 junior college and public community college facilities with
4 transportation to and from those facilities provided by the
5 participating school district, or by the participating school
6 district in conjunction with other school districts. The
7 duration of the advanced vocational training program shall be
8 such period as the school district may approve, but it may not
9 exceed 2 years. Participation in the program is accorded the
10 same credit toward a high school diploma as time spent in other
11 courses. If a student of this school district, because of his
12 educational needs, attends a class or school in another school
13 district or educational facility, the Department of Juvenile
14 Justice School District ~~Corrections school district~~ where he
15 resides shall be granted the proper permit, provide any
16 necessary transportation, and pay to the school district or
17 educational facility maintaining the educational facility the
18 proportional per capita cost of educating such student.

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

20 (105 ILCS 5/13-43.11) (from Ch. 122, par. 13-43.11)

21 Sec. 13-43.11.

22 Subject to the rules and regulations of the Department of
23 Juvenile Justice ~~Corrections~~ and the laws and statutes
24 applicable, the Board shall have the power and the authority to
25 assign to schools within the district and to expel or suspend
26 pupils for disciplinary purposes or to assign or reassign them
27 as the needs of the district or the pupil shall be determined
28 best. Once a student commences a course of training he shall
29 attend all sessions unless restricted by illness, a reasonable
30 excuse or by direction of the Department of Juvenile Justice
31 ~~Corrections~~ or the facility at which he is located. Conferences
32 shall be held at regular periodic intervals with the ward or
33 the inmate and the school district authorities and facility

1 officials shall determine the extent the ward or inmate is
2 benefiting from the particular program, and shall further
3 determine whether the said ward or inmate shall continue in the
4 program to which he is assigned or be dropped from the same or
5 be transferred to another program more suited to his needs or
6 the school district's needs.

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

8 (105 ILCS 5/13-43.18) (from Ch. 122, par. 13-43.18)

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

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

19 (105 ILCS 5/13-43.19) (from Ch. 122, par. 13-43.19)

20 Sec. 13-43.19.

21 To develop and annually revise an educational plan for
22 achieving the goals and objectives called for in Section ~~Sec.~~
23 13-43.18 for ~~both the Adult and Juvenile Divisions of the~~
24 Department of Juvenile Justice ~~Corrections~~ with specific
25 recommendations for inmate educational assessment, curriculum,
26 staffing and other necessary considerations.

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

28 (105 ILCS 5/13-43.20) (from Ch. 122, par. 13-43.20)

29 Sec. 13-43.20. To develop a method or methods for
30 allocating state funds to the Board for expenditure within the
31 various divisions and/or for programs conducted by the Board,

1 and to annually determine the average per capita cost of
2 students in the Department of Juvenile Justice ~~Juvenile~~
3 ~~Division~~ and the average per capita cost of students in the
4 Department of Corrections ~~Adult Division~~ for education classes
5 and/or programs required to accomplish the educational goals
6 and objectives and programs specified in Sections 13-43.18 and
7 13-43.19 and recommend to the State Board of Education by July
8 15 of each year the per capita amount necessary to operate the
9 Department of Juvenile Justice School District's ~~correction~~
10 ~~school district's~~ educational program for the following fiscal
11 year.

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

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

14 Sec. 13-44.

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

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

19 (105 ILCS 5/13-44.3) (from Ch. 122, par. 13-44.3)

20 Sec. 13-44.3. In order to fully carry out the purpose of
21 this Act, the School District through its Board or designated
22 supervisory personnel, with the approval of the Director of the
23 Department of Juvenile Justice ~~Corrections~~, may authorize
24 field trips outside of the particular institution or facility
25 where a school is established and may remove students therefrom
26 or may with the approval of the Director of the Department of
27 Juvenile Justice ~~Corrections~~ transfer inmates and wards to
28 other schools and other facilities where particular subject
29 matter or facilities are more suited to or are needed to
30 complete the inmates' or wards' education. The ~~Assistant~~
31 Director ~~of the Adult Division~~ of the Department of Juvenile
32 Justice ~~Corrections~~ or the ~~Assistant Director of the Juvenile~~

1 ~~Division~~ may authorize an educational furlough for an inmate or
2 ward to attend institutions of higher education, other schools,
3 vocational or technical schools or enroll and attend classes in
4 subjects not available within the School District, to be
5 financed by the inmate or ward or any grant or scholarship
6 which may be available, including school aid funds of any kind
7 when approved by the Board and the Director of the Department.

8 The Department of Juvenile Justice ~~Corrections~~ may extend
9 the limits of the place of confinement of an inmate or ward
10 under the above conditions and for the above purposes, to leave
11 for the aforesaid reasons, the confines of such place,
12 accompanied or unaccompanied, in the discretion of the Director
13 of such Department by a custodial agent or educational
14 personnel.

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

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

29 (105 ILCS 5/13-44.5) (from Ch. 122, par. 13-44.5)

30 Sec. 13-44.5.

31 In all cases where an inmate or ward is to leave the
32 institution or facility where he or she is confined for
33 educational furloughs, vocational training, for field trips or

1 for any other reason herein stated, authority must first be
2 granted by the Department of Juvenile Justice ~~Corrections~~ and
3 the said authority shall be discretionary with the Department
4 of Juvenile Justice ~~Corrections~~. The question of whether or not
5 the said inmate or ward or group of inmates or wards shall be
6 accompanied or not accompanied by security personnel,
7 custodial agent or agents or only educational personnel shall
8 be in the discretion of the Department of Juvenile Justice
9 ~~Corrections~~. All transfers must be approved by the Department
10 of Juvenile Justice ~~Corrections~~.

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

12 (105 ILCS 5/13-45) (from Ch. 122, par. 13-45)

13 Sec. 13-45.

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

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

25 (105 ILCS 5/13B-20.15)

26 Sec. 13B-20.15. Other eligible providers of alternative
27 learning opportunities. School districts may contract with
28 health, mental health, or human service organizations,
29 workforce development boards or agencies, juvenile court
30 services, juvenile justice agencies, juvenile detention
31 programs, programs operated by the Department of Juvenile
32 Justice ~~Corrections~~, or other appropriate agencies or

1 organizations to serve students whose needs are not being met
2 in the regular school program by providing alternative learning
3 opportunities.

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

5 (105 ILCS 5/13B-35.5)

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

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

23 (105 ILCS 5/13B-35.10)

24 Sec. 13B-35.10. Committee of Cooperative Services. The
25 State Superintendent of Education shall convene a State-level
26 Committee of Cooperative Services. The Committee shall include
27 representatives of the following agencies and organizations,
28 selected by their respective heads: the Office of the Governor,
29 the State Board of Education, the Illinois Association of
30 Regional Superintendents of Schools, the Chicago Public
31 Schools, the Intermediate Service Centers, the State Teacher
32 Certification Board, the Illinois Community College Board, the

1 Department of Human Services, the Department of Children and
2 Family Services, the Illinois Principals Association, the
3 Illinois Education Association, the Illinois Federation of
4 Teachers, the Illinois Juvenile Justice Commission, the Office
5 of the Attorney General, the Illinois Association of School
6 Administrators, the Administrative Office of the Illinois
7 Courts, the Department of Juvenile Justice ~~Corrections~~,
8 special education advocacy organizations, and non-profit and
9 community-based organizations, as well as parent
10 representatives and child advocates designated by the State
11 Superintendent of Education.

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

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

15 (225 ILCS 10/2.22)

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

1 freedom of movement within the perimeter of the facility,
2 building, or distinct part of the building.

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

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

6 (305 ILCS 5/12-10.4)

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

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

27 (Source: P.A. 90-587, eff. 7-1-98; 91-266, eff. 7-23-99;
28 91-712, eff. 7-1-00.)

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

1 (405 ILCS 49/5)

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

3 (a) The State of Illinois shall develop a Children's Mental
4 Health Plan containing short-term and long-term
5 recommendations to provide comprehensive, coordinated mental
6 health prevention, early intervention, and treatment services
7 for children from birth through age 18. This Plan shall include
8 but not be limited to:

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

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

15 (3) Protocols for implementing screening and
16 assessment of children prior to any admission to an
17 inpatient hospital for psychiatric services, pursuant to
18 subsection (a) of Section 5-5.23 of the Illinois Public Aid
19 Code.

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

23 (5) Recommendations for State and local mechanisms for
24 integrating federal, State, and local funding sources for
25 children's mental health.

26 (6) Recommendations for building a qualified and
27 adequately trained workforce prepared to provide mental
28 health services for children from birth through age 18 and
29 their families.

30 (7) Recommendations for facilitating research on best
31 practices and model programs, and dissemination of this
32 information to Illinois policymakers, practitioners, and
33 the general public through training, technical assistance,
34 and educational materials.

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

6 (9) Recommendations for creating a quality-driven
7 children's mental health system with shared accountability
8 among key State agencies and programs that conducts ongoing
9 needs assessments, uses outcome indicators and benchmarks
10 to measure progress, and implements quality data tracking
11 and reporting systems.

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

34 (c) The Partnership shall submit a Preliminary Plan to the

1 Governor on September 30, 2004 and shall submit the Final Plan
2 on June 30, 2005. Thereafter, on September 30 of each year, the
3 Partnership shall submit an annual report to the Governor on
4 the progress of Plan implementation and recommendations for
5 revisions in the Plan. The Final Plan and annual reports
6 submitted in subsequent years shall include estimates of
7 savings achieved in prior fiscal years under subsection (a) of
8 Section 5-5.23 of the Illinois Public Aid Code and federal
9 financial participation received under subsection (b) of
10 Section 5-5.23 of that Code. The Department of Public Aid shall
11 provide technical assistance in developing these estimates and
12 reports.

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

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

16 (705 ILCS 35/2b) (from Ch. 37, par. 72.2b)

17 Sec. 2b.

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

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

1 Section 20. The Juvenile Court Act of 1987 is amended by
2 changing Sections 5-130, 5-705, 5-710, 5-750, 5-815, 5-820,
3 5-901, 5-905, and 5-915 as follows:

4 (705 ILCS 405/5-130)

5 Sec. 5-130. Excluded jurisdiction.

6 (1) (a) The definition of delinquent minor under Section
7 5-120 of this Article shall not apply to any minor who at the
8 time of an offense was at least 15 years of age and who is
9 charged with: (i) first degree murder, (ii) aggravated criminal
10 sexual assault, (iii) aggravated battery with a firearm where
11 the minor personally discharged a firearm as defined in Section
12 2-15.5 of the Criminal Code of 1961, (iv) armed robbery when
13 the armed robbery was committed with a firearm, or (v)
14 aggravated vehicular hijacking when the hijacking was
15 committed with a firearm.

16 These charges and all other charges arising out of the same
17 incident shall be prosecuted under the criminal laws of this
18 State.

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

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

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

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

1 dispositions so prescribed.

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

4 (3) (a) The definition of delinquent minor under Section
5 5-120 of this Article shall not apply to any minor who at the
6 time of the offense was at least 15 years of age and who is
7 charged with a violation of the provisions of paragraph (1),
8 (3), (4), or (10) of subsection (a) of Section 24-1 of the
9 Criminal Code of 1961 while in school, regardless of the time
10 of day or the time of year, or on the real property comprising
11 any school, regardless of the time of day or the time of year.
12 School is defined, for purposes of this Section as any public
13 or private elementary or secondary school, community college,
14 college, or university. These charges and all other charges
15 arising out of the same incident shall be prosecuted under the
16 criminal laws of this State.

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

26 (ii) If before trial or plea an information or indictment
27 is filed that includes one or more charges specified in
28 paragraph (a) of this subsection (3) and additional charges
29 that are not specified in that paragraph, all of the charges
30 arising out of the same incident shall be prosecuted under the
31 criminal laws of this State.

32 (c) (i) If after trial or plea the minor is convicted of
33 any offense covered by paragraph (a) of this subsection (3),
34 then, in sentencing the minor, the court shall have available

1 any or all dispositions prescribed for that offense under
2 Chapter V of the Unified Code of Corrections.

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

33 (4) (a) The definition of delinquent minor under Section
34 5-120 of this Article shall not apply to any minor who at the

1 time of an offense was at least 13 years of age and who is
2 charged with first degree murder committed during the course of
3 either aggravated criminal sexual assault, criminal sexual
4 assault, or aggravated kidnaping. However, this subsection (4)
5 does not include a minor charged with first degree murder based
6 exclusively upon the accountability provisions of the Criminal
7 Code of 1961.

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

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

26 (c) (i) If after trial or plea the minor is convicted of
27 first degree murder committed during the course of aggravated
28 criminal sexual assault, criminal sexual assault, or
29 aggravated kidnaping, in sentencing the minor, the court shall
30 have available any or all dispositions prescribed for that
31 offense under Chapter V of the Unified Code of Corrections.

32 (ii) If the minor was not yet 15 years of age at the time of
33 the offense, and if after trial or plea the court finds that
34 the minor committed an offense other than first degree murder

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

32 (5) (a) The definition of delinquent minor under Section
33 5-120 of this Article shall not apply to any minor who is
34 charged with a violation of subsection (a) of Section 31-6 or

1 Section 32-10 of the Criminal Code of 1961 when the minor is
2 subject to prosecution under the criminal laws of this State as
3 a result of the application of the provisions of Section 5-125,
4 or subsection (1) or (2) of this Section. These charges and all
5 other charges arising out of the same incident shall be
6 prosecuted under the criminal laws of this State.

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

16 (ii) If before trial or plea an information or indictment
17 is filed that includes one or more charges specified in
18 paragraph (a) of this subsection (5) and additional charges
19 that are not specified in that paragraph, all of the charges
20 arising out of the same incident shall be prosecuted under the
21 criminal laws of this State.

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

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

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

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

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

1 (8) Nothing in this Act prohibits or limits the prosecution
2 of any minor for an offense committed on or after his or her
3 17th birthday even though he or she is at the time of the
4 offense a ward of the court.

5 (9) If an original petition for adjudication of wardship
6 alleges the commission by a minor 13 years of age or over of an
7 act that constitutes a crime under the laws of this State, the
8 minor, with the consent of his or her counsel, may, at any time
9 before commencement of the adjudicatory hearing, file with the
10 court a motion that criminal prosecution be ordered and that
11 the petition be dismissed insofar as the act or acts involved
12 in the criminal proceedings are concerned. If such a motion is
13 filed as herein provided, the court shall enter its order
14 accordingly.

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

32 (a) The age of the minor;

33 (b) Any previous delinquent or criminal history of the
34 minor;

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

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

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

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

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

18 (705 ILCS 405/5-705)

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

20 (1) At the sentencing hearing, the court shall determine
21 whether it is in the best interests of the minor or the public
22 that he or she be made a ward of the court, and, if he or she is
23 to be made a ward of the court, the court shall determine the
24 proper disposition best serving the interests of the minor and
25 the public. All evidence helpful in determining these
26 questions, including oral and written reports, may be admitted
27 and may be relied upon to the extent of its probative value,
28 even though not competent for the purposes of the trial. A
29 record of a prior continuance under supervision under Section
30 5-615, whether successfully completed or not, is admissible at
31 the sentencing hearing. No order of commitment to the
32 Department of Juvenile Justice ~~Corrections, Juvenile Division,~~
33 shall be entered against a minor before a written report of

1 social investigation, which has been completed within the
2 previous 60 days, is presented to and considered by the court.

3 (2) Once a party has been served in compliance with Section
4 5-525, no further service or notice must be given to that party
5 prior to proceeding to a sentencing hearing. Before imposing
6 sentence the court shall advise the State's Attorney and the
7 parties who are present or their counsel of the factual
8 contents and the conclusions of the reports prepared for the
9 use of the court and considered by it, and afford fair
10 opportunity, if requested, to controvert them. Factual
11 contents, conclusions, documents and sources disclosed by the
12 court under this paragraph shall not be further disclosed
13 without the express approval of the court.

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

1 order has been made.

2 (4) When commitment to the Department of Juvenile Justice
3 ~~Corrections, Juvenile Division~~, is ordered, the court shall
4 state the basis for selecting the particular disposition, and
5 the court shall prepare such a statement for inclusion in the
6 record.

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

8 (705 ILCS 405/5-710)

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

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

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

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

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

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

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

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

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

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

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

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

1 upon attainment of age 21; this subdivision (viii)
2 notwithstanding any contrary provision of the law; or
3 (ix) ordered to undergo a medical or other
4 procedure to have a tattoo symbolizing allegiance to a
5 street gang removed from his or her body.

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

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

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

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

33 (4) In addition to any other sentence, the court may order
34 any minor found to be delinquent to make restitution, in

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

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

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

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

29 (8) A minor found to be guilty for reasons that include a
30 violation of Section 21-1.3 of the Criminal Code of 1961 shall
31 be ordered to perform community service for not less than 30
32 and not more than 120 hours, if community service is available
33 in the jurisdiction. The community service shall include, but
34 need not be limited to, the cleanup and repair of the damage

1 that was caused by the violation or similar damage to property
2 located in the municipality or county in which the violation
3 occurred. The order may be in addition to any other order
4 authorized by this Section.

5 (8.5) A minor found to be guilty for reasons that include a
6 violation of Section 3.02 or Section 3.03 of the Humane Care
7 for Animals Act or paragraph (d) of subsection (1) of Section
8 21-1 of the Criminal Code of 1961 shall be ordered to undergo
9 medical or psychiatric treatment rendered by a psychiatrist or
10 psychological treatment rendered by a clinical psychologist.
11 The order may be in addition to any other order authorized by
12 this Section.

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

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

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

1 community service shall be performed in the minor's
2 neighborhood. This order shall be in addition to any other
3 order authorized by this Section except for an order to place
4 the minor in the custody of the Department of Juvenile Justice
5 ~~Corrections, Juvenile Division~~. For the purposes of this
6 Section, "organized gang" has the meaning ascribed to it in
7 Section 10 of the Illinois Streetgang Terrorism Omnibus
8 Prevention Act.

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

10 (705 ILCS 405/5-750)

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

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

25 (2) When a minor of the age of at least 13 years is
26 adjudged delinquent for the offense of first degree murder, the
27 court shall declare the minor a ward of the court and order the
28 minor committed to the Department of Juvenile Justice
29 ~~Corrections, Juvenile Division~~, until the minor's 21st
30 birthday, without the possibility of parole, furlough, or
31 non-emergency authorized absence for a period of 5 years from
32 the date the minor was committed to the Department of Juvenile
33 Justice ~~Corrections~~, except that the time that a minor spent in

1 custody for the instant offense before being committed to the
2 Department of Juvenile Justice shall be considered as time
3 credited towards that 5 year period. Nothing in this subsection
4 (2) shall preclude the State's Attorney from seeking to
5 prosecute a minor as an adult as an alternative to proceeding
6 under this Act.

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

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

25 (5) If a minor is committed to the Department of Juvenile
26 Justice ~~Corrections, Juvenile Division~~, the clerk of the court
27 shall forward to the Department:

28 (a) the disposition ordered;

29 (b) all reports;

30 (c) the court's statement of the basis for ordering the
31 disposition; and

32 (d) all additional matters which the court directs the
33 clerk to transmit.

34 (6) Whenever the Department of Juvenile Justice

1 ~~Corrections~~ lawfully discharges from its custody and control a
2 minor committed to it, the ~~Assistant~~ Director of Juvenile
3 Justice Corrections, Juvenile Division, shall petition the
4 court for an order terminating his or her custodianship. The
5 custodianship shall terminate automatically 30 days after
6 receipt of the petition unless the court orders otherwise.

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

8 (705 ILCS 405/5-815)

9 Sec. 5-815. Habitual Juvenile Offender.

10 (a) Definition. Any minor having been twice adjudicated a
11 delinquent minor for offenses which, had he been prosecuted as
12 an adult, would have been felonies under the laws of this
13 State, and who is thereafter adjudicated a delinquent minor for
14 a third time shall be adjudged an Habitual Juvenile Offender
15 where:

16 1. the third adjudication is for an offense occurring
17 after adjudication on the second; and

18 2. the second adjudication was for an offense occurring
19 after adjudication on the first; and

20 3. the third offense occurred after January 1, 1980;
21 and

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

32 Nothing in this Section shall preclude the State's Attorney
33 from seeking to prosecute a minor as an adult as an alternative

1 to prosecution as an habitual juvenile offender.

2 A continuance under supervision authorized by Section
3 5-615 of this Act shall not be permitted under this Section.

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

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

12 The petition upon which such Habitual Juvenile Offender
13 notice is based shall contain the information and averments
14 required for all other delinquency petitions filed under this
15 Act and its service shall be according to the provisions of
16 this Act.

17 No prior adjudication shall be alleged in the petition.

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

21 Except as otherwise provided herein, the provisions of this
22 Act concerning delinquency proceedings generally shall be
23 applicable to Habitual Juvenile Offender proceedings.

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

1 statement. Introduction of such evidence shall be according to
2 the rules and procedures applicable to the impeachment of an
3 adult defendant by prior conviction.

4 After an admission of the facts in the petition or
5 adjudication of delinquency, the State's Attorney may file with
6 the court a verified written statement signed by the State's
7 Attorney concerning any prior adjudication of an offense set
8 forth in subsection (a) of this Section which offense would
9 have been a felony or of any offense that involved dishonesty
10 or false statement had the minor been tried as an adult.

11 The court shall then cause the minor to be brought before
12 it; shall inform him of the allegations of the statement so
13 filed, and of his right to a hearing before the court on the
14 issue of such prior adjudication and of his right to counsel at
15 such hearing; and unless the minor admits such adjudication,
16 the court shall hear and determine such issue, and shall make a
17 written finding thereon.

18 A duly authenticated copy of the record of any such alleged
19 prior adjudication shall be prima facie evidence of such prior
20 adjudication or of any offense that involved dishonesty or
21 false statement.

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

30 (f) Disposition. If the court finds that the prerequisites
31 established in subsection (a) of this Section have been proven,
32 it shall adjudicate the minor an Habitual Juvenile Offender and
33 commit him to the Department of Juvenile Justice Corrections,
34 ~~Juvenile Division~~, until his 21st birthday, without

1 possibility of parole, furlough, or non-emergency authorized
2 absence. However, the minor shall be entitled to earn one day
3 of good conduct credit for each day served as reductions
4 against the period of his confinement. Such good conduct
5 credits shall be earned or revoked according to the procedures
6 applicable to the allowance and revocation of good conduct
7 credit for adult prisoners serving determinate sentences for
8 felonies.

9 For purposes of determining good conduct credit,
10 commitment as an Habitual Juvenile Offender shall be considered
11 a determinate commitment, and the difference between the date
12 of the commitment and the minor's 21st birthday shall be
13 considered the determinate period of his confinement.

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

15 (705 ILCS 405/5-820)

16 Sec. 5-820. Violent Juvenile Offender.

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

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

28 (2) The second offense occurred on or after January 1,
29 1995.

30 (b) Notice to minor. The State shall serve upon the minor
31 written notice of intention to prosecute under the provisions
32 of this Section within 5 judicial days of the filing of a
33 delinquency petition, adjudication upon which would mandate

1 the minor's disposition as a Violent Juvenile Offender.

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

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

10 No prior adjudication shall be alleged in the petition.

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

14 Except as otherwise provided in this Section, the
15 provisions of this Act concerning delinquency proceedings
16 generally shall be applicable to Violent Juvenile Offender
17 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 an adjudicatory hearing provided for under
21 this Section unless otherwise permitted by the issues properly
22 raised in that hearing. In the event the minor who is the
23 subject of these proceedings elects to testify on his or her
24 own behalf, it shall be competent to introduce evidence, for
25 purposes of impeachment, that he or she has previously been
26 adjudicated a delinquent minor upon facts which, had the minor
27 been tried as an adult, would have resulted in the minor's
28 conviction of a felony or of any offense that involved
29 dishonesty or false statement. Introduction of such evidence
30 shall be according to the rules and procedures applicable to
31 the impeachment of an 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 that would have been a
3 felony or of any offense that involved dishonesty or false
4 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 the minor of the allegations of the statement
7 so filed, of his or her right to a hearing before the court on
8 the issue of the prior adjudication and of his or her right to
9 counsel at the hearing; and unless the minor admits the
10 adjudication, the court shall hear and determine the issue, and
11 shall make a written finding of the issue.

12 A duly authenticated copy of the record of any alleged
13 prior adjudication shall be prima facie evidence of the 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 or her conviction of a Class 2 or greater
20 felony involving the use or threat of force or violence, or a
21 firearm, a felony or of any offense that involved dishonesty or
22 false statement is waived unless duly raised at the hearing on
23 the adjudication, or unless the State's Attorney's proof shows
24 that the prior adjudication was not based upon proof of what
25 would have been a felony.

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

1 good conduct credits shall be earned or revoked according to
2 the procedures applicable to the allowance and revocation of
3 good conduct credit for adult prisoners serving determinate
4 sentences for felonies.

5 For purposes of determining good conduct credit,
6 commitment as a Violent Juvenile Offender shall be considered a
7 determinate commitment, and the difference between the date of
8 the commitment and the minor's 21st birthday shall be
9 considered the determinate period of his or her confinement.

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

14 (h) A continuance under supervision authorized by Section
15 5-615 of this Act shall not be permitted under this Section.

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

17 (705 ILCS 405/5-901)

18 Sec. 5-901. Court file.

19 (1) The Court file with respect to proceedings under this
20 Article shall consist of the petitions, pleadings, victim
21 impact statements, process, service of process, orders, writs
22 and docket entries reflecting hearings held and judgments and
23 decrees entered by the court. The court file shall be kept
24 separate from other records of the court.

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

29 (i) A judge of the circuit court and members of the
30 staff of the court designated by the judge;

31 (ii) Parties to the proceedings and their
32 attorneys;

33 (iii) Victims and their attorneys, except in cases

1 of multiple victims of sex offenses in which case the
2 information identifying the nonrequesting victims
3 shall be redacted;

4 (iv) Probation officers, law enforcement officers
5 or prosecutors or their staff;

6 (v) Adult and juvenile Prisoner Review Boards.

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

11 (i) Authorized military personnel;

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

19 (iii) The Secretary of State to whom the Clerk of
20 the Court shall report the disposition of all cases, as
21 required in Section 6-204 or Section 6-205.1 of the
22 Illinois Vehicle Code. However, information reported
23 relative to these offenses shall be privileged and
24 available only to the Secretary of State, courts, and
25 police officers;

26 (iv) The administrator of a bonafide substance
27 abuse student assistance program with the permission
28 of the presiding judge of the juvenile court;

29 (v) Any individual, or any public or private agency
30 or institution, having custody of the juvenile under
31 court order or providing educational, medical or
32 mental health services to the juvenile or a
33 court-approved advocate for the juvenile or any
34 placement provider or potential placement provider as

1 determined by the court.

2 (3) A minor who is the victim or alleged victim in a
3 juvenile proceeding shall be provided the same confidentiality
4 regarding disclosure of identity as the minor who is the
5 subject of record. Information identifying victims and alleged
6 victims of sex offenses, shall not be disclosed or open to
7 public inspection under any circumstances. Nothing in this
8 Section shall prohibit the victim or alleged victim of any sex
9 offense from voluntarily disclosing his or her identity.

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

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

22 (a) The court shall allow the general public to have
23 access to the name, address, and offense of a minor who is
24 adjudicated a delinquent minor under this Act under either
25 of the following circumstances:

26 (i) The adjudication of delinquency was based upon
27 the minor's commission of first degree murder, attempt
28 to commit first degree murder, aggravated criminal
29 sexual assault, or criminal sexual assault; or

30 (ii) The court has made a finding that the minor
31 was at least 13 years of age at the time the act was
32 committed and the adjudication of delinquency was
33 based upon the minor's commission of: (A) an act in
34 furtherance of the commission of a felony as a member

1 of or on behalf of a criminal street gang, (B) an act
2 involving the use of a firearm in the commission of a
3 felony, (C) an act that would be a Class X felony
4 offense under or the minor's second or subsequent Class
5 2 or greater felony offense under the Cannabis Control
6 Act if committed by an adult, (D) an act that would be
7 a second or subsequent offense under Section 402 of the
8 Illinois Controlled Substances Act if committed by an
9 adult, (E) an act that would be an offense under
10 Section 401 of the Illinois Controlled Substances Act
11 if committed by an adult, or (F) an act that would be
12 an offense under the Methamphetamine Control and
13 Community Protection Act if committed by an adult.

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

20 (i) The minor has been convicted of first degree
21 murder, attempt to commit first degree murder,
22 aggravated criminal sexual assault, or criminal sexual
23 assault,

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

1 Controlled Substances Act, (E) an offense under
2 Section 401 of the Illinois Controlled Substances Act,
3 or (F) an offense under the Methamphetamine Control and
4 Community Protection Act.

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

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

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

28 (9) Nothing contained in this Act prevents the sharing or
29 disclosure of information or records relating or pertaining to
30 juveniles subject to the provisions of the Serious Habitual
31 Offender Comprehensive Action Program when that information is
32 used to assist in the early identification and treatment of
33 habitual juvenile offenders.

34 (11) The Clerk of the Circuit Court shall report to the

1 Department of State Police, in the form and manner required by
2 the Department of State Police, the final disposition of each
3 minor who has been arrested or taken into custody before his or
4 her 17th birthday for those offenses required to be reported
5 under Section 5 of the Criminal Identification Act. Information
6 reported to the Department under this Section may be maintained
7 with records that the Department files under Section 2.1 of the
8 Criminal Identification Act.

9 (12) Information or records may be disclosed to the general
10 public when the court is conducting hearings under Section
11 5-805 or 5-810.

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

13 (705 ILCS 405/5-905)

14 Sec. 5-905. Law enforcement records.

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

21 (a) A judge of the circuit court and members of the
22 staff of the court designated by the judge;

23 (b) Law enforcement officers, probation officers or
24 prosecutors or their staff;

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

28 (d) Adult and Juvenile Prisoner Review Boards;

29 (e) Authorized military personnel;

30 (f) Persons engaged in bona fide research, with the
31 permission of the judge of juvenile court and the chief
32 executive of the agency that prepared the particular
33 recording: provided that publication of such research

1 results in no disclosure of a minor's identity and protects
2 the confidentiality of the record;

3 (g) Individuals responsible for supervising or
4 providing temporary or permanent care and custody of minors
5 pursuant to orders of the juvenile court or directives from
6 officials of the Department of Children and Family Services
7 or the Department of Human Services who certify in writing
8 that the information will not be disclosed to any other
9 party except as provided under law or order of court;

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

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

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

29 (4) Nothing in this Section shall prohibit the inspection
30 or disclosure to victims and witnesses of photographs contained
31 in the records of law enforcement agencies when the inspection
32 or disclosure is conducted in the presence of a law enforcement
33 officer for purposes of identification or apprehension of any
34 person in the course of any criminal investigation or

1 prosecution.

2 (5) The records of law enforcement officers concerning all
3 minors under 17 years of age must be maintained separate from
4 the records of adults and may not be open to public inspection
5 or their contents disclosed to the public except by order of
6 the court or when the institution of criminal proceedings has
7 been permitted under Section 5-130 or 5-805 or required under
8 Section 5-130 or 5-805 or such a person has been convicted of a
9 crime and is the subject of pre-sentence investigation or when
10 provided by law.

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

28 (7) Nothing contained in this Section shall prohibit law
29 enforcement agencies when acting in their official capacity
30 from communicating with each other by letter, memorandum,
31 teletype or intelligence alert bulletin or other means the
32 identity or other relevant information pertaining to a person
33 under 17 years of age. The information provided under this
34 subsection (7) shall remain confidential and shall not be

1 publicly disclosed, except as otherwise allowed by law.

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

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

6 (705 ILCS 405/5-915)

7 Sec. 5-915. Expungement of juvenile law enforcement and
8 court records.

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

16 (a) the minor was arrested and no petition for
17 delinquency was filed with the clerk of the circuit court;
18 or

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

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

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

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

1 convictions for any crime since his or her 17th birthday and:

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

3 (b) 5 years have elapsed since all juvenile court
4 proceedings relating to him or her have been terminated or
5 his or her commitment to the Department of Juvenile Justice
6 ~~Corrections, Juvenile Division~~ pursuant to this Act has
7 been terminated;

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

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

25 (2.6) If a minor is charged with an offense and is found
26 not delinquent of that offense; or if a minor is placed under
27 supervision under Section 5-615, and the order of supervision
28 is successfully terminated; or if a minor is adjudicated for an
29 offense that would be a Class B misdemeanor, a Class C
30 misdemeanor, or a business or petty offense if committed by an
31 adult; or if a minor has incidents occurring before his or her
32 17th birthday that have not resulted in proceedings in criminal
33 court, or resulted in proceedings in juvenile court, and the
34 adjudications were not based upon first degree murder or sex

1 offenses that would be felonies if committed by an adult; then
2 at the time of sentencing or dismissal of the case, the judge
3 shall inform the delinquent minor of his or her right to
4 petition for expungement as provided by law, and the clerk of
5 the circuit court shall provide an expungement information
6 packet to the delinquent minor, written in plain language,
7 including a petition for expungement, a sample of a completed
8 petition, expungement instructions that shall include
9 information informing the minor that (i) once the case is
10 expunged, it shall be treated as if it never occurred, (ii) he
11 or she may apply to have petition fees waived, (iii) once he or
12 she obtains an expungement, he or she may not be required to
13 disclose that he or she had a juvenile record, and (iv) he or
14 she may file the petition on his or her own or with the
15 assistance of an attorney. The failure of the judge to inform
16 the delinquent minor of his or her right to petition for
17 expungement as provided by law does not create a substantive
18 right, nor is that failure grounds for: (i) a reversal of an
19 adjudication of delinquency, (ii) a new trial; or (iii) an
20 appeal.

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

31 (2.8) The petition for expungement for subsection (1) shall
32 be substantially in the following form:

33 IN THE CIRCUIT COURT OF, ILLINOIS
34 JUDICIAL CIRCUIT

1 IN THE INTEREST OF) NO.
 2)
 3)
 4)
 5 (Name of Petitioner)

6 PETITION TO EXPUNGE JUVENILE RECORDS
 7 (705 ILCS 405/5-915 (SUBSECTION 1))

8 (Please prepare a separate petition for each offense)

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

17 (Check One:)

18 () a. no petition was filed with the Clerk of the Circuit
 19 Court.

20 () b. was charged with and was found not delinquent of
 21 the offense.

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

24 () d. on placed under supervision pursuant to Section
 25 5-615 of the Juvenile Court Act of 1987 and such order of
 26 supervision successfully terminated on

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

30 Petitioner has has not been arrested on charges in
 31 this or any county other than the charges listed above. If
 32 petitioner has been arrested on additional charges, please list

1 the charges below:

2 Charge(s):

3 Arresting Agency or Agencies:

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

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

10
11 Petitioner (Signature)

12
13 Petitioner's Street Address

14
15 City, State, Zip Code

16
17 Petitioner's Telephone Number

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

22
23 Petitioner (Signature)

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

26 IN THE CIRCUIT COURT OF, ILLINOIS
27 JUDICIAL CIRCUIT

1 IN THE INTEREST OF) NO.
 2)
 3)
 4)
 5 (Name of Petitioner)

6 PETITION TO EXPUNGE JUVENILE RECORDS
 7 (705 ILCS 405/5-915 (SUBSECTION 2))

8 (Please prepare a separate petition for each offense)

9 Now comes, petitioner, and respectfully requests
 10 that this Honorable Court enter an order expunging all Juvenile
 11 Law Enforcement and Court records of petitioner and in support
 12 thereof states that:

13 The incident for which the Petitioner seeks expungement
 14 occurred before the Petitioner's 17th birthday and did not
 15 result in proceedings in criminal court and the Petitioner has
 16 not had any convictions for any crime since his/her 17th
 17 birthday; and

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

24 Petitioner was arrested on by the Police
 25 Department for the offense of, and:

26 (Check whichever one occurred the latest:)

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

29 () b. 5 years have elapsed since all juvenile court
 30 proceedings relating to the Petitioner have been terminated; or
 31 the Petitioner's commitment to the Department of Juvenile
 32 Justice Corrections, ~~Juvenile Division,~~ pursuant to the

1 expungement of juvenile law enforcement and court records
 2 provisions of the Juvenile Court Act of 1987 has been
 3 terminated. Petitioner ...has ...has not been arrested on
 4 charges in this or any other county other than the charge
 5 listed above. If petitioner has been arrested on additional
 6 charges, please list the charges below:

7 Charge(s):

8 Arresting Agency or Agencies:

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

10 WHEREFORE, the petitioner respectfully requests this Honorable
 11 Court to (1) order all law enforcement agencies to expunge all
 12 records of petitioner related to this incident, and (2) to
 13 order the Clerk of the Court to expunge all records concerning
 14 the petitioner regarding this incident.

15

16 Petitioner (Signature)

17

18 Petitioner's Street Address

19

20 City, State, Zip Code

21

22 Petitioner's Telephone Number

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

27

28 Petitioner (Signature)

29 (3) The chief judge of the circuit in which an arrest was
 30 made or a charge was brought or any judge of that circuit

1 designated by the chief judge may, upon verified petition of a
2 person who is the subject of an arrest or a juvenile court
3 proceeding under subsection (1) or (2) of this Section, order
4 the law enforcement records or official court file, or both, to
5 be expunged from the official records of the arresting
6 authority, the clerk of the circuit court and the Department of
7 State Police. The person whose records are to be expunged shall
8 petition the court using the appropriate form containing his or
9 her current address and shall promptly notify the clerk of the
10 circuit court of any change of address. Notice of the petition
11 shall be served upon the State's Attorney or prosecutor charged
12 with the duty of prosecuting the offense, the Department of
13 State Police, and the arresting agency or agencies by the clerk
14 of the circuit court. If an objection is filed within 90 days
15 of the notice of the petition, the clerk of the circuit court
16 shall set a date for hearing after the 90 day objection period.
17 At the hearing the court shall hear evidence on whether the
18 expungement should or should not be granted. Unless the State's
19 Attorney or prosecutor, the Department of State Police, or an
20 arresting agency objects to the expungement within 90 days of
21 the notice, the court may enter an order granting expungement.
22 The person whose records are to be expunged shall pay the clerk
23 of the circuit court a fee equivalent to the cost associated
24 with expungement of records by the clerk and the Department of
25 State Police. The clerk shall forward a certified copy of the
26 order to the Department of State Police, the appropriate
27 portion of the fee to the Department of State Police for
28 processing, and deliver a certified copy of the order to the
29 arresting agency. ▬

30 (3.1) The Notice of Expungement shall be in substantially
31 the following form:

32 IN THE CIRCUIT COURT OF, ILLINOIS

33 JUDICIAL CIRCUIT

1 IN THE INTEREST OF) NO.
 2)
 3)
 4)
 5 (Name of Petitioner)

6 NOTICE

7 TO: State's Attorney

8 TO: Arresting Agency

9
 10
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15 TO: Illinois State Police

16
 17
 18
 19

20 ATTENTION: Expungement

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

26

27 Petitioner's Signature

28

29 Petitioner's Street Address

30

31 City, State, Zip Code

32

33 Petitioner's Telephone Number

1 PROOF OF SERVICE

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

5 (Check One:)

6 delivering copies personally to each entity to whom they are
7 directed;

8 or

9 by mailing copies to each entity to whom they are directed by
10 depositing the same in the U.S. Mail, proper postage fully
11 prepaid, before the hour of 5:00 p.m., at the United States
12 Postal Depository located at

13

14

15 Signature

16 Clerk of the Circuit Court or Deputy Clerk

17 Printed Name of Delinquent Minor/Petitioner:

18 Address:

19 Telephone Number:

20 (3.2) The Order of Expungement shall be in substantially
21 the following form:

22 IN THE CIRCUIT COURT OF, ILLINOIS

23 JUDICIAL CIRCUIT

24 IN THE INTEREST OF) NO.

25)

26)

27)

28 (Name of Petitioner)

29 DOB

30 Arresting Agency/Agencies

31 ORDER OF EXPUNGEMENT

32 (705 ILCS 405/5-915 (SUBSECTION 3))

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

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

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

11 Law Enforcement Agencies:
12
13

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

16 ENTER:

17
18 JUDGE

19 DATED:

20 Name:

21 Attorney for:

22 Address: City/State/Zip:

23 Attorney Number:

24 (3.3) The Notice of Objection shall be in substantially the
25 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 OF OBJECTION

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TO:(Attorney, Public Defender, Minor)

.....
.....

TO:(Illinois State Police)

.....
.....

TO:(Clerk of the Court)

.....
.....

TO:(Judge)

.....
.....

TO:(Arresting Agency/Agencies)

.....
.....

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

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

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

DATED:

Name:

Attorney For:

Address:

City/State/Zip:

Telephone:

Attorney No.:

1 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

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

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

7 A copy of this completed Notice of Objection containing the
8 court date, time, and location, has been sent via regular U.S.
9 Mail to the following entities. (If more than one Notice of
10 Objection is received on the same case, each one must be
11 completed with the court date, time and location and mailed to
12 the following entities):

13 () Attorney, Public Defender or Minor;

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; and

18 () Arresting agency or agencies.

19 Date:

20 Initials of Clerk completing this section:

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

26 (5) Records which have not been expunged are sealed, and
27 may be obtained only under the provisions of Sections 5-901,
28 5-905 and 5-915.

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

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

5 (b) The State Appellate Defender shall develop brochures,
6 pamphlets, and other materials in printed form and through the
7 agency's World Wide Web site. The pamphlets and other materials
8 shall include at a minimum the following information:

9 (i) An explanation of the State's juvenile expungement
10 process;

11 (ii) The circumstances under which juvenile
12 expungement may occur;

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

14 (iv) The steps necessary to initiate and complete the
15 juvenile expungement process; and

16 (v) Directions on how to contact the State Appellate
17 Defender.

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

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

33 (e) This Section shall be implemented from funds
34 appropriated by the General Assembly to the State Appellate

1 Defender for this purpose. The State Appellate Defender shall
2 employ the necessary staff and adopt the necessary rules for
3 implementation of this Section.

4 (8) (a) Except with respect to law enforcement agencies, the
5 Department of Corrections, State's Attorneys, or other
6 prosecutors, an expunged juvenile record may not be considered
7 by any private or public entity in employment matters,
8 certification, licensing, revocation of certification or
9 licensure, or registration. Applications for employment must
10 contain specific language that states that the applicant is not
11 obligated to disclose expunged juvenile records of conviction
12 or arrest. Employers may not ask if an applicant has had a
13 juvenile record expunged. Effective January 1, 2005, the
14 Department of Labor shall develop a link on the Department's
15 website to inform employers that employers may not ask if an
16 applicant had a juvenile record expunged and that application
17 for employment must contain specific language that states that
18 the applicant is not obligated to disclose expunged juvenile
19 records of arrest or conviction.

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

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

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

29 (725 ILCS 120/4.5)

30 Sec. 4.5. Procedures to implement the rights of crime
31 victims. To afford crime victims their rights, law enforcement,
32 prosecutors, judges and corrections will provide information,

1 as appropriate of the following procedures:

2 (a) At the request of the crime victim, law enforcement
3 authorities investigating the case shall provide notice of the
4 status of the investigation, except where the State's Attorney
5 determines that disclosure of such information would
6 unreasonably interfere with the investigation, until such time
7 as the alleged assailant is apprehended or the investigation is
8 closed.

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

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

14 (2) shall provide notice of the date, time, and place
15 of trial;

16 (3) or victim advocate personnel shall provide
17 information of social services and financial assistance
18 available for victims of crime, including information of
19 how to apply for these services and assistance;

20 (4) shall assist in having any stolen or other personal
21 property held by law enforcement authorities for
22 evidentiary or other purposes returned as expeditiously as
23 possible, pursuant to the procedures set out in Section
24 115-9 of the Code of Criminal Procedure of 1963;

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

30 (6) shall provide information whenever possible, of a
31 secure waiting area during court proceedings that does not
32 require victims to be in close proximity to defendant or
33 juveniles accused of a violent crime, and their families
34 and friends;

1 (7) shall provide notice to the crime victim of the
2 right to have a translator present at all court
3 proceedings;

4 (8) in the case of the death of a person, which death
5 occurred in the same transaction or occurrence in which
6 acts occurred for which a defendant is charged with an
7 offense, shall notify the spouse, parent, child or sibling
8 of the decedent of the date of the trial of the person or
9 persons allegedly responsible for the death;

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

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

26 (11) shall request restitution at sentencing and shall
27 consider restitution in any plea negotiation, as provided
28 by law.

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

31 (1) provide notice a reasonable time in advance of the
32 following court proceedings: preliminary hearing, any
33 hearing the effect of which may be the release of defendant
34 from custody, or to alter the conditions of bond and the

1 sentencing hearing. The crime victim shall also be notified
2 of the cancellation of the court proceeding in sufficient
3 time, wherever possible, to prevent an unnecessary
4 appearance in court;

5 (2) provide notice within a reasonable time after
6 receipt of notice from the custodian, of the release of the
7 defendant on bail or personal recognizance or the release
8 from detention of a minor who has been detained for a
9 violent crime;

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

13 (4) where practical, consult with the crime victim
14 before the Office of the State's Attorney makes an offer of
15 a plea bargain to the defendant or enters into negotiations
16 with the defendant concerning a possible plea agreement,
17 and shall consider the written victim impact statement, if
18 prepared prior to entering into a plea agreement;

19 (5) provide notice of the ultimate disposition of the
20 cases arising from an indictment or an information, or a
21 petition to have a juvenile adjudicated as a delinquent for
22 a violent crime;

23 (6) provide notice of any appeal taken by the defendant
24 and information on how to contact the appropriate agency
25 handling the appeal;

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

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

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

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

30 (3) In the event of an escape from State custody, the
31 Department of Corrections or the Department of Juvenile
32 Justice immediately shall notify the Prisoner Review Board
33 of the escape and the Prisoner Review Board shall notify
34 the victim. The notification shall be based upon the most

1 recent information as to the victim's residence or other
2 location available to the Board. When no such information
3 is available, the Board shall make all reasonable efforts
4 to obtain the information and make the notification. When
5 the escapee is apprehended, the Department of Corrections
6 or the Department of Juvenile Justice immediately shall
7 notify the Prisoner Review Board and the Board shall notify
8 the victim.

9 (4) The victim of the crime for which the prisoner has
10 been sentenced shall receive reasonable written notice not
11 less than 15 days prior to the parole hearing and may
12 submit, in writing, on film, videotape or other electronic
13 means or in the form of a recording or in person at the
14 parole hearing or if a victim of a violent crime, by
15 calling the toll-free number established in subsection (f)
16 of this Section, information for consideration by the
17 Prisoner Review Board. The victim shall be notified within
18 7 days after the prisoner has been granted parole and shall
19 be informed of the right to inspect the registry of parole
20 decisions, established under subsection (g) of Section
21 3-3-5 of the Unified Code of Corrections. The provisions of
22 this paragraph (4) are subject to the Open Parole Hearings
23 Act.

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

28 (6) At the written request of the victim of the crime
29 for which the prisoner was sentenced, the Prisoner Review
30 Board shall notify the victim of the death of the prisoner
31 if the prisoner died while on parole or mandatory
32 supervised release.

33 (7) When a defendant who has been committed to the
34 Department of Corrections, the Department of Juvenile

1 Justice, or the Department of Human Services is released or
2 discharged and subsequently committed to the Department of
3 Human Services as a sexually violent person and the victim
4 had requested to be notified by the releasing authority of
5 the defendant's discharge from State custody, the
6 releasing authority shall provide to the Department of
7 Human Services such information that would allow the
8 Department of Human Services to contact the victim.

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

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

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

26 (725 ILCS 120/5) (from Ch. 38, par. 1405)

27 Sec. 5. Rights of Witnesses.

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

30 (1) to be notified by the Office of the State's
31 Attorney of all court proceedings at which the witness'
32 presence is required in a reasonable amount of time prior
33 to the proceeding, and to be notified of the cancellation

1 of any scheduled court proceeding in sufficient time to
2 prevent an unnecessary appearance in court, where
3 possible;

4 (2) to be provided with appropriate employer
5 intercession services by the Office of the State's Attorney
6 or the victim advocate personnel to ensure that employers
7 of witnesses will cooperate with the criminal justice
8 system in order to minimize an employee's loss of pay and
9 other benefits resulting from court appearances;

10 (3) to be provided, whenever possible, a secure waiting
11 area during court proceedings that does not require
12 witnesses to be in close proximity to defendants and their
13 families and friends;

14 (4) to be provided with notice by the Office of the
15 State's Attorney, where necessary, of the right to have a
16 translator present whenever the witness' presence is
17 required.

18 (b) At the written request of the witness, the witness
19 shall:

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

27 (2) receive notice by the releasing authority of the
28 defendant's discharge from State custody if the defendant
29 was committed to the Department of Human Services under
30 Section 5-2-4 or any other provision of the Unified Code of
31 Corrections;

32 (3) receive notice from the Prisoner Review Board of
33 the prisoner's escape from State custody, after the Board
34 has been notified of the escape by the Department of

1 Corrections or the Department of Juvenile Justice; when the
2 escapee is apprehended, the Department of Corrections or
3 the Department of Juvenile Justice shall immediately
4 notify the Prisoner Review Board and the Board shall notify
5 the witness;

6 (4) receive notice from the Prisoner Review Board of
7 the prisoner's release on parole, electronic detention,
8 work release or mandatory supervised release and of the
9 prisoner's final discharge from parole, electronic
10 detention, work release, or mandatory supervised release.

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

12 (725 ILCS 120/8.5)

13 Sec. 8.5. Statewide victim and witness notification
14 system.

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

24 (b) The Illinois Department of Corrections, the Department
25 of Juvenile Justice, the Department of Human Services, and the
26 Prisoner Review Board shall cooperate with the Attorney General
27 in the implementation of this Section and shall provide
28 information as necessary to the effective operation of the
29 system.

30 (c) State's attorneys, circuit court clerks, and local law
31 enforcement and correctional authorities may enter into
32 agreements with the Attorney General for participation in the
33 system. The Attorney General may provide those who elect to

1 participate with the equipment, software, or training
2 necessary to bring their offices into the system.

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

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

10 (f) The Attorney General shall adopt rules as necessary to
11 implement this Section. The rules shall include, but not be
12 limited to, provisions for the scope and operation of any
13 system the Attorney General may establish and procedures,
14 requirements, and standards for entering into agreements to
15 participate in the system and to receive equipment, software,
16 or training.

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

25 (1) The Committee shall consult with and advise the
26 Attorney General as to the exercise of the Attorney
27 General's authority under this Section, including, but not
28 limited to:

29 (i) the design, scope, and operation of the
30 notification system;

31 (ii) the content of any rules adopted to implement
32 this Section;

33 (iii) the procurement of hardware, software, and
34 support for the system, including choice of supplier or

1 operator; and

2 (iv) the acceptance of agreements with and the
3 award of equipment, software, or training to officials
4 that seek to participate in the system.

5 (2) The Committee shall review the status and operation
6 of the system and report any findings and recommendations
7 for changes to the Attorney General and the General
8 Assembly by November 1 of each year.

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

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

14 (725 ILCS 120/9) (from Ch. 38, par. 1408)

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

1 failure grant the defendant the right to seek a continuance.

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

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

5 (725 ILCS 207/15)

6 Sec. 15. Sexually violent person petition; contents;
7 filing.

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

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

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

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

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

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

2 (A) The person has been convicted of a sexually
3 violent offense;

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

6 (C) The person has been found not guilty of a
7 sexually violent offense by reason of insanity, mental
8 disease, or mental defect.

9 (2) (Blank).

10 (3) (Blank).

11 (4) The person has a mental disorder.

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

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

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

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

25 (A) from a Department of Juvenile Justice
26 ~~Corrections~~ juvenile correctional facility if the
27 person was placed in the facility for being adjudicated
28 delinquent under Section 5-20 of the Juvenile Court Act
29 of 1987 or found guilty under Section 5-620 of that Act
30 on the basis of a sexually violent offense; or

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

33 (c) A petition filed under this Section shall state with
34 particularity essential facts to establish probable cause to

1 believe the person is a sexually violent person. If the
2 petition alleges that a sexually violent offense or act that is
3 a basis for the allegation under paragraph (b)(1) of this
4 Section was an act that was sexually motivated as provided
5 under paragraph (e)(2) of Section 5 of this Act, the petition
6 shall state the grounds on which the offense or act is alleged
7 to be sexually motivated.

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

10 (1) The circuit court for the county in which the
11 person was convicted of a sexually violent offense,
12 adjudicated delinquent for a sexually violent offense or
13 found not guilty of a sexually violent offense by reason of
14 insanity, mental disease or mental defect.

15 (2) The circuit court for the county in which the
16 person is in custody under a sentence, a placement to a
17 Department of Corrections correctional facility or a
18 Department of Juvenile Justice juvenile correctional
19 facility, or a commitment order.

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

22 (725 ILCS 207/75)

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

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

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

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

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

1 (b) If the court places a civilly committed sexually
2 violent person on conditional release under Section 40 or 60 of
3 this Act or discharges a person under Section 65, or if a
4 detainee or civilly committed sexually violent person escapes,
5 dies, or is subject to any court-ordered change in custody
6 status of the detainee or sexually violent person, the
7 Department shall make a reasonable attempt, if he or she can be
8 found, to notify all of the following who have requested
9 notification under this Act or under the Rights of Crime
10 Victims and Witnesses Act:

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

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

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

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

18 (2) The Department of Corrections or the Department of
19 Juvenile Justice.

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

1 notification, to the Department of Corrections or the
2 Department of Juvenile Justice and the last-known address of
3 the person notified under paragraph (b) (1) of this Section.

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

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

19 Section 25. The Unified Code of Corrections is amended by
20 adding Article 2.5 to Chapter III and by changing Sections
21 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,
22 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,
23 3-9-6, 3-9-7, 3-10-1, 3-10-2, 3-10-3, 3-10-4, 3-10-5, 3-10-6,
24 3-10-7, 3-10-8, 3-10-9, 3-10-10, 3-10-11, 3-10-12, 3-10-13,
25 3-15-2, 3-16-5, and 5-8-6 and the heading of Article 9 of
26 Chapter III as follows:

27 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

28 Sec. 3-1-2. Definitions.

29 (a) "Chief Administrative Officer" means the person
30 designated by the Director to exercise the powers and duties of
31 the Department of Corrections in regard to committed persons
32 within a correctional institution or facility, and includes the

1 superintendent of any juvenile institution or facility.

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

6 (i) A violation of any of the following Sections of the
7 Criminal Code of 1961: 10-7 (aiding and abetting child
8 abduction under Section 10-5(b)(10)), 10-5(b)(10) (child
9 luring), 11-6 (indecent solicitation of a child), 11-6.5
10 (indecent solicitation of an adult), 11-15.1 (soliciting
11 for a juvenile prostitute), 11-17.1 (keeping a place of
12 juvenile prostitution), 11-18.1 (patronizing a juvenile
13 prostitute), 11-19.1 (juvenile pimping), 11-19.2
14 (exploitation of a child), 11-20.1 (child pornography),
15 12-14.1 (predatory criminal sexual assault of a child), or
16 12-33 (ritualized abuse of a child). An attempt to commit
17 any of these offenses.

18 (ii) A violation of any of the following Sections of
19 the Criminal Code of 1961: 12-13 (criminal sexual assault),
20 12-14 (aggravated criminal sexual assault), 12-16
21 (aggravated criminal sexual abuse), and subsection (a) of
22 Section 12-15 (criminal sexual abuse). An attempt to commit
23 any of these offenses.

24 (iii) A violation of any of the following Sections of
25 the Criminal Code of 1961 when the defendant is not a
26 parent of the victim:

27 10-1 (kidnapping),
28 10-2 (aggravated kidnapping),
29 10-3 (unlawful restraint),
30 10-3.1 (aggravated unlawful restraint).

31 An attempt to commit any of these offenses.

32 (iv) A violation of any former law of this State
33 substantially equivalent to any offense listed in this
34 subsection (a-5).

1 An offense violating federal law or the law of another
2 state that is substantially equivalent to any offense listed in
3 this subsection (a-5) shall constitute a sex offense for the
4 purpose of this subsection (a-5). A finding or adjudication as
5 a sexually dangerous person under any federal law or law of
6 another state that is substantially equivalent to the Sexually
7 Dangerous Persons Act shall constitute an adjudication for a
8 sex offense for the purposes of this subsection (a-5).

9 (b) "Commitment" means a judicially determined placement
10 in the custody of the Department of Corrections on the basis of
11 delinquency or conviction.

12 (c) "Committed Person" is a person committed to the
13 Department, however a committed person shall not be considered
14 to be an employee of the Department of Corrections for any
15 purpose, including eligibility for a pension, benefits, or any
16 other compensation or rights or privileges which may be
17 provided to employees of the Department.

18 (d) "Correctional Institution or Facility" means any
19 building or part of a building where committed persons are kept
20 in a secured manner.

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

28 (f) In the case of functions performed before the effective
29 date of this amendatory Act of the 94th General Assembly,
30 "Director" means the Director of the Department of Corrections.
31 In the case of functions performed on or after the effective
32 date of this amendatory Act of the 94th General Assembly,
33 "Director" has the meaning ascribed to it in subsection (f-5).

34 (f-5) In the case of functions performed on or after the

1 effective date of this amendatory Act of the 94th General
2 Assembly, references to "Department" or "Director" refer to
3 either the Department of Corrections or the Director of
4 Corrections or to the Department of Juvenile Justice or the
5 Director of Juvenile Justice unless the context is specific to
6 the Department of Juvenile Justice or the Director of Juvenile
7 Justice.

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

10 (h) "Discipline" means the rules and regulations for the
11 maintenance of order and the protection of persons and property
12 within the institutions and facilities of the Department and
13 their enforcement.

14 (i) "Escape" means the intentional and unauthorized
15 absence of a committed person from the custody of the
16 Department.

17 (j) "Furlough" means an authorized leave of absence from
18 the Department of Corrections for a designated purpose and
19 period of time.

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

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

1 by the Illinois Parole and Pardon Board.

2 (m) Whenever medical treatment, service, counseling, or
3 care is referred to in this Unified Code of Corrections, such
4 term may be construed by the Department or Court, within its
5 discretion, to include treatment, service or counseling by a
6 Christian Science practitioner or nursing care appropriate
7 therewith whenever request therefor is made by a person subject
8 to the provisions of this Act.

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

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

13 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

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

15 (1) In addition to the powers, duties and responsibilities
16 which are otherwise provided by law, the Department shall have
17 the following powers:

18 (a) To accept persons committed to it by the courts of
19 this State for care, custody, treatment and
20 rehabilitation, and to accept federal prisoners and aliens
21 over whom the Office of the Federal Detention Trustee is
22 authorized to exercise the federal detention function for
23 limited purposes and periods of time.

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

1 making appropriate treatment available to such persons;
2 the Department shall report to the General Assembly on such
3 plan not later than April 1, 1987. The maintenance and
4 implementation of such plan shall be contingent upon the
5 availability of funds.

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

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

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

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

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

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

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

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

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

1 prisoner.

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

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

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

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

1 persons or where the exercise of such power is necessary to
2 the investigation of such misconduct or violations.

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

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

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

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

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

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

33 (o) To administer the distribution of funds from the
34 State Treasury to reimburse counties where State penal

1 institutions are located for the payment of assistant
2 state's attorneys' salaries under Section 4-2001 of the
3 Counties Code.

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

9 (q) To establish a diversion program.

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

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

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

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

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

27 (4) Each participant shall:

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

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

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

34 (5) Each participant shall complete community

1 service in addition to employment.

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

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

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

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

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

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

31 (i) are members of a criminal streetgang;

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

1 leadership; and

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

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

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

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

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

32 (u) To establish a Women's and Children's Pre-release
33 Community Supervision Program for the purpose of providing
34 housing and services to eligible female inmates, as

1 determined by the Department, and their newborn and young
2 children.

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

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

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

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

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

26 (730 ILCS 5/3-2-5) (from Ch. 38, par. 1003-2-5)

27 Sec. 3-2-5. Organization of the Department of Corrections
28 and the Department of Juvenile Justice.

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

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

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

23 (c) The Department shall create a gang intelligence unit
24 under the supervision of the Director. The unit shall be
25 specifically designed to gather information regarding the
26 inmate gang population, monitor the activities of gangs, and
27 prevent the furtherance of gang activities through the
28 development and implementation of policies aimed at deterring
29 gang activity. The Director shall appoint a Corrections
30 Intelligence Coordinator.

31 All information collected and maintained by the unit shall
32 be highly confidential, and access to that information shall be
33 restricted by the Department. The information shall be used to
34 control and limit the activities of gangs within correctional

1 institutions under the jurisdiction of the Illinois Department
2 of Corrections and may be shared with other law enforcement
3 agencies in order to curb gang activities outside of
4 correctional institutions under the jurisdiction of the
5 Department and to assist in the investigations and prosecutions
6 of gang activity. The Department shall establish and promulgate
7 rules governing the release of information to outside law
8 enforcement agencies. Due to the highly sensitive nature of the
9 information, the information is exempt from requests for
10 disclosure under the Freedom of Information Act as the
11 information contained is highly confidential and may be harmful
12 if disclosed.

13 The Department shall file an annual report with the General
14 Assembly on the profile of the inmate population associated
15 with gangs, gang-related activity within correctional
16 institutions under the jurisdiction of the Department, and an
17 overall status of the unit as it relates to its function and
18 performance.

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

20 (730 ILCS 5/3-2-6) (from Ch. 38, par. 1003-2-6)

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

1 their terms as appointed, and thereafter members shall be
2 appointed by the Governor to terms of 6 years. Any vacancy
3 occurring shall be filled in the same manner for the remainder
4 of the term. The Director of Corrections and the Assistant
5 Directors, ~~Adult and Juvenile Divisions respectively, for the 2~~
6 ~~Boards,~~ shall be ex-officio members of the Boards. Each Board
7 shall elect a chairman from among its appointed members. The
8 Director shall serve as secretary of each Board. Members of
9 each Board shall serve without compensation but shall be
10 reimbursed for expenses necessarily incurred in the
11 performance of their duties. The ~~Each~~ Board shall meet
12 quarterly and at other times at the call of the chairman. ~~At~~
13 ~~the request of the Director, the Boards may meet together.~~

14 (b) The Boards shall advise the Director concerning policy
15 matters and programs of the Department with regard to the
16 custody, care, study, discipline, training and treatment of
17 persons in the State correctional institutions and for the care
18 and supervision of persons released on parole.

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

28 The Subcommittee shall advise the ~~Adult~~ Advisory Board and
29 the Director on all policy matters and programs of the
30 Department with regard to the custody, care, study, discipline,
31 training and treatment of women in the State correctional
32 institutions and for the care and supervision of women released
33 on parole.

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

1 (730 ILCS 5/Ch. III Art. 2.5 heading new)

2 ARTICLE 2.5. DEPARTMENT OF JUVENILE JUSTICE

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

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

6 (730 ILCS 5/3-2.5-5 new)

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

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

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

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

24 "Department" means the Department of Juvenile Justice.

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

1 (730 ILCS 5/3-2.5-15 new)

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

4 (a) The Department of Juvenile Justice shall assume the
5 rights, powers, duties, and responsibilities of the Juvenile
6 Division of the Department of Corrections. Personnel, books,
7 records, property, and unencumbered appropriations pertaining
8 to the Juvenile Division of the Department of Corrections shall
9 be transferred to the Department of Juvenile Justice on the
10 effective date of this amendatory Act of the 94th General
11 Assembly. Any rights of employees or the State under the
12 Personnel Code or any other contract or plan shall be
13 unaffected by this transfer.

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

33 (c) Subsection (b) of this Section does not apply to

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

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

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

25 (f) The Department of Juvenile Justice may enter into
26 intergovernmental cooperation agreements under which minors
27 adjudicated delinquent and committed to the Department of
28 Juvenile Justice may participate in county juvenile impact
29 incarceration programs established under Section 3-6039 of the
30 Counties Code.

31 (730 ILCS 5/3-2.5-20 new)

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

33 (a) In addition to the powers, duties, and responsibilities

1 which are otherwise provided by law or transferred to the
2 Department as a result of this Article, the Department, as
3 determined by the Director, shall have, but are not limited to,
4 the following rights, powers, functions and duties:

5 (1) To accept juveniles committed to it by the courts
6 of this State for care, custody, treatment, and
7 rehabilitation.

8 (2) To maintain and administer all State juvenile
9 correctional institutions previously under the control of
10 the Juvenile and Women's & Children Divisions of the
11 Department of Corrections, and to establish and maintain
12 institutions as needed to meet the needs of the youth
13 committed to its care.

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

22 (4) To establish and provide transitional and
23 post-release treatment programs for juveniles committed to
24 the Department. Services shall include but are not limited
25 to:

26 (i) family and individual counseling and treatment
27 placement;

28 (ii) referral services to any other State or local
29 agencies;

30 (iii) mental health services;

31 (iv) educational services;

32 (v) family counseling services; and

33 (vi) substance abuse services.

34 (5) To access vital records of juveniles for the

1 purposes of providing necessary documentation for
2 transitional services such as obtaining identification,
3 educational enrollment, employment, and housing.

4 (6) To develop staffing and workload standards and
5 coordinate staff development and training appropriate for
6 juvenile populations.

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

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

15 (730 ILCS 5/3-2.5-30 new)

16 Sec. 3-2.5-30. Discontinued Department and office;
17 successor agency.

18 (a) The Juvenile Division of the Department of Corrections
19 is abolished on the effective date of this amendatory Act of
20 the 94th General Assembly.

21 (b) The term of the person then serving as the Assistant
22 Director of the Juvenile Division of the Department of
23 Corrections shall end on the effective date of this amendatory
24 Act of the 94th General Assembly, and that office is abolished
25 on that date.

26 (c) For the purposes of the Successor Agency Act, the
27 Department of Juvenile Justice is declared to be the successor
28 agency of the Juvenile Division of the Department of
29 Corrections.

30 (730 ILCS 5/3-2.5-35 new)

31 Sec. 3-2.5-35. Transfer of powers. Except as otherwise
32 provided in this Article, all of the rights, powers, duties,

1 and functions vested by law in the Juvenile Division of the
2 Department of Corrections are transferred to the Department of
3 Juvenile Justice on the effective date of this amendatory Act
4 of the 94th General Assembly.

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

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

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

15 (b) The rights of State employees, the State, and its
16 agencies under the Personnel Code and applicable collective
17 bargaining agreements and retirement plans are not affected by
18 this Article. Any rights of State employees affected by this
19 Article shall be governed by the existing collective bargaining
20 agreements.

21 (730 ILCS 5/3-2.5-40.1 new)

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

1 (730 ILCS 5/3-2.5-45 new)

2 Sec. 3-2.5-45. Transfer of property. All books, records,
3 documents, property (real and personal), unexpended
4 appropriations, and pending business pertaining to the rights,
5 powers, duties, and functions transferred to the Department of
6 Juvenile Justice under this Article shall be transferred and
7 delivered to the Department of Juvenile Justice on the
8 effective date of this amendatory Act of the 94th General
9 Assembly.

10 (730 ILCS 5/3-2.5-50 new)

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

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

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

32 (c) As soon as practical after the effective date of this
33 amendatory Act of the 94th General Assembly, the Department of

1 Juvenile Justice shall revise and clarify the rules transferred
2 to it under this Article to reflect the reorganization of
3 rights, powers, duties, and functions effected by this Article
4 using the procedures for recodification of rules available
5 under the Illinois Administrative Procedure Act, except that
6 existing title, part, and section numbering for the affected
7 rules may be retained. The Department may propose and adopt
8 under the Illinois Administrative Procedure Act such other
9 rules as may be necessary to consolidate and clarify the rules
10 of the agency reorganized by this Article.

11 (730 ILCS 5/3-2.5-60 new)

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

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

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

32 (c) The transfer of rights, powers, duties, and functions
33 to the Department of Juvenile Justice under this Article does

1 not affect any person's rights, obligations, or duties,
2 including any civil or criminal penalties applicable thereto,
3 arising out of those transferred rights, powers, duties, and
4 functions.

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

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

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

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

32 (730 ILCS 5/3-2.5-65 new)

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

1 (a) There is created a Juvenile Advisory Board composed of
2 11 persons, appointed by the Governor to advise the Director on
3 matters pertaining to juvenile offenders. The members of the
4 Board shall be qualified for their positions by demonstrated
5 interest in and knowledge of juvenile correctional work
6 consistent with the definition of purpose and mission of the
7 Department in Section 3-2.5-5 and shall not be officials of the
8 State in any other capacity. The members under this amendatory
9 Act of the 94th General Assembly shall be appointed as soon as
10 possible after the effective date of this amendatory Act of the
11 94th General Assembly and be appointed to staggered terms 3
12 each expiring in 2007, 2008, and 2009 and 2 of the members'
13 terms expiring in 2010. Thereafter all members will serve for a
14 term of 6 years, except that members shall continue to serve
15 until their replacements are appointed. Any vacancy occurring
16 shall be filled in the same manner for the remainder of the
17 term. The Director of Juvenile Justice shall be an ex officio
18 member of the Board. The Board shall elect a chair from among
19 its appointed members. The Director shall serve as secretary of
20 the Board. Members of the Board shall serve without
21 compensation but shall be reimbursed for expenses necessarily
22 incurred in the performance of their duties. The Board shall
23 meet quarterly and at other times at the call of the chair.

24 (b) The Board shall:

25 (1) Advise the Director concerning policy matters and
26 programs of the Department with regard to the custody,
27 care, study, discipline, training, and treatment of
28 juveniles in the State juvenile correctional institutions
29 and for the care and supervision of juveniles released on
30 parole.

31 (2) Establish, with the Director and in conjunction
32 with the Office of the Governor, outcome measures for the
33 Department in order to ascertain that it is successfully
34 fulfilling the mission mandated in Section 3-2.5-5 of this

1 Code. The annual results of the Department's work as
2 defined by those measures shall be approved by the Board
3 and shall be included in an annual report transmitted to
4 the Governor and General Assembly jointly by the Director
5 and the Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (4) a parole progress report;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (C) For those subject to sex offender supervision
17 under clause (d) (4) of Section 5-8-1 of this Code, the
18 reconfinement period for violations of clauses (a) (3)
19 through (b-1) (15) of Section 3-3-7 shall not exceed 2
20 years from the date of reconfinement.

21 (ii) the person shall be given credit against the
22 term of reimprisonment or reconfinement for time spent
23 in custody since he was paroled or released which has
24 not been credited against another sentence or period of
25 confinement;

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

29 (iv) this Section is subject to the release under
30 supervision and the reparole and rerelease provisions
31 of Section 3-3-10.

32 (b) The Board may revoke parole or mandatory supervised
33 release for violation of a condition for the duration of the
34 term and for any further period which is reasonably necessary

1 for the adjudication of matters arising before its expiration.
2 The issuance of a warrant of arrest for an alleged violation of
3 the conditions of parole or mandatory supervised release shall
4 toll the running of the term until the final determination of
5 the charge, but where parole or mandatory supervised release is
6 not revoked that period shall be credited to the term.

7 (b-5) The Board shall revoke parole or mandatory supervised
8 release for violation of the conditions prescribed in paragraph
9 (7.6) of subsection (a) of Section 3-3-7.

10 (c) A person charged with violating a condition of parole
11 or mandatory supervised release shall have a preliminary
12 hearing before a hearing officer designated by the Board to
13 determine if there is cause to hold the person for a revocation
14 hearing. However, no preliminary hearing need be held when
15 revocation is based upon new criminal charges and a court finds
16 probable cause on the new criminal charges or when the
17 revocation is based upon a new criminal conviction and a
18 certified copy of that conviction is available.

19 (d) Parole or mandatory supervised release shall not be
20 revoked without written notice to the offender setting forth
21 the violation of parole or mandatory supervised release charged
22 against him.

23 (e) A hearing on revocation shall be conducted before at
24 least one member of the Prisoner Review Board. The Board may
25 meet and order its actions in panels of 3 or more members. The
26 action of a majority of the panel shall be the action of the
27 Board. In consideration of persons committed to the Department
28 of Juvenile Justice ~~Juvenile Division~~, the member hearing the
29 matter and at least a majority of the panel shall be
30 experienced in juvenile matters. A record of the hearing shall
31 be made. At the hearing the offender shall be permitted to:

32 (1) appear and answer the charge; and

33 (2) bring witnesses on his behalf.

34 (f) The Board shall either revoke parole or mandatory

1 supervised release or order the person's term continued with or
2 without modification or enlargement of the conditions.

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

7 (Source: P.A. 94-161, eff. 7-11-05; 94-165, eff. 7-11-05;
8 revised 8-19-05.)

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

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

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

33 (b) Any money held in accounts of committed persons

1 separated from the Department by death, discharge, or
2 unauthorized absence and unclaimed for a period of 1 year
3 thereafter by the person or his legal representative shall be
4 transmitted to the State Treasurer who shall deposit it into
5 the General Revenue Fund. Articles of personal property of
6 persons so separated may be sold or used by the Department if
7 unclaimed for a period of 1 year for the same purpose.
8 Clothing, if unclaimed within 30 days, may be used or disposed
9 of as determined by the Department.

10 (c) Forty percent of the profits on sales from commissary
11 stores shall be expended by the Department for the special
12 benefit of committed persons which shall include but not be
13 limited to the advancement of inmate payrolls, for the special
14 benefit of employees, and for the advancement or reimbursement
15 of employee travel, provided that amounts expended for
16 employees shall not exceed the amount of profits derived from
17 sales made to employees by such commissaries, as determined by
18 the Department. The remainder of the profits from sales from
19 commissary stores must be used first to pay for wages and
20 benefits of employees covered under a collective bargaining
21 agreement who are employed at commissary facilities of the
22 Department and then to pay the costs of dietary staff.

23 (d) The Department shall confiscate any unauthorized
24 currency found in the possession of a committed person. The
25 Department shall transmit the confiscated currency to the State
26 Treasurer who shall deposit it into the General Revenue Fund.

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

28 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

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

30 (a) The Department of Corrections and the Department of
31 Juvenile Justice shall maintain a master record file on each
32 person committed to it, which shall contain the following
33 information:

- 1 (1) all information from the committing court;
- 2 (2) reception summary;
- 3 (3) evaluation and assignment reports and
- 4 recommendations;
- 5 (4) reports as to program assignment and progress;
- 6 (5) reports of disciplinary infractions and
- 7 disposition;
- 8 (6) any parole plan;
- 9 (7) any parole reports;
- 10 (8) the date and circumstances of final discharge; and
- 11 any other pertinent data concerning the person's
- 12 background, conduct, associations and family relationships
- 13 as may be required by the respective Department. A current
- 14 summary index shall be maintained on each file which shall
- 15 include the person's known active and past gang
- 16 affiliations and ranks.

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

1 (c) The master file shall be maintained at a place
2 convenient to its use by personnel of the respective Department
3 in charge of the person. When custody of a person is
4 transferred from the Department to another department or
5 agency, a summary of the file shall be forwarded to the
6 receiving agency with such other information required by law or
7 requested by the agency under rules and regulations of the
8 respective Department.

9 (d) The master file of a person no longer in the custody of
10 the respective Department shall be placed on inactive status
11 and its use shall be restricted subject to rules and
12 regulations of the Department.

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

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

18 (730 ILCS 5/3-5-3.1) (from Ch. 38, par. 1003-5-3.1)

19 Sec. 3-5-3.1. As used in this Section, "facility" includes
20 any facility of the Adult Division ~~and any facility of the~~
21 ~~Juvenile Division~~ of the Department of Corrections and any
22 facility of the Department of Juvenile Justice.

23 The Department of Corrections and the Department of
24 Juvenile Justice shall each, by January 1st, April 1st, July
25 1st, and October 1st of each year, transmit to the General
26 Assembly, a report which shall include the following
27 information reflecting the period ending fifteen days prior to
28 the submission of the report: 1) the number of residents in all
29 Department facilities indicating the number of residents in
30 each listed facility; 2) a classification of each facility's
31 residents by the nature of the offense for which each resident
32 was committed to the Department; 3) the number of residents in
33 maximum, medium, and minimum security facilities indicating

1 the classification of each facility's residents by the nature
2 of the offense for which each resident was committed to the
3 Department; 4) the educational and vocational programs
4 provided at each facility and the number of residents
5 participating in each such program; 5) the present capacity
6 levels in each facility; 6) the projected capacity of each
7 facility six months and one year following each reporting date;
8 7) the ratio of the security guards to residents in each
9 facility; 8) the ratio of total employees to residents in each
10 facility; 9) the number of residents in each facility that are
11 single-celled and the number in each facility that are
12 double-celled; 10) information indicating the distribution of
13 residents in each facility by the allocated floor space per
14 resident; 11) a status of all capital projects currently funded
15 by the Department, location of each capital project, the
16 projected on-line dates for each capital project, including
17 phase-in dates and full occupancy dates; 12) the projected
18 adult prison ~~and Juvenile Division~~ facility populations in
19 respect to the Department of Corrections and the projected
20 juvenile facility population with respect to the Department of
21 Juvenile Justice for each of the succeeding twelve months
22 following each reporting date, indicating all assumptions
23 built into such population estimates; 13) the projected exits
24 and projected admissions in each facility for each of the
25 succeeding twelve months following each reporting date,
26 indicating all assumptions built into such population
27 estimate; and 14) the locations of all Department-operated or
28 contractually operated community correctional centers,
29 including the present capacity and population levels at each
30 facility.

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

32 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

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

1 (a) Each institution and facility of the Department shall
2 be administered by a chief administrative officer appointed by
3 the Director. A chief administrative officer shall be
4 responsible for all persons assigned to the institution or
5 facility. The chief administrative officer shall administer
6 the programs of the Department for the custody and treatment of
7 such persons.

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

10 (c) The Director or Assistant Director shall have the
11 emergency powers to temporarily transfer individuals without
12 formal procedures to any State, county, municipal or regional
13 correctional or detention institution or facility in the State,
14 subject to the acceptance of such receiving institution or
15 facility, or to designate any reasonably secure place in the
16 State as such an institution or facility and to make transfers
17 thereto. However, transfers made under emergency powers shall
18 be reviewed as soon as practicable under Article 8, and shall
19 be subject to Section 5-905 of the Juvenile Court Act of 1987.
20 This Section shall not apply to transfers to the Department of
21 Human Services which are provided for under Section 3-8-5 or
22 Section 3-10-5.

23 (d) The Department shall provide educational programs for
24 all committed persons so that all persons have an opportunity
25 to attain the achievement level equivalent to the completion of
26 the twelfth grade in the public school system in this State.
27 Other higher levels of attainment shall be encouraged and
28 professional instruction shall be maintained wherever
29 possible. The Department may establish programs of mandatory
30 education and may establish rules and regulations for the
31 administration of such programs. A person committed to the
32 Department who, during the period of his or her incarceration,
33 participates in an educational program provided by or through
34 the Department and through that program is awarded or earns the

1 number of hours of credit required for the award of an
2 associate, baccalaureate, or higher degree from a community
3 college, college, or university located in Illinois shall
4 reimburse the State, through the Department, for the costs
5 incurred by the State in providing that person during his or
6 her incarceration with the education that qualifies him or her
7 for the award of that degree. The costs for which reimbursement
8 is required under this subsection shall be determined and
9 computed by the Department under rules and regulations that it
10 shall establish for that purpose. However, interest at the rate
11 of 6% per annum shall be charged on the balance of those costs
12 from time to time remaining unpaid, from the date of the
13 person's parole, mandatory supervised release, or release
14 constituting a final termination of his or her commitment to
15 the Department until paid.

16 (d-5) A person committed to the Department is entitled to
17 confidential testing for infection with human immunodeficiency
18 virus (HIV) and to counseling in connection with such testing,
19 with no copay to the committed person. A person committed to
20 the Department who has tested positive for infection with HIV
21 is entitled to medical care while incarcerated, counseling, and
22 referrals to support services, in connection with that positive
23 test result. Implementation of this subsection (d-5) is subject
24 to appropriation.

25 (e) A person committed to the Department who becomes in
26 need of medical or surgical treatment but is incapable of
27 giving consent thereto shall receive such medical or surgical
28 treatment by the chief administrative officer consenting on the
29 person's behalf. Before the chief administrative officer
30 consents, he or she shall obtain the advice of one or more
31 physicians licensed to practice medicine in all its branches in
32 this State. If such physician or physicians advise:

33 (1) that immediate medical or surgical treatment is
34 required relative to a condition threatening to cause

1 death, damage or impairment to bodily functions, or
2 disfigurement; and

3 (2) that the person is not capable of giving consent to
4 such treatment; the chief administrative officer may give
5 consent for such medical or surgical treatment, and such
6 consent shall be deemed to be the consent of the person for
7 all purposes, including, but not limited to, the authority
8 of a physician to give such treatment.

9 (e-5) If a physician providing medical care to a committed
10 person on behalf of the Department advises the chief
11 administrative officer that the committed person's mental or
12 physical health has deteriorated as a result of the cessation
13 of ingestion of food or liquid to the point where medical or
14 surgical treatment is required to prevent death, damage, or
15 impairment to bodily functions, the chief administrative
16 officer may authorize such medical or surgical treatment.

17 (f) In the event that the person requires medical care and
18 treatment at a place other than the institution or facility,
19 the person may be removed therefrom under conditions prescribed
20 by the Department. The Department shall require the committed
21 person receiving medical or dental services on a non-emergency
22 basis to pay a \$2 co-payment to the Department for each visit
23 for medical or dental services. The amount of each co-payment
24 shall be deducted from the committed person's individual
25 account. A committed person who has a chronic illness, as
26 defined by Department rules and regulations, shall be exempt
27 from the \$2 co-payment for treatment of the chronic illness. A
28 committed person shall not be subject to a \$2 co-payment for
29 follow-up visits ordered by a physician, who is employed by, or
30 contracts with, the Department. A committed person who is
31 indigent is exempt from the \$2 co-payment and is entitled to
32 receive medical or dental services on the same basis as a
33 committed person who is financially able to afford the
34 co-payment. Notwithstanding any other provision in this

1 subsection (f) to the contrary, any person committed to any
2 facility operated by the Department of Juvenile Justice
3 ~~Juvenile Division~~, as set forth in ~~subsection (b) of~~ Section
4 3-2.5-15 ~~3-2-5~~ of this Code, is exempt from the co-payment
5 requirement for the duration of confinement in those
6 facilities.

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

15 (h) The Department may provide Family Responsibility
16 Services which may consist of, but not be limited to the
17 following:

18 (1) family advocacy counseling;

19 (2) parent self-help group;

20 (3) parenting skills training;

21 (4) parent and child overnight program;

22 (5) parent and child reunification counseling, either
23 separately or together, preceding the inmate's release;
24 and

25 (6) a prerelease reunification staffing involving the
26 family advocate, the inmate and the child's counselor, or
27 both and the inmate.

28 (i) Prior to the release of any inmate who has a documented
29 history of intravenous drug use, and upon the receipt of that
30 inmate's written informed consent, the Department shall
31 provide for the testing of such inmate for infection with human
32 immunodeficiency virus (HIV) and any other identified
33 causative agent of acquired immunodeficiency syndrome (AIDS).
34 The testing provided under this subsection shall consist of an

1 enzyme-linked immunosorbent assay (ELISA) test or such other
2 test as may be approved by the Illinois Department of Public
3 Health. If the test result is positive, the Western Blot Assay
4 or more reliable confirmatory test shall be administered. All
5 inmates tested in accordance with the provisions of this
6 subsection shall be provided with pre-test and post-test
7 counseling. Notwithstanding any provision of this subsection
8 to the contrary, the Department shall not be required to
9 conduct the testing and counseling required by this subsection
10 unless sufficient funds to cover all costs of such testing and
11 counseling are appropriated for that purpose by the General
12 Assembly.

13 (j) Any person convicted of a sex offense as defined in the
14 Sex Offender Management Board Act shall be required to receive
15 a sex offender evaluation prior to release into the community
16 from the Department of Corrections. The sex offender evaluation
17 shall be conducted in conformance with the standards and
18 guidelines developed under the Sex Offender Management Board
19 Act and by an evaluator approved by the Board.

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

26 (l) Prior to the release of any inmate, the Department must
27 provide the inmate with the option of testing for infection
28 with human immunodeficiency virus (HIV), as well as counseling
29 in connection with such testing, with no copayment for the
30 test. At the same time, the Department shall require each such
31 inmate to sign a form stating that the inmate has been informed
32 of his or her rights with respect to the testing required to be
33 offered under this subsection (l) and providing the inmate with
34 an opportunity to indicate either that he or she wants to be

1 tested or that he or she does not want to be tested. The
2 Department, in consultation with the Department of Public
3 Health, shall prescribe the contents of the form. The testing
4 provided under this subsection (1) shall consist of an
5 enzyme-linked immunosorbent assay (ELISA) test or any other
6 test approved by the Department of Public Health. If the test
7 result is positive, the Western Blot Assay or more reliable
8 confirmatory test shall be administered.

9 Prior to the release of an inmate who the Department knows
10 has tested positive for infection with HIV, the Department in a
11 timely manner shall offer the inmate transitional case
12 management, including referrals to other support services.

13 Implementation of this subsection (1) is subject to
14 appropriation.

15 (Source: P.A. 93-616, eff. 1-1-04; 93-928, eff. 1-1-05; 94-629,
16 eff. 1-1-06.)

17 (730 ILCS 5/Ch. III Art. 9 heading)

18 ARTICLE 9. PROGRAMS OF THE DEPARTMENT OF JUVENILE JUSTICE
19 JUVENILE DIVISION

20 (730 ILCS 5/3-9-1) (from Ch. 38, par. 1003-9-1)

21 Sec. 3-9-1. Educational Programs.

22 (a) The Department of Juvenile Justice, subject to
23 appropriation and with the cooperation of other State agencies
24 that work with children, shall establish programming, the
25 components of which shall include, but are not limited to:

26 (1) Case management services.

27 (2) Treatment modalities, including substance abuse
28 treatment services, mental health services, and
29 developmental disability services.

30 (3) Prevocational education and career education
31 services.

32 (4) Diagnostic evaluation services/Medical screening

1 (5) Educational services.

2 (6) Self-sufficiency planning.

3 (7) Independent living skills.

4 (8) Parenting skills.

5 (9) Recreational and leisure time activities.

6 (10) Program evaluation.

7 (11) Medical services.

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

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

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

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

1 (730 ILCS 5/3-9-2) (from Ch. 38, par. 1003-9-2)

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

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

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

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

25 (730 ILCS 5/3-9-3) (from Ch. 38, par. 1003-9-3)

26 Sec. 3-9-3. Day Release.

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

31 (b) The Department of Juvenile Justice may arrange with
32 local schools, public or private agencies or persons approved
33 by the Department for the release of persons committed to the

1 Department of Juvenile Justice ~~Juvenile Division~~ on a daily
2 basis to the custody of such schools, agencies or persons for
3 participation in programs or activities.

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

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

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

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

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

18 (730 ILCS 5/3-9-5) (from Ch. 38, par. 1003-9-5)

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

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

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

24 (730 ILCS 5/3-9-6) (from Ch. 38, par. 1003-9-6)

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

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

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

13 (730 ILCS 5/3-9-7) (from Ch. 38, par. 1003-9-7)

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

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

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

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

28 (730 ILCS 5/3-10-1) (from Ch. 38, par. 1003-10-1)

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

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

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

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

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

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

12 (a-5) Upon admission of a person committed to the
13 Department of Juvenile Justice ~~Juvenile Division~~, the
14 Department of Juvenile Justice must provide the person with
15 appropriate written information and counseling concerning HIV
16 and AIDS. The Department of Juvenile Justice shall develop the
17 written materials in consultation with the Department of Public
18 Health. At the same time, the Department of Juvenile Justice
19 also must offer the person the option of being tested, at no
20 charge to the person, for infection with human immunodeficiency
21 virus (HIV) or any other identified causative agent of acquired
22 immunodeficiency syndrome (AIDS). The Department of Juvenile
23 Justice shall require each person committed to the Department
24 of Juvenile Justice ~~Juvenile Division~~ to sign a form stating
25 that the person has been informed of his or her rights with
26 respect to the testing required to be offered under this
27 subsection (a-5) and providing the person with an opportunity
28 to indicate either that he or she wants to be tested or that he
29 or she does not want to be tested. The Department of Juvenile
30 Justice, in consultation with the Department of Public Health,
31 shall prescribe the contents of the form. The testing provided
32 under this subsection (a-5) shall consist of an enzyme-linked
33 immunosorbent assay (ELISA) test or any other test approved by

1 the Department of Public Health. If the test result is
2 positive, the Western Blot Assay or more reliable confirmatory
3 test shall be administered.

4 Also upon admission of a person committed to the Department
5 of Juvenile Justice ~~Juvenile Division~~, the Department of
6 Juvenile Justice must inform the person of the Department's
7 obligation to provide the person with medical care.

8 Implementation of this subsection (a-5) is subject to
9 appropriation.

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

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

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

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

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

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

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

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

9 (Source: P.A. 94-629, eff. 1-1-06.)

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

11 Sec. 3-10-3. Program Assignment.

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

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

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

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

1 the basis for denial shall be given to him and a written
2 statement thereof shall be made a part of his file.

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

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

8 (730 ILCS 5/3-10-4) (from Ch. 38, par. 1003-10-4)

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

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

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

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

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

31 (730 ILCS 5/3-10-5) (from Ch. 38, par. 1003-10-5)

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

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

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

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

34 (d) Nothing in this Section shall limit the right of the

1 ~~Assistant~~ Director of Juvenile Justice ~~the Juvenile Division~~ or
2 the chief administrative officer of any institution or facility
3 to utilize the emergency admission provisions of the Mental
4 Health and Developmental Disabilities Code with respect to any
5 person in his custody or care. The transfer of a person to an
6 institution or facility of the Department of Human Services
7 under paragraph (a) of this Section does not discharge the
8 person from the control of the Department of Juvenile Justice.

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

33 (f) The court shall set a date for a hearing on the
34 petition within the time limit set forth in the Mental Health

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

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

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

14 (730 ILCS 5/3-10-6) (from Ch. 38, par. 1003-10-6)

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

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

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

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

1 requires further hospitalization, it shall file a petition for
2 commitment of such person under the Mental Health and
3 Developmental Disabilities Code.

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

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

18 (730 ILCS 5/3-10-7) (from Ch. 38, par. 1003-10-7)

19 Sec. 3-10-7. Interdivisional Transfers. (a) In any case
20 where a minor was originally prosecuted under the provisions of
21 the Criminal Code of 1961, as amended, and sentenced under the
22 provisions of this Act pursuant to Section 2-7 of the Juvenile
23 Court Act or Section 5-805 of the Juvenile Court Act of 1987
24 and committed to the Department of Juvenile Justice ~~Juvenile~~
25 ~~Division~~ under Section 5-8-6, the Department of Juvenile
26 Justice ~~Corrections~~ shall, within 30 days of the date that the
27 minor reaches the age of 17, send formal notification to the
28 sentencing court and the State's Attorney of the county from
29 which the minor was sentenced indicating the day upon which the
30 minor offender will achieve the age of 17. Within 90 days of
31 receipt of that notice, the sentencing court shall conduct a
32 hearing, pursuant to the provisions of subsection (c) of this
33 Section to determine whether or not the minor shall continue to

1 remain under the auspices of the Department of Juvenile Justice
2 ~~Juvenile Division~~ or be transferred to the Adult Division of
3 the Department of Corrections.

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

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

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

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

33 2. The record of the minor's adjustment within the
34 Department of Juvenile Justice ~~Corrections' Juvenile Division~~,

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

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

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

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

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

33 (d) Whenever the Director of Juvenile Justice or his
34 designee determines that the interests of safety, security and

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

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

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

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

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

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

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

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

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

27 (730 ILCS 5/3-10-8) (from Ch. 38, par. 1003-10-8)

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

33 (2) Disciplinary restrictions on visitation, work,

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

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

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

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

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

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

34 (f) All institutions and facilities of the Department of

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

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

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

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

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

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

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

34 (6) A change in work, education, or other program

1 assignment shall not be used for disciplinary purposes except
2 as provided in paragraph (a) of the Section and then only after
3 review and approval under Section 3-10-3.

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

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

6 Sec. 3-10-9. Grievances.

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

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

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

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

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

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

19 (730 ILCS 5/3-10-11) (from Ch. 38, par. 1003-10-11)

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (730 ILCS 5/3-10-12) (from Ch. 38, par. 1003-10-12)

22 Sec. 3-10-12.

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

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

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

14 (730 ILCS 5/3-10-13)

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

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

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

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

27 (730 ILCS 5/3-15-2) (from Ch. 38, par. 1003-15-2)

28 Sec. 3-15-2. Standards and Assistance to Local Jails and
29 Detention and Shelter Care Facilities.

30 (a) The Department of Corrections shall establish for the
31 operation of county and municipal jails and houses of
32 correction, ~~and county juvenile detention and shelter care~~

1 ~~facilities established pursuant to the "County Shelter Care and~~
2 ~~Detention Home Act",~~ minimum standards for the physical
3 condition of such institutions and for the treatment of inmates
4 with respect to their health and safety and the security of the
5 community.

6 The Department of Juvenile Justice shall establish for the
7 operation of county juvenile detention and shelter care
8 facilities established pursuant to the County Shelter Care and
9 Detention Home Act, minimum standards for the physical
10 condition of such institutions and for the treatment of
11 juveniles with respect to their health and safety and the
12 security of the community.

13 Such standards shall not apply to county shelter care
14 facilities which were in operation prior to January 1, 1980.
15 Such standards shall not seek to mandate minimum floor space
16 requirements for each inmate housed in cells and detention
17 rooms in county and municipal jails and houses of correction.
18 However, no more than two inmates may be housed in a single
19 cell or detention room.

20 When an inmate is tested for an airborne communicable
21 disease, as determined by the Illinois Department of Public
22 Health including but not limited to tuberculosis, the results
23 of the test shall be personally delivered by the warden or his
24 or her designee in a sealed envelope to the judge of the court
25 in which the inmate must appear for the judge's inspection in
26 camera if requested by the judge. Acting in accordance with the
27 best interests of those in the courtroom, the judge shall have
28 the discretion to determine what if any precautions need to be
29 taken to prevent transmission of the disease in the courtroom.

30 (b) At least once each year, the Department of Corrections
31 may inspect each adult facility for compliance with the
32 standards established and the results of such inspection shall
33 be made available by the Department for public inspection. At
34 least once each year, the Department of Juvenile Justice shall

1 inspect each county juvenile detention and shelter care
2 facility for compliance with the standards established, and the
3 Department of Juvenile Justice shall make the results of such
4 inspections available for public inspection. If any detention,
5 shelter care or correctional facility does not comply with the
6 standards established, the Director of Corrections or the
7 Director of Juvenile Justice, as the case may be, shall give
8 notice to the county board and the sheriff or the corporate
9 authorities of the municipality, as the case may be, of such
10 noncompliance, specifying the particular standards that have
11 not been met by such facility. If the facility is not in
12 compliance with such standards when six months have elapsed
13 from the giving of such notice, the Director of Corrections or
14 the Director of Juvenile Justice, as the case may be, may
15 petition the appropriate court for an order requiring such
16 facility to comply with the standards established by the
17 Department or for other appropriate relief.

18 (c) The Department of Corrections may provide consultation
19 services for the design, construction, programs and
20 administration of ~~detention, shelter care, and~~ correctional
21 facilities and services for ~~children and~~ adults operated by
22 counties and municipalities and may make studies and surveys of
23 the programs and the administration of such facilities.
24 Personnel of the Department shall be admitted to these
25 facilities as required for such purposes. The Department may
26 develop and administer programs of grants-in-aid for
27 correctional services in cooperation with local agencies. The
28 Department may provide courses of training for the personnel of
29 such institutions and conduct pilot projects in the
30 institutions.

31 (c-5) The Department of Juvenile Justice may provide
32 consultation services for the design, construction, programs,
33 and administration of detention and shelter care services for
34 children operated by counties and municipalities and may make

1 studies and surveys of the programs and the administration of
2 such facilities. Personnel of the Department of Juvenile
3 Justice shall be admitted to these facilities as required for
4 such purposes. The Department of Juvenile Justice may develop
5 and administer programs of grants-in-aid for juvenile
6 correctional services in cooperation with local agencies. The
7 Department of Juvenile Justice may provide courses of training
8 for the personnel of such institutions and conduct pilot
9 projects in the institutions.

10 (d) The Department is authorized to issue reimbursement
11 grants for counties, municipalities or public building
12 commissions for the purpose of meeting minimum correctional
13 facilities standards set by the Department under this Section.
14 Grants may be issued only for projects that were completed
15 after July 1, 1980 and initiated prior to January 1, 1987.

16 (1) Grants for regional correctional facilities shall
17 not exceed 90% of the project costs or \$7,000,000,
18 whichever is less.

19 (2) Grants for correctional facilities by a single
20 county, municipality or public building commission shall
21 not exceed 75% of the proposed project costs or \$4,000,000,
22 whichever is less.

23 (3) As used in this subsection (d), "project" means
24 only that part of a facility that is constructed for jail,
25 correctional or detention purposes and does not include
26 other areas of multi-purpose buildings.

27 Construction or renovation grants are authorized to be
28 issued by the Capital Development Board from capital
29 development bond funds after application by a county or
30 counties, municipality or municipalities or public building
31 commission or commissions and approval of a construction or
32 renovation grant by the Department for projects initiated after
33 January 1, 1987.

34 (e) The Department of Juvenile Justice shall adopt

1 standards for county jails to hold juveniles on a temporary
2 basis, as provided in Section 5-410 of the Juvenile Court Act
3 of 1987. These standards shall include educational,
4 recreational, and disciplinary standards as well as access to
5 medical services, crisis intervention, mental health services,
6 suicide prevention, health care, nutritional needs, and
7 visitation rights. The Department of Juvenile Justice shall
8 also notify any county applying to hold juveniles in a county
9 jail of the monitoring and program standards for juvenile
10 detention facilities under Section 5-410 of the Juvenile Court
11 Act of 1987.

12 (Source: P.A. 89-64, eff. 1-1-96; 89-477, eff. 6-18-96; 89-656,
13 eff. 8-14-96; 90-14, eff. 7-1-97; 90-590, eff. 1-1-99.)

14 (730 ILCS 5/3-16-5)

15 Sec. 3-16-5. Multi-year pilot program for selected paroled
16 youth released from institutions of the Department of Juvenile
17 Justice ~~Juvenile Division~~.

18 (a) The Department of Juvenile Justice ~~Corrections~~ may
19 establish in Cook County, DuPage County, Lake County, Will
20 County, and Kane County a 6 year pilot program for selected
21 youthful offenders released to parole by the Department of
22 Juvenile Justice ~~Juvenile Division of the Department of~~
23 ~~Corrections~~.

24 (b) A person who is being released to parole from the
25 Department of Juvenile Justice ~~Juvenile Division~~ under
26 subsection (e) of Section 3-3-3 whom the Department of Juvenile
27 Justice ~~Juvenile Division~~ deems a serious or at risk delinquent
28 youth who is likely to have difficulty re-adjusting to the
29 community, who has had either significant clinical problems or
30 a history of criminal activity related to sex offenses, drugs,
31 weapons, or gangs, and who is returning to Cook County, Will
32 County, Lake County, DuPage County, or Kane County may be
33 screened for eligibility to participate in the pilot program.

1 (c) If the Department of Juvenile Justice establishes a
2 pilot program under this Section, the Department of Juvenile
3 Justice ~~Juvenile Division~~ shall provide supervision and
4 structured services to persons selected to participate in the
5 program to: (i) ensure that they receive high levels of
6 supervision and case managed, structured services; (ii)
7 prepare them for re-integration into the community; (iii)
8 effectively monitor their compliance with parole requirements
9 and programming; and (iv) minimize the likelihood that they
10 will commit additional offenses.

11 (d) Based upon the needs of a participant, the Department
12 of Juvenile Justice may provide any or all of the following to
13 a participant:

- 14 (1) Risk and needs assessment;
- 15 (2) Comprehensive case management;
- 16 (3) Placement in licensed secured community facilities
17 as a transitional measure;
- 18 (4) Transition to residential programming;
- 19 (5) Targeted intensive outpatient treatment services;
- 20 (6) Structured day and evening reporting programs and
21 behavioral day treatment;
- 22 (7) Family counseling;
- 23 (8) Transitional programs to independent living;
- 24 (9) Alternative placements;
- 25 (10) Substance abuse treatment.

26 (e) A needs assessment case plan and parole supervision
27 profile may be completed by the Department of Juvenile Justice
28 ~~Corrections~~ before the selected eligible person's release from
29 institutional custody to parole supervision. The needs
30 assessment case plan and parole supervision profile shall
31 include identification of placement requirements, intensity of
32 parole supervision, and assessments of educational,
33 psychological, vocational, medical, and substance abuse
34 treatment needs. Following the completion by the Department of

1 Juvenile Justice ~~Corrections~~ of the parole supervision profile
2 and needs assessment case plan, a comprehensive parole case
3 management plan shall be developed for each committed youth
4 eligible and selected for admission to the pilot program. The
5 comprehensive parole case management plan shall be submitted
6 for approval by the Department of Juvenile Justice and for
7 presentation to the Prisoner Review Board.

8 (f) The Department of Juvenile Justice may identify in a
9 comprehensive parole case management plan any special
10 conditions for parole supervision and establish sanctions for a
11 participant who fails to comply with the program requirements
12 or who violates parole rules. These sanctions may include the
13 return of a participant to a secure community placement or
14 recommendations for parole revocation to the Prisoner Review
15 Board. Paroled youth may be held for investigation in secure
16 community facilities or on warrant pending revocation in local
17 detention or jail facilities based on age.

18 (g) The Department of Juvenile Justice may select and
19 contract with a community-based network and work in partnership
20 with private providers to provide the services specified in
21 subsection (d).

22 (h) If the Department of Juvenile Justice establishes a
23 pilot program under this Section, the Department of Juvenile
24 Justice shall, in the 3 years following the effective date of
25 this amendatory Act of 1997, first implement the pilot program
26 in Cook County and then implement the pilot program in DuPage
27 County, Lake County, Will County, and Kane County in accordance
28 with a schedule to be developed by the Department of Juvenile
29 Justice.

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

34 (j) If the Department of Juvenile Justice establishes a

1 pilot program under this Section, the Department of Juvenile
2 Justice shall publish an outcome study covering a 3 year
3 follow-up period for participants in the pilot program.

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

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

6 Sec. 5-8-6. Place of Confinement. (a) Offenders sentenced
7 to a term of imprisonment for a felony shall be committed to
8 the penitentiary system of the Department of Corrections.
9 However, such sentence shall not limit the powers of the
10 Department of Children and Family Services in relation to any
11 child under the age of one year in the sole custody of a person
12 so sentenced, nor in relation to any child delivered by a
13 female so sentenced while she is so confined as a consequence
14 of such sentence. A person sentenced for a felony may be
15 assigned by the Department of Corrections to any of its
16 institutions, facilities or programs.

17 (b) Offenders sentenced to a term of imprisonment for less
18 than one year shall be committed to the custody of the sheriff.
19 A person committed to the Department of Corrections, prior to
20 July 14, 1983, for less than one year may be assigned by the
21 Department to any of its institutions, facilities or programs.

22 (c) All offenders under 17 years of age when sentenced to
23 imprisonment shall be committed to the Department of Juvenile
24 Justice ~~Juvenile Division of the Department of Corrections~~ and
25 the court in its order of commitment shall set a definite term.
26 Such order of commitment shall be the sentence of the court
27 which may be amended by the court while jurisdiction is
28 retained; and such sentence shall apply whenever the offender
29 sentenced is in the control and custody of the ~~Adult Division~~
30 ~~of the~~ Department of Corrections. The provisions of Section
31 3-3-3 shall be a part of such commitment as fully as though
32 written in the order of commitment. The committing court shall
33 retain jurisdiction of the subject matter and the person until

1 he or she reaches the age of 21 unless earlier discharged.
2 However, the Department of Juvenile Justice ~~Juvenile Division~~
3 ~~of the Department of Corrections~~ shall, after a juvenile has
4 reached 17 years of age, petition the court to conduct a
5 hearing pursuant to subsection (c) of Section 3-10-7 of this
6 Code.

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

9 (e) When a court sentences a defendant to a term of
10 imprisonment concurrent with a previous and unexpired sentence
11 of imprisonment imposed by any district court of the United
12 States, it may commit the offender to the custody of the
13 Attorney General of the United States. The Attorney General of
14 the United States, or the authorized representative of the
15 Attorney General of the United States, shall be furnished with
16 the warrant of commitment from the court imposing sentence,
17 which warrant of commitment shall provide that, when the
18 offender is released from federal confinement, whether by
19 parole or by termination of sentence, the offender shall be
20 transferred by the Sheriff of the committing county to the
21 Department of Corrections. The court shall cause the Department
22 to be notified of such sentence at the time of commitment and
23 to be provided with copies of all records regarding the
24 sentence.

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

26 Section 30. The Probation and Probation Officers Act is
27 amended by changing Sections 15 and 16.1 as follows:

28 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

29 Sec. 15. (1) The Supreme Court of Illinois may establish a
30 Division of Probation Services whose purpose shall be the
31 development, establishment, promulgation, and enforcement of
32 uniform standards for probation services in this State, and to

1 otherwise carry out the intent of this Act. The Division may:

2 (a) establish qualifications for chief probation
3 officers and other probation and court services personnel
4 as to hiring, promotion, and training.

5 (b) make available, on a timely basis, lists of those
6 applicants whose qualifications meet the regulations
7 referred to herein, including on said lists all candidates
8 found qualified.

9 (c) establish a means of verifying the conditions for
10 reimbursement under this Act and develop criteria for
11 approved costs for reimbursement.

12 (d) develop standards and approve employee
13 compensation schedules for probation and court services
14 departments.

15 (e) employ sufficient personnel in the Division to
16 carry out the functions of the Division.

17 (f) establish a system of training and establish
18 standards for personnel orientation and training.

19 (g) develop standards for a system of record keeping
20 for cases and programs, gather statistics, establish a
21 system of uniform forms, and develop research for planning
22 of Probation Services.

23 (h) develop standards to assure adequate support
24 personnel, office space, equipment and supplies, travel
25 expenses, and other essential items necessary for
26 Probation and Court Services Departments to carry out their
27 duties.

28 (i) review and approve annual plans submitted by
29 Probation and Court Services Departments.

30 (j) monitor and evaluate all programs operated by
31 Probation and Court Services Departments, and may include
32 in the program evaluation criteria such factors as the
33 percentage of Probation sentences for felons convicted of
34 Probationable offenses.

1 (k) seek the cooperation of local and State government
2 and private agencies to improve the quality of probation
3 and court services.

4 (1) where appropriate, establish programs and
5 corresponding standards designed to generally improve the
6 quality of probation and court services and reduce the rate
7 of adult or juvenile offenders committed to the Department
8 of Corrections.

9 (m) establish such other standards and regulations and
10 do all acts necessary to carry out the intent and purposes
11 of this Act.

12 The Division shall establish a model list of structured
13 intermediate sanctions that may be imposed by a probation
14 agency for violations of terms and conditions of a sentence of
15 probation, conditional discharge, or supervision.

16 The State of Illinois shall provide for the costs of
17 personnel, travel, equipment, telecommunications, postage,
18 commodities, printing, space, contractual services and other
19 related costs necessary to carry out the intent of this Act.

20 (2) (a) The chief judge of each circuit shall provide
21 full-time probation services for all counties within the
22 circuit, in a manner consistent with the annual probation plan,
23 the standards, policies, and regulations established by the
24 Supreme Court. A probation district of two or more counties
25 within a circuit may be created for the purposes of providing
26 full-time probation services. Every county or group of counties
27 within a circuit shall maintain a probation department which
28 shall be under the authority of the Chief Judge of the circuit
29 or some other judge designated by the Chief Judge. The Chief
30 Judge, through the Probation and Court Services Department
31 shall submit annual plans to the Division for probation and
32 related services.

33 (b) The Chief Judge of each circuit shall appoint the Chief
34 Probation Officer and all other probation officers for his or

1 her circuit from lists of qualified applicants supplied by the
2 Supreme Court. Candidates for chief managing officer and other
3 probation officer positions must apply with both the Chief
4 Judge of the circuit and the Supreme Court.

5 (3) A Probation and Court Service Department shall apply to
6 the Supreme Court for funds for basic services, and may apply
7 for funds for new and expanded programs or Individualized
8 Services and Programs. Costs shall be reimbursed monthly based
9 on a plan and budget approved by the Supreme Court. No
10 Department may be reimbursed for costs which exceed or are not
11 provided for in the approved annual plan and budget. After the
12 effective date of this amendatory Act of 1985, each county must
13 provide basic services in accordance with the annual plan and
14 standards created by the division. No department may receive
15 funds for new or expanded programs or individualized services
16 and programs unless they are in compliance with standards as
17 enumerated in paragraph (h) of subsection (1) of this Section,
18 the annual plan, and standards for basic services.

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

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

23 (b) 100% of the salary for all probation officer and
24 supervisor positions approved for reimbursement by the
25 division after April 1, 1984, to meet workload standards
26 and to implement intensive sanction and probation
27 supervision programs and other basic services as defined in
28 this Act.

29 (c) 100% of the salary for all secure detention
30 personnel and non-secure group home personnel approved for
31 reimbursement after December 1, 1990. For all such
32 positions approved for reimbursement before December 1,
33 1990, the counties shall be reimbursed \$1,250 per month
34 beginning July 1, 1995, and an additional \$250 per month

1 beginning each July 1st thereafter until the positions
2 receive 100% salary reimbursement. Allocation of such
3 positions will be based on comparative need considering
4 capacity, staff/resident ratio, physical plant and
5 program.

6 (d) \$1,000 per month for salaries for the remaining
7 probation officer positions engaged in basic services and
8 new or expanded services. All such positions shall be
9 approved by the division in accordance with this Act and
10 division standards.

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

14 (f) If the amount of funds reimbursed to the county
15 under paragraphs (a) through (e) of subsection 4 of this
16 Section on an annual basis is less than the amount the
17 county had received during the 12 month period immediately
18 prior to the effective date of this amendatory Act of 1985,
19 then the Division shall reimburse the amount of the
20 difference to the county. The effect of paragraph (b) of
21 subsection 7 of this Section shall be considered in
22 implementing this supplemental reimbursement provision.

23 (5) The Division shall provide funds beginning on April 1,
24 1987 for the counties to provide Individualized Services and
25 Programs as provided in Section 16 of this Act.

26 (6) A Probation and Court Services Department in order to
27 be eligible for the reimbursement must submit to the Supreme
28 Court an application containing such information and in such a
29 form and by such dates as the Supreme Court may require.
30 Departments to be eligible for funding must satisfy the
31 following conditions:

32 (a) The Department shall have on file with the Supreme
33 Court an annual Probation plan for continuing, improved,
34 and new Probation and Court Services Programs approved by

1 the Supreme Court or its designee. This plan shall indicate
2 the manner in which Probation and Court Services will be
3 delivered and improved, consistent with the minimum
4 standards and regulations for Probation and Court
5 Services, as established by the Supreme Court. In counties
6 with more than one Probation and Court Services Department
7 eligible to receive funds, all Departments within that
8 county must submit plans which are approved by the Supreme
9 Court.

10 (b) The annual probation plan shall seek to generally
11 improve the quality of probation services and to reduce the
12 commitment of adult ~~and juvenile~~ offenders to the
13 Department of Corrections and to reduce the commitment of
14 juvenile offenders to the Department of Juvenile Justice
15 and shall require, when appropriate, coordination with the
16 Department of Corrections, the Department of Juvenile
17 Justice, and the Department of Children and Family Services
18 in the development and use of community resources,
19 information systems, case review and permanency planning
20 systems to avoid the duplication of services.

21 (c) The Department shall be in compliance with
22 standards developed by the Supreme Court for basic, new and
23 expanded services, training, personnel hiring and
24 promotion.

25 (d) The Department shall in its annual plan indicate
26 the manner in which it will support the rights of crime
27 victims and in which manner it will implement Article I,
28 Section 8.1 of the Illinois Constitution and in what manner
29 it will coordinate crime victims' support services with
30 other criminal justice agencies within its jurisdiction,
31 including but not limited to, the State's Attorney, the
32 Sheriff and any municipal police department.

33 (7) No statement shall be verified by the Supreme Court or
34 its designee or vouchered by the Comptroller unless each of the

1 following conditions have been met:

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

4 (b) The probation officer, in order to be eligible for
5 State reimbursement, is receiving a salary of at least
6 \$17,000 per year.

7 (c) The probation officer is appointed or was
8 reappointed in accordance with minimum qualifications or
9 criteria established by the Supreme Court; however, all
10 probation officers appointed prior to January 1, 1978,
11 shall be exempted from the minimum requirements
12 established by the Supreme Court. Payments shall be made to
13 counties employing these exempted probation officers as
14 long as they are employed in the position held on the
15 effective date of this amendatory Act of 1985. Promotions
16 shall be governed by minimum qualifications established by
17 the Supreme Court.

18 (d) The Department has an established compensation
19 schedule approved by the Supreme Court. The compensation
20 schedule shall include salary ranges with necessary
21 increments to compensate each employee. The increments
22 shall, within the salary ranges, be based on such factors
23 as bona fide occupational qualifications, performance, and
24 length of service. Each position in the Department shall be
25 placed on the compensation schedule according to job duties
26 and responsibilities of such position. The policy and
27 procedures of the compensation schedule shall be made
28 available to each employee.

29 (8) In order to obtain full reimbursement of all approved
30 costs, each Department must continue to employ at least the
31 same number of probation officers and probation managers as
32 were authorized for employment for the fiscal year which
33 includes January 1, 1985. This number shall be designated as
34 the base amount of the Department. No positions approved by the

1 Division under paragraph (b) of subsection 4 will be included
2 in the base amount. In the event that the Department employs
3 fewer Probation officers and Probation managers than the base
4 amount for a period of 90 days, funding received by the
5 Department under subsection 4 of this Section may be reduced on
6 a monthly basis by the amount of the current salaries of any
7 positions below the base amount.

8 (9) Before the 15th day of each month, the treasurer of any
9 county which has a Probation and Court Services Department, or
10 the treasurer of the most populous county, in the case of a
11 Probation or Court Services Department funded by more than one
12 county, shall submit an itemized statement of all approved
13 costs incurred in the delivery of Basic Probation and Court
14 Services under this Act to the Supreme Court. The treasurer may
15 also submit an itemized statement of all approved costs
16 incurred in the delivery of new and expanded Probation and
17 Court Services as well as Individualized Services and Programs.
18 The Supreme Court or its designee shall verify compliance with
19 this Section and shall examine and audit the monthly statement
20 and, upon finding them to be correct, shall forward them to the
21 Comptroller for payment to the county treasurer. In the case of
22 payment to a treasurer of a county which is the most populous
23 of counties sharing the salary and expenses of a Probation and
24 Court Services Department, the treasurer shall divide the money
25 between the counties in a manner that reflects each county's
26 share of the cost incurred by the Department.

27 (10) The county treasurer must certify that funds received
28 under this Section shall be used solely to maintain and improve
29 Probation and Court Services. The county or circuit shall
30 remain in compliance with all standards, policies and
31 regulations established by the Supreme Court. If at any time
32 the Supreme Court determines that a county or circuit is not in
33 compliance, the Supreme Court shall immediately notify the
34 Chief Judge, county board chairman and the Director of Court

1 Services Chief Probation Officer. If after 90 days of written
2 notice the noncompliance still exists, the Supreme Court shall
3 be required to reduce the amount of monthly reimbursement by
4 10%. An additional 10% reduction of monthly reimbursement shall
5 occur for each consecutive month of noncompliance. Except as
6 provided in subsection 5 of Section 15, funding to counties
7 shall commence on April 1, 1986. Funds received under this Act
8 shall be used to provide for Probation Department expenses
9 including those required under Section 13 of this Act. For
10 State fiscal years 2004, 2005, and 2006 only, the Mandatory
11 Arbitration Fund may be used to provide for Probation
12 Department expenses, including those required under Section 13
13 of this Act.

14 (11) The respective counties shall be responsible for
15 capital and space costs, fringe benefits, clerical costs,
16 equipment, telecommunications, postage, commodities and
17 printing.

18 (12) For purposes of this Act only, probation officers
19 shall be considered peace officers. In the exercise of their
20 official duties, probation officers, sheriffs, and police
21 officers may, anywhere within the State, arrest any probationer
22 who is in violation of any of the conditions of his or her
23 probation, conditional discharge, or supervision, and it shall
24 be the duty of the officer making the arrest to take the
25 probationer before the Court having jurisdiction over the
26 probationer for further order.

27 (Source: P.A. 93-25, eff. 6-20-03; 93-576, eff. 1-1-04; 93-839,
28 eff. 7-30-04; 94-91, eff. 7-1-05.)

29 (730 ILCS 110/16.1)

30 Sec. 16.1. Redeploy Illinois Program.

31 (a) The purpose of this Section is to encourage the
32 deinstitutionalization of juvenile offenders establishing
33 pilot projects in counties or groups of counties that

1 reallocate State funds from juvenile correctional confinement
2 to local jurisdictions, which will establish a continuum of
3 local, community-based sanctions and treatment alternatives
4 for juvenile offenders who would be incarcerated if those local
5 services and sanctions did not exist. The allotment of funds
6 will be based on a formula that rewards local jurisdictions for
7 the establishment or expansion of local alternatives to
8 incarceration, and requires them to pay for utilization of
9 incarceration as a sanction. This redeployment of funds shall
10 be made in a manner consistent with the Juvenile Court Act of
11 1987 and the following purposes and policies:

12 (1) The juvenile justice system should protect the
13 community, impose accountability to victims and
14 communities for violations of law, and equip juvenile
15 offenders with competencies to live responsibly and
16 productively.

17 (2) Juveniles should be treated in the least
18 restrictive manner possible while maintaining the safety
19 of the community.

20 (3) A continuum of services and sanctions from least
21 restrictive to most restrictive should be available in
22 every community.

23 (4) There should be local responsibility and authority
24 for planning, organizing, and coordinating service
25 resources in the community. People in the community can
26 best choose a range of services which reflect community
27 values and meet the needs of their own youth.

28 (5) Juveniles who pose a threat to the community or
29 themselves need special care, including secure settings.
30 Such services as detention, long-term incarceration, or
31 residential treatment are too costly to provide in each
32 community and should be coordinated and provided on a
33 regional or Statewide basis.

34 (6) The roles of State and local government in creating

1 and maintaining services to youth in the juvenile justice
2 system should be clearly defined. The role of the State is
3 to fund services, set standards of care, train service
4 providers, and monitor the integration and coordination of
5 services. The role of local government should be to oversee
6 the provision of services.

7 (b) Each county or circuit participating in the pilot
8 program must create a local plan demonstrating how it will
9 reduce the county or circuit's utilization of secure
10 confinement of juvenile offenders in the Illinois Department of
11 Juvenile Justice ~~Corrections~~ or county detention centers by the
12 creation or expansion of individualized services or programs
13 that may include but are not limited to the following:

14 (1) Assessment and evaluation services to provide the
15 juvenile justice system with accurate individualized case
16 information on each juvenile offender including mental
17 health, substance abuse, educational, and family
18 information;

19 (2) Direct services to individual juvenile offenders
20 including educational, vocational, mental health,
21 substance abuse, supervision, and service coordination;
22 and

23 (3) Programs that seek to restore the offender to the
24 community, such as victim offender panels, teen courts,
25 competency building, enhanced accountability measures,
26 restitution, and community service. The local plan must be
27 directed in such a manner as to emphasize an individualized
28 approach to providing services to juvenile offenders in an
29 integrated community based system including probation as
30 the broker of services. The plan must also detail the
31 reduction in utilization of secure confinement. The local
32 plan shall be limited to services and shall not include
33 costs for:

34 (i) capital expenditures;

1 (ii) renovations or remodeling;

2 (iii) personnel costs for probation.

3 The local plan shall be submitted to the Department of
4 Human Services.

5 (c) A county or group of counties may develop an agreement
6 with the Department of Human Services to reduce their number of
7 commitments of juvenile offenders, excluding minors sentenced
8 based upon a finding of guilt of first degree murder or an
9 offense which is a Class X forcible felony as defined in the
10 Criminal Code of 1961, to the Department of Juvenile Justice
11 ~~Corrections~~, and then use the savings to develop local
12 programming for youth who would otherwise have been committed
13 to the Department of Juvenile Justice ~~Corrections~~. The county
14 or group of counties shall agree to limit their commitments to
15 75% of the level of commitments from the average number of
16 juvenile commitments for the past 3 years, and will receive the
17 savings to redeploy for local programming for juveniles who
18 would otherwise be held in confinement. The agreement shall set
19 forth the following:

20 (1) a Statement of the number and type of juvenile
21 offenders from the county who were held in secure
22 confinement by the Illinois Department of Juvenile Justice
23 ~~Corrections~~ or in county detention the previous year, and
24 an explanation of which, and how many, of these offenders
25 might be served through the proposed Redeploy Illinois
26 Program for which the funds shall be used;

27 (2) a Statement of the service needs of currently
28 confined juveniles;

29 (3) a Statement of the type of services and programs to
30 provide for the individual needs of the juvenile offenders,
31 and the research or evidence base that qualifies those
32 services and programs as proven or promising practices;

33 (4) a budget indicating the costs of each service or
34 program to be funded under the plan;

1 (5) a summary of contracts and service agreements
2 indicating the treatment goals and number of juvenile
3 offenders to be served by each service provider; and

4 (6) a Statement indicating that the Redeploy Illinois
5 Program will not duplicate existing services and programs.
6 Funds for this plan shall not supplant existing county
7 funded programs.

8 (d) (Blank).

9 (e) The Department of Human Services shall be responsible
10 for the following:

11 (1) Reviewing each Redeploy Illinois Program plan for
12 compliance with standards established for such plans. A
13 plan may be approved as submitted, approved with
14 modifications, or rejected. No plan shall be considered for
15 approval if the circuit or county is not in full compliance
16 with all regulations, standards and guidelines pertaining
17 to the delivery of basic probation services as established
18 by the Supreme Court.

19 (2) Monitoring on a continual basis and evaluating
20 annually both the program and its fiscal activities in all
21 counties receiving an allocation under the Redeploy
22 Illinois Program. Any program or service that has not met
23 the goals and objectives of its contract or service
24 agreement shall be subject to denial for funding in
25 subsequent years. The Department of Human Services shall
26 evaluate the effectiveness of the Redeploy Illinois
27 Program in each circuit or county. In determining the
28 future funding for the Redeploy Illinois Program under this
29 Act, the evaluation shall include, as a primary indicator
30 of success, a decreased number of confinement days for the
31 county's juvenile offenders.

32 (f) Any Redeploy Illinois Program allocations not applied
33 for and approved by the Department of Human Services shall be
34 available for redistribution to approved plans for the

1 remainder of that fiscal year. Any county that invests local
2 moneys in the Redeploy Illinois Program shall be given first
3 consideration for any redistribution of allocations.
4 Jurisdictions participating in Redeploy Illinois that exceed
5 their agreed upon level of commitments to the Department of
6 Juvenile Justice ~~Corrections~~ shall reimburse the Department of
7 Corrections for each commitment above the agreed upon level.

8 (g) Implementation of Redeploy Illinois.

9 (1) Planning Phase.

10 (i) Redeploy Illinois Oversight Board. The
11 Department of Human Services shall convene an
12 oversight board to develop plans for a pilot Redeploy
13 Illinois Program. The Board shall include, but not be
14 limited to, designees from the Department of Juvenile
15 Justice ~~Corrections~~, the Administrative Office of
16 Illinois Courts, the Illinois Juvenile Justice
17 Commission, the Illinois Criminal Justice Information
18 Authority, the Department of Children and Family
19 Services, the State Board of Education, the Cook County
20 State's Attorney, and a State's Attorney selected by
21 the President of the Illinois State's Attorney's
22 Association.

23 (ii) Responsibilities of the Redeploy Illinois
24 Oversight Board. The Oversight Board shall:

25 (A) Identify jurisdictions to be invited in
26 the initial pilot program of Redeploy Illinois.

27 (B) Develop a formula for reimbursement of
28 local jurisdictions for local and community-based
29 services utilized in lieu of commitment to the
30 Department of Juvenile Justice ~~Corrections~~, as
31 well as for any charges for local jurisdictions for
32 commitments above the agreed upon limit in the
33 approved plan.

34 (C) Identify resources sufficient to support

1 the administration and evaluation of Redeploy
2 Illinois.

3 (D) Develop a process and identify resources
4 to support on-going monitoring and evaluation of
5 Redeploy Illinois.

6 (E) Develop a process and identify resources
7 to support training on Redeploy Illinois.

8 (F) Report to the Governor and the General
9 Assembly on an annual basis on the progress of
10 Redeploy Illinois.

11 (iii) Length of Planning Phase. The planning phase
12 may last up to, but may in no event last longer than,
13 July 1, 2004.

14 (2) Pilot Phase. In the second phase of the Redeploy
15 Illinois program, the Department of Human Services shall
16 implement several pilot programs of Redeploy Illinois in
17 counties or groups of counties as identified by the
18 Oversight Board. Annual review of the Redeploy Illinois
19 program by the Oversight Board shall include
20 recommendations for future sites for Redeploy Illinois.

21 (Source: P.A. 93-641, eff. 12-31-03.)

22 Section 35. The Private Correctional Facility Moratorium
23 Act is amended by changing Section 3 as follows:

24 (730 ILCS 140/3) (from Ch. 38, par. 1583)

25 Sec. 3. Certain contracts prohibited. After the effective
26 date of this Act, the State shall not contract with a private
27 contractor or private vendor for the provision of services
28 relating to the operation of a correctional facility or the
29 incarceration of persons in the custody of the Department of
30 Corrections or of the Department of Juvenile Justice; however,
31 this Act does not apply to (1) State work release centers or
32 juvenile residential facilities that provide separate care or

1 special treatment operated in whole or part by private
2 contractors or (2) contracts for ancillary services, including
3 medical services, educational services, repair and maintenance
4 contracts, or other services not directly related to the
5 ownership, management or operation of security services in a
6 correctional facility.

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

8 Section 40. The Line of Duty Compensation Act is amended by
9 changing Section 2 as follows:

10 (820 ILCS 315/2) (from Ch. 48, par. 282)

11 Sec. 2. As used in this Act, unless the context otherwise
12 requires:

13 (a) "Law enforcement officer" or "officer" means any person
14 employed by the State or a local governmental entity as a
15 policeman, peace officer, auxiliary policeman or in some like
16 position involving the enforcement of the law and protection of
17 the public interest at the risk of that person's life. This
18 includes supervisors, wardens, superintendents and their
19 assistants, guards and keepers, correctional officers, youth
20 supervisors, parole agents, school teachers and correctional
21 counsellors in all facilities of both the ~~Juvenile and Adult~~
22 ~~Divisions of the~~ Department of Corrections and the Department
23 of Juvenile Justice, while within the facilities under the
24 control of the Department of Corrections or the Department of
25 Juvenile Justice or in the act of transporting inmates or wards
26 from one location to another or while performing their official
27 duties, and all other Department of Correction or Department of
28 Juvenile Justice employees who have daily contact with inmates.

29 The death of the foregoing employees of the Department of
30 Corrections or the Department of Juvenile Justice in order to
31 be included herein must be by the direct or indirect willful
32 act of an inmate, ward, work-releasee, parolee, parole

1 violator, person under conditional release, or any person
2 sentenced or committed, or otherwise subject to confinement in
3 or to the Department of Corrections or the Department of
4 Juvenile Justice.

5 (b) "Fireman" means any person employed by the State or a
6 local governmental entity as, or otherwise serving as, a member
7 or officer of a fire department either for the purpose of the
8 prevention or control of fire or the underwater recovery of
9 drowning victims, including volunteer firemen.

10 (c) "Local governmental entity" includes counties,
11 municipalities and municipal corporations.

12 (d) "State" means the State of Illinois and its
13 departments, divisions, boards, bureaus, commissions,
14 authorities and colleges and universities.

15 (e) "Killed in the line of duty" means losing one's life as
16 a result of injury received in the active performance of duties
17 as a law enforcement officer, civil defense worker, civil air
18 patrol member, paramedic, fireman, or chaplain if the death
19 occurs within one year from the date the injury was received
20 and if that injury arose from violence or other accidental
21 cause. In the case of a State employee, "killed in the line of
22 duty" means losing one's life as a result of injury received in
23 the active performance of one's duties as a State employee, if
24 the death occurs within one year from the date the injury was
25 received and if that injury arose from a willful act of
26 violence by another State employee committed during such other
27 employee's course of employment and after January 1, 1988. The
28 term excludes death resulting from the willful misconduct or
29 intoxication of the officer, civil defense worker, civil air
30 patrol member, paramedic, fireman, chaplain, or State
31 employee. However, the burden of proof of such willful
32 misconduct or intoxication of the officer, civil defense
33 worker, civil air patrol member, paramedic, fireman, chaplain,
34 or State employee is on the Attorney General. Subject to the

1 conditions set forth in subsection (a) with respect to
2 inclusion under this Act of Department of Corrections and
3 Department of Juvenile Justice employees described in that
4 subsection, for the purposes of this Act, instances in which a
5 law enforcement officer receives an injury in the active
6 performance of duties as a law enforcement officer include but
7 are not limited to instances when:

8 (1) the injury is received as a result of a wilful act
9 of violence committed other than by the officer and a
10 relationship exists between the commission of such act and
11 the officer's performance of his duties as a law
12 enforcement officer, whether or not the injury is received
13 while the officer is on duty as a law enforcement officer;

14 (2) the injury is received by the officer while the
15 officer is attempting to prevent the commission of a
16 criminal act by another or attempting to apprehend an
17 individual the officer suspects has committed a crime,
18 whether or not the injury is received while the officer is
19 on duty as a law enforcement officer;

20 (3) the injury is received by the officer while the
21 officer is travelling to or from his employment as a law
22 enforcement officer or during any meal break, or other
23 break, which takes place during the period in which the
24 officer is on duty as a law enforcement officer.

25 In the case of an Armed Forces member, "killed in the line
26 of duty" means losing one's life while on active duty in
27 connection with the September 11, 2001 terrorist attacks on the
28 United States, Operation Enduring Freedom, or Operation Iraqi
29 Freedom.

30 (f) "Volunteer fireman" means a person having principal
31 employment other than as a fireman, but who is carried on the
32 rolls of a regularly constituted fire department either for the
33 purpose of the prevention or control of fire or the underwater
34 recovery of drowning victims, the members of which are under

1 the jurisdiction of the corporate authorities of a city,
2 village, incorporated town, or fire protection district, and
3 includes a volunteer member of a fire department organized
4 under the "General Not for Profit Corporation Act", approved
5 July 17, 1943, as now or hereafter amended, which is under
6 contract with any city, village, incorporated town, fire
7 protection district, or persons residing therein, for fire
8 fighting services. "Volunteer fireman" does not mean an
9 individual who volunteers assistance without being regularly
10 enrolled as a fireman.

11 (g) "Civil defense worker" means any person employed by the
12 State or a local governmental entity as, or otherwise serving
13 as, a member of a civil defense work force, including volunteer
14 civil defense work forces engaged in serving the public
15 interest during periods of disaster, whether natural or
16 man-made.

17 (h) "Civil air patrol member" means any person employed by
18 the State or a local governmental entity as, or otherwise
19 serving as, a member of the organization commonly known as the
20 "Civil Air Patrol", including volunteer members of the
21 organization commonly known as the "Civil Air Patrol".

22 (i) "Paramedic" means an Emergency Medical
23 Technician-Paramedic certified by the Illinois Department of
24 Public Health under the Emergency Medical Services (EMS)
25 Systems Act, and all other emergency medical personnel
26 certified by the Illinois Department of Public Health who are
27 members of an organized body or not-for-profit corporation
28 under the jurisdiction of a city, village, incorporated town,
29 fire protection district or county, that provides emergency
30 medical treatment to persons of a defined geographical area.

31 (j) "State employee" means any employee as defined in
32 Section 14-103.05 of the Illinois Pension Code, as now or
33 hereafter amended.

34 (k) "Chaplain" means an individual who:

1 (1) is a chaplain of (i) a fire department or (ii) a
2 police department or other agency consisting of law
3 enforcement officers; and

4 (2) has been designated a chaplain by (i) the fire
5 department, police department, or other agency or an
6 officer or body having jurisdiction over the department or
7 agency or (ii) a labor organization representing the
8 firemen or law enforcement officers.

9 (1) "Armed Forces member" means an Illinois resident who
10 is: a member of the Armed Forces of the United States; a member
11 of the Illinois National Guard while on active military service
12 pursuant to an order of the President of the United States; or
13 a member of any reserve component of the Armed Forces of the
14 United States while on active military service pursuant to an
15 order of the President of the United States.

16 (Source: P.A. 93-1047, eff. 10-18-04; 93-1073, eff.
17 1-18-05.)".