



Sen. Mattie Hunter

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1 AMENDMENT TO SENATE BILL 1138

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1138 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Sections 3-12 and 6-16.1 as follows:

6 (235 ILCS 5/3-12) (from Ch. 43, par. 108)

7 Sec. 3-12. Powers and duties of State Commission.

8 (a) The State commission shall have the following powers,  
9 functions and duties:

10 (1) To receive applications and to issue licenses to  
11 manufacturers, foreign importers, importing distributors,  
12 distributors, non-resident dealers, on premise consumption  
13 retailers, off premise sale retailers, special event  
14 retailer licensees, special use permit licenses, auction  
15 liquor licenses, brew pubs, caterer retailers,  
16 non-beverage users, railroads, including owners and  
17 lessees of sleeping, dining and cafe cars, airplanes,  
18 boats, brokers, and wine maker's premises licensees in  
19 accordance with the provisions of this Act, and to suspend  
20 or revoke such licenses upon the State commission's  
21 determination, upon notice after hearing, that a licensee  
22 has violated any provision of this Act or any rule or  
23 regulation issued pursuant thereto and in effect for 30  
24 days prior to such violation. Except in the case of an

1 action taken pursuant to a violation of Section 6-3, 6-5,  
2 or 6-9, any action by the State Commission to suspend or  
3 revoke a licensee's license may be limited to the license  
4 for the specific premises where the violation occurred.

5 In lieu of suspending or revoking a license, the  
6 commission may impose a fine, upon the State commission's  
7 determination and notice after hearing, that a licensee has  
8 violated any provision of this Act or any rule or  
9 regulation issued pursuant thereto and in effect for 30  
10 days prior to such violation. The fine imposed under this  
11 paragraph may not exceed \$500 for each violation. Each day  
12 that the activity, which gave rise to the original fine,  
13 continues is a separate violation. The maximum fine that  
14 may be levied against any licensee, for the period of the  
15 license, shall not exceed \$20,000. The maximum penalty that  
16 may be imposed on a licensee for selling a bottle of  
17 alcoholic liquor with a foreign object in it or serving  
18 from a bottle of alcoholic liquor with a foreign object in  
19 it shall be the destruction of that bottle of alcoholic  
20 liquor for the first 10 bottles so sold or served from by  
21 the licensee. For the eleventh bottle of alcoholic liquor  
22 and for each third bottle thereafter sold or served from by  
23 the licensee with a foreign object in it, the maximum  
24 penalty that may be imposed on the licensee is the  
25 destruction of the bottle of alcoholic liquor and a fine of  
26 up to \$50.

27 (2) To adopt such rules and regulations consistent with  
28 the provisions of this Act which shall be necessary to  
29 carry on its functions and duties to the end that the  
30 health, safety and welfare of the People of the State of  
31 Illinois shall be protected and temperance in the  
32 consumption of alcoholic liquors shall be fostered and  
33 promoted and to distribute copies of such rules and  
34 regulations to all licensees affected thereby.

1           (3) To call upon other administrative departments of  
2 the State, county and municipal governments, county and  
3 city police departments and upon prosecuting officers for  
4 such information and assistance as it deems necessary in  
5 the performance of its duties.

6           (4) To recommend to local commissioners rules and  
7 regulations, not inconsistent with the law, for the  
8 distribution and sale of alcoholic liquors throughout the  
9 State.

10          (5) To inspect, or cause to be inspected, any premises  
11 in this State where alcoholic liquors are manufactured,  
12 distributed, warehoused, or sold.

13          (5.1) Upon receipt of a complaint or upon having  
14 knowledge that any person is engaged in business as a  
15 manufacturer, importing distributor, distributor, or  
16 retailer without a license or valid license, to notify the  
17 local liquor authority, file a complaint with the State's  
18 Attorney's Office of the county where the incident  
19 occurred, or initiate an investigation with the  
20 appropriate law enforcement officials.

21          (5.2) To issue a cease and desist notice to persons  
22 shipping alcoholic liquor into this State from a point  
23 outside of this State if the shipment is in violation of  
24 this Act.

25          (5.3) To receive complaints from licensees, local  
26 officials, law enforcement agencies, organizations, and  
27 persons stating that any licensee has been or is violating  
28 any provision of this Act or the rules and regulations  
29 issued pursuant to this Act. Such complaints shall be in  
30 writing, signed and sworn to by the person making the  
31 complaint, and shall state with specificity the facts in  
32 relation to the alleged violation. If the Commission has  
33 reasonable grounds to believe that the complaint  
34 substantially alleges a violation of this Act or rules and

1 regulations adopted pursuant to this Act, it shall conduct  
2 an investigation. If, after conducting an investigation,  
3 the Commission is satisfied that the alleged violation did  
4 occur, it shall proceed with disciplinary action against  
5 the licensee as provided in this Act.

6 (6) To hear and determine appeals from orders of a  
7 local commission in accordance with the provisions of this  
8 Act, as hereinafter set forth. Hearings under this  
9 subsection shall be held in Springfield or Chicago, at  
10 whichever location is the more convenient for the majority  
11 of persons who are parties to the hearing.

12 (7) The commission shall establish uniform systems of  
13 accounts to be kept by all retail licensees having more  
14 than 4 employees, and for this purpose the commission may  
15 classify all retail licensees having more than 4 employees  
16 and establish a uniform system of accounts for each class  
17 and prescribe the manner in which such accounts shall be  
18 kept. The commission may also prescribe the forms of  
19 accounts to be kept by all retail licensees having more  
20 than 4 employees, including but not limited to accounts of  
21 earnings and expenses and any distribution, payment, or  
22 other distribution of earnings or assets, and any other  
23 forms, records and memoranda which in the judgment of the  
24 commission may be necessary or appropriate to carry out any  
25 of the provisions of this Act, including but not limited to  
26 such forms, records and memoranda as will readily and  
27 accurately disclose at all times the beneficial ownership  
28 of such retail licensed business. The accounts, forms,  
29 records and memoranda shall be available at all reasonable  
30 times for inspection by authorized representatives of the  
31 State commission or by any local liquor control  
32 commissioner or his or her authorized representative. The  
33 commission, may, from time to time, alter, amend or repeal,  
34 in whole or in part, any uniform system of accounts, or the

1 form and manner of keeping accounts.

2 (8) In the conduct of any hearing authorized to be held  
3 by the commission, to appoint, at the commission's  
4 discretion, hearing officers to conduct hearings involving  
5 complex issues or issues that will require a protracted  
6 period of time to resolve, to examine, or cause to be  
7 examined, under oath, any licensee, and to examine or cause  
8 to be examined the books and records of such licensee; to  
9 hear testimony and take proof material for its information  
10 in the discharge of its duties hereunder; to administer or  
11 cause to be administered oaths; for any such purpose to  
12 issue subpoena or subpoenas to require the attendance of  
13 witnesses and the production of books, which shall be  
14 effective in any part of this State, and to adopt rules to  
15 implement its powers under this paragraph (8).

16 Any Circuit Court may by order duly entered, require  
17 the attendance of witnesses and the production of relevant  
18 books subpoenaed by the State commission and the court may  
19 compel obedience to its order by proceedings for contempt.

20 (9) To investigate the administration of laws in  
21 relation to alcoholic liquors in this and other states and  
22 any foreign countries, and to recommend from time to time  
23 to the Governor and through him or her to the legislature  
24 of this State, such amendments to this Act, if any, as it  
25 may think desirable and as will serve to further the  
26 general broad purposes contained in Section 1-2 hereof.

27 (10) To adopt such rules and regulations consistent  
28 with the provisions of this Act which shall be necessary  
29 for the control, sale or disposition of alcoholic liquor  
30 damaged as a result of an accident, wreck, flood, fire or  
31 other similar occurrence.

32 (11) To develop industry educational programs related  
33 to responsible serving and selling, particularly in the  
34 areas of overserving consumers and illegal underage

1 purchasing and consumption of alcoholic beverages.

2 (11.1) To license persons providing education and  
3 training to alcohol beverage sellers and servers under the  
4 Beverage Alcohol Sellers and Servers Education and  
5 Training (BASSET) programs and to develop and administer a  
6 public awareness program in Illinois to reduce or eliminate  
7 the illegal purchase and consumption of alcoholic beverage  
8 products by persons under the age of 21. Application for a  
9 license shall be made on forms provided by the State  
10 Commission.

11 (12) To develop and maintain a repository of license  
12 and regulatory information.

13 (13) On or before January 15, 1994, the Commission  
14 shall issue a written report to the Governor and General  
15 Assembly that is to be based on a comprehensive study of  
16 the impact on and implications for the State of Illinois of  
17 Section 1926 of the Federal ADAMHA Reorganization Act of  
18 1992 (Public Law 102-321). This study shall address the  
19 extent to which Illinois currently complies with the  
20 provisions of P.L. 102-321 and the rules promulgated  
21 pursuant thereto.

22 As part of its report, the Commission shall provide the  
23 following essential information:

24 (i) the number of retail distributors of tobacco  
25 products, by type and geographic area, in the State;

26 (ii) the number of reported citations and  
27 successful convictions, categorized by type and  
28 location of retail distributor, for violation of the  
29 Prevention of Tobacco Use by ~~Sale of Tobacco to~~ Minors  
30 Act and the Smokeless Tobacco Limitation Act;

31 (iii) the extent and nature of organized  
32 educational and governmental activities that are  
33 intended to promote, encourage or otherwise secure  
34 compliance with any Illinois laws that prohibit the

1 sale or distribution of tobacco products to minors; and  
2 (iv) the level of access and availability of  
3 tobacco products to individuals under the age of 18.

4 To obtain the data necessary to comply with the provisions  
5 of P.L. 102-321 and the requirements of this report, the  
6 Commission shall conduct random, unannounced inspections of a  
7 geographically and scientifically representative sample of the  
8 State's retail tobacco distributors.

9 The Commission shall consult with the Department of Public  
10 Health, the Department of Human Services, the Illinois State  
11 Police and any other executive branch agency, and private  
12 organizations that may have information relevant to this  
13 report.

14 The Commission may contract with the Food and Drug  
15 Administration of the U.S. Department of Health and Human  
16 Services to conduct unannounced investigations of Illinois  
17 tobacco vendors to determine compliance with federal laws  
18 relating to the illegal sale of cigarettes and smokeless  
19 tobacco products to persons under the age of 18.

20 (b) On or before April 30, 1999, the Commission shall  
21 present a written report to the Governor and the General  
22 Assembly that shall be based on a study of the impact of this  
23 amendatory Act of 1998 on the business of soliciting, selling,  
24 and shipping alcoholic liquor from outside of this State  
25 directly to residents of this State.

26 As part of its report, the Commission shall provide the  
27 following information:

28 (i) the amount of State excise and sales tax revenues  
29 generated as a result of this amendatory Act of 1998;

30 (ii) the amount of licensing fees received as a result  
31 of this amendatory Act of 1998;

32 (iii) the number of reported violations, the number of  
33 cease and desist notices issued by the Commission, the  
34 number of notices of violations issued to the Department of

1 Revenue, and the number of notices and complaints of  
2 violations to law enforcement officials.

3 (Source: P.A. 92-378, eff. 8-16-01; 92-813, eff. 8-21-02;  
4 93-1057, eff. 12-2-04.)

5 (235 ILCS 5/6-16.1)

6 Sec. 6-16.1. Enforcement actions.

7 (a) A licensee or an officer, associate, member,  
8 representative, agent, or employee of a licensee may sell,  
9 give, or deliver alcoholic liquor to a person under the age of  
10 21 years or authorize the sale, gift, or delivery of alcoholic  
11 liquor to a person under the age of 21 years pursuant to a plan  
12 or action to investigate, patrol, or otherwise conduct a "sting  
13 operation" or enforcement action against a person employed by  
14 the licensee or on any licensed premises if the licensee or  
15 officer, associate, member, representative, agent, or employee  
16 of the licensee provides written notice, at least 14 days  
17 before the "sting operation" or enforcement action, unless  
18 governing body of the municipality or county having  
19 jurisdiction sets a shorter period by ordinance, to the law  
20 enforcement agency having jurisdiction, the local liquor  
21 control commissioner, or both. Notice provided under this  
22 Section shall be valid for a "sting operation" or enforcement  
23 action conducted within 60 days of the provision of that  
24 notice, unless the governing body of the municipality or county  
25 having jurisdiction sets a shorter period by ordinance.

26 (b) A local liquor control commission or unit of local  
27 government that conducts alcohol and tobacco compliance  
28 operations shall establish a policy and standards for alcohol  
29 and tobacco compliance operations to investigate whether a  
30 licensee is furnishing (1) alcoholic liquor to persons under 21  
31 years of age in violation of this Act or (2) tobacco to persons  
32 in violation of the Prevention of Tobacco Use by Sale of  
33 ~~Tobacco to~~ Minors Act.



1 (c) The Illinois Law Enforcement Training Standards Board  
2 shall develop a model policy and guidelines for the operation  
3 of alcohol and tobacco compliance checks by local law  
4 enforcement officers. The Illinois Law Enforcement Training  
5 Standards Board shall also require the supervising officers of  
6 such compliance checks to have met a minimum training standard  
7 as determined by the Board. The Board shall have the right to  
8 waive any training based on current written policies and  
9 procedures for alcohol and tobacco compliance check operations  
10 and in-service training already administered by the local law  
11 enforcement agency, department, or office.

12 (d) The provisions of subsections (b) and (c) do not apply  
13 to a home rule unit with more than 2,000,000 inhabitants.

14 (e) A home rule unit, other than a home rule unit with more  
15 than 2,000,000 inhabitants, may not regulate enforcement  
16 actions in a manner inconsistent with the regulation of  
17 enforcement actions under this Section. This subsection (e) is  
18 a limitation under subsection (i) of Section 6 of Article VII  
19 of the Illinois Constitution on the concurrent exercise by home  
20 rule units of powers and functions exercised by the State.

21 (f) A licensee who is the subject of an enforcement action  
22 or "sting operation" under this Section and is found, pursuant  
23 to the enforcement action, to be in compliance with this Act  
24 shall be notified by the enforcement agency action that no  
25 violation was found within 30 days after the finding.

26 (Source: P.A. 92-503, eff. 1-1-02; 93-1057, eff. 12-2-04.)

27 Section 10. The Juvenile Court Act of 1987 is amended by  
28 changing Sections 5-615 and 5-710 as follows:

29 (705 ILCS 405/5-615)

30 Sec. 5-615. Continuance under supervision.

31 (1) The court may enter an order of continuance under  
32 supervision for an offense other than first degree murder, a

1 Class X felony or a forcible felony (a) upon an admission or  
2 stipulation by the appropriate respondent or minor respondent  
3 of the facts supporting the petition and before proceeding to  
4 adjudication, or after hearing the evidence at the trial, and  
5 (b) in the absence of objection made in open court by the  
6 minor, his or her parent, guardian, or legal custodian, the  
7 minor's attorney or the State's Attorney.

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

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

15 (4) When a hearing where a minor is alleged to be a  
16 delinquent is continued pursuant to this Section, the period of  
17 continuance under supervision may not exceed 24 months. The  
18 court may terminate a continuance under supervision at any time  
19 if warranted by the conduct of the minor and the ends of  
20 justice.

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

25 (a) not violate any criminal statute of any  
26 jurisdiction;

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

29 (c) work or pursue a course of study or vocational  
30 training;

31 (d) undergo medical or psychotherapeutic treatment  
32 rendered by a therapist licensed under the provisions of  
33 the Medical Practice Act of 1987, the Clinical Psychologist  
34 Licensing Act, or the Clinical Social Work and Social Work

1 Practice Act, or an entity licensed by the Department of  
2 Human Services as a successor to the Department of  
3 Alcoholism and Substance Abuse, for the provision of drug  
4 addiction and alcoholism treatment;

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

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

8 (g) pay costs;

9 (h) refrain from possessing a firearm or other  
10 dangerous weapon, or an automobile;

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

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

14 (k) attend school;

15 (k-5) with the consent of the superintendent of the  
16 facility, attend an educational program at a facility other  
17 than the school in which the offense was committed if he or  
18 she committed a crime of violence as defined in Section 2  
19 of the Crime Victims Compensation Act in a school, on the  
20 real property comprising a school, or within 1,000 feet of  
21 the real property comprising a school;

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

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

25 (n) perform some reasonable public or community  
26 service;

27 (o) make restitution to the victim, in the same manner  
28 and under the same conditions as provided in subsection (4)  
29 of Section 5-710, except that the "sentencing hearing"  
30 referred to in that Section shall be the adjudicatory  
31 hearing for purposes of this Section;

32 (p) comply with curfew requirements as designated by  
33 the court;

34 (q) refrain from entering into a designated geographic

1 area except upon terms as the court finds appropriate. The  
2 terms may include consideration of the purpose of the  
3 entry, the time of day, other persons accompanying the  
4 minor, and advance approval by a probation officer;

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

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

12 (s) refrain from having in his or her body the presence  
13 of any illicit drug prohibited by the Cannabis Control Act  
14 or the Illinois Controlled Substances Act, unless  
15 prescribed by a physician, and submit samples of his or her  
16 blood or urine or both for tests to determine the presence  
17 of any illicit drug; or

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

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

27 (7) If a petition is filed charging a violation of a  
28 condition of the continuance under supervision, the court shall  
29 conduct a hearing. If the court finds that a condition of  
30 supervision has not been fulfilled, the court may proceed to  
31 findings and adjudication and disposition. The filing of a  
32 petition for violation of a condition of the continuance under  
33 supervision shall toll the period of continuance under  
34 supervision until the final determination of the charge, and

1 the term of the continuance under supervision shall not run  
2 until the hearing and disposition of the petition for  
3 violation; provided where the petition alleges conduct that  
4 does not constitute a criminal offense, the hearing must be  
5 held within 30 days of the filing of the petition unless a  
6 delay shall continue the tolling of the period of continuance  
7 under supervision for the period of the delay.

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

20 (8.5) When a hearing in which a minor is alleged to be a  
21 delinquent for reasons that include a violation of Section 3.02  
22 or Section 3.03 of the Humane Care for Animals Act or paragraph  
23 (d) of subsection (1) of Section 21-1 of the Criminal Code of  
24 1961 is continued under this Section, the court shall, as a  
25 condition of the continuance under supervision, require the  
26 minor to undergo medical or psychiatric treatment rendered by a  
27 psychiatrist or psychological treatment rendered by a clinical  
28 psychologist. The condition may be in addition to any other  
29 condition.

30 (9) When a hearing in which a minor is alleged to be a  
31 delinquent is continued under this Section, the court, before  
32 continuing the case, shall make a finding whether the offense  
33 alleged to have been committed either: (i) was related to or in  
34 furtherance of the activities of an organized gang or was

1 motivated by the minor's membership in or allegiance to an  
2 organized gang, or (ii) is a violation of paragraph (13) of  
3 subsection (a) of Section 12-2 of the Criminal Code of 1961, a  
4 violation of any Section of Article 24 of the Criminal Code of  
5 1961, or a violation of any statute that involved the unlawful  
6 use of a firearm. If the court determines the question in the  
7 affirmative the court shall, as a condition of the continuance  
8 under supervision and as part of or in addition to any other  
9 condition of the supervision, require the minor to perform  
10 community service for not less than 30 hours, provided that  
11 community service is available in the jurisdiction and is  
12 funded and approved by the county board of the county where the  
13 offense was committed. The community service shall include, but  
14 need not be limited to, the cleanup and repair of any damage  
15 caused by an alleged violation of Section 21-1.3 of the  
16 Criminal Code of 1961 and similar damage to property located in  
17 the municipality or county in which the alleged violation  
18 occurred. When possible and reasonable, the community service  
19 shall be performed in the minor's neighborhood. For the  
20 purposes of this Section, "organized gang" has the meaning  
21 ascribed to it in Section 10 of the Illinois Streetgang  
22 Terrorism Omnibus Prevention Act.

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

34 (11) If a minor is placed on supervision for a violation of

1 subsection (b) of Section 1 of the Prevention of Tobacco Use by  
2 Minors Act, the court may, in its discretion, and upon  
3 recommendation by the State's Attorney, order that minor and  
4 his or her parents or legal guardian to attend a smoker's  
5 education or youth diversion program as defined in that Act if  
6 that program is available in the jurisdiction where the  
7 offender resides. Attendance at a smoker's education or youth  
8 diversion program shall be time-credited against any community  
9 service time imposed for any first violation of subsection (b)  
10 of Section 1 of that Act. In addition to any other penalty that  
11 the court may impose for a violation of subsection (b) of  
12 Section 1 of that Act, the court, upon request by the State's  
13 Attorney, may in its discretion require the offender to remit a  
14 fee for his or her attendance at a smoker's education or youth  
15 diversion program.

16 For purposes of this Section, "smoker's education program"  
17 or "youth diversion program" includes, but is not limited to, a  
18 seminar designed to educate a person on the physical and  
19 psychological effects of smoking tobacco products and the  
20 health consequences of smoking tobacco products that can be  
21 conducted with a locality's youth diversion program.

22 In addition to any other penalty that the court may impose  
23 under this subsection (11):

24 (a) If a minor violates subsection (b) of Section 1 of the  
25 Prevention of Tobacco Use by Minors Act, the court may impose a  
26 sentence of 15 hours of community service or a fine of \$25 for  
27 a first violation.

28 (b) A second violation by a minor of subsection (b) of  
29 Section 1 of that Act that occurs within 12 months after the  
30 first violation is punishable by a fine of \$50 and 25 hours of  
31 community service.

32 (c) A third or subsequent violation by a minor of  
33 subsection (b) of Section 1 of that Act that occurs within 12  
34 months after the first violation is punishable by a \$100 fine

1 and 30 hours of community service.

2 (d) Any second or subsequent violation not within the  
3 12-month time period after the first violation is punishable as  
4 provided for a first violation.

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

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 Corrections,  
18 Juvenile Division under this subsection and who is  
19 found to be a delinquent for an offense which is first  
20 degree murder, a Class X felony, or a forcible felony  
21 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 ~~Mature~~ 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 Corrections, Juvenile Division, under  
8           Section 5-750 if the minor is 13 years of age or older,  
9           provided that the commitment to the Department of  
10          Corrections, Juvenile Division, shall be made only if a  
11          term of incarceration is permitted by law for adults found  
12          guilty of the offense for which the minor was adjudicated  
13          delinquent. The time during which a minor is in custody  
14          before being released upon the request of a parent,  
15          guardian or legal custodian shall be considered as time  
16          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 or the Cannabis Control Act and made a ward of the  
20          court, the court may enter a disposition order requiring  
21          the minor to undergo assessment, counseling or treatment in  
22          a substance abuse program approved by the Department of  
23          Human Services.

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

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

32          (4) In addition to any other sentence, the court may order  
33          any minor found to be delinquent to make restitution, in  
34          monetary or non-monetary form, under the terms and conditions

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

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

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

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

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

1 located in the municipality or county in which the violation  
2 occurred. The order may be in addition to any other order  
3 authorized by this Section.

4 (8.5) A minor found to be guilty for reasons that include a  
5 violation of Section 3.02 or Section 3.03 of the Humane Care  
6 for Animals Act or paragraph (d) of subsection (1) of Section  
7 21-1 of the Criminal Code of 1961 shall be ordered to undergo  
8 medical or psychiatric treatment rendered by a psychiatrist or  
9 psychological treatment rendered by a clinical psychologist.  
10 The order may be in addition to any other order authorized by  
11 this Section.

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

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

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

1 other order authorized by this Section except for an order to  
2 place the minor in the custody of the Department of  
3 Corrections, Juvenile Division. For the purposes of this  
4 Section, "organized gang" has the meaning ascribed to it in  
5 Section 10 of the Illinois Streetgang Terrorism Omnibus  
6 Prevention Act.

7 (11) If a minor is found to be guilty of a violation of  
8 subsection (b) of Section 1 of the Prevention of Tobacco Use by  
9 Minors Act, the court may, in its discretion, and upon  
10 recommendation by the State's Attorney, order that minor and  
11 his or her parents or legal guardian to attend a smoker's  
12 education or youth diversion program as defined in that Act if  
13 that program is available in the jurisdiction where the  
14 offender resides. Attendance at a smoker's education or youth  
15 diversion program shall be time-credited against any community  
16 service time imposed for any first violation of subsection (b)  
17 of Section 1 of that Act. In addition to any other penalty that  
18 the court may impose for a violation of subsection (b) of  
19 Section 1 of that Act, the court, upon request by the State's  
20 Attorney, may in its discretion require the offender to remit a  
21 fee for his or her attendance at a smoker's education or youth  
22 diversion program.

23 For purposes of this Section, "smoker's education program"  
24 or "youth diversion program" includes, but is not limited to, a  
25 seminar designed to educate a person on the physical and  
26 psychological effects of smoking tobacco products and the  
27 health consequences of smoking tobacco products that can be  
28 conducted with a locality's youth diversion program.

29 In addition to any other penalty that the court may impose  
30 under this subsection (11):

31 (a) If a minor violates subsection (b) of Section 1 of the  
32 Prevention of Tobacco Use by Minors Act, the court may impose a  
33 sentence of 15 hours of community service or a fine of \$25 for  
34 a first violation.

1       (b) A second violation by a minor of subsection (b) of  
2 Section 1 of that Act that occurs within 12 months after the  
3 first violation is punishable by a fine of \$50 and 25 hours of  
4 community service.

5       (c) A third or subsequent violation by a minor of  
6 subsection (b) of Section 1 of that Act that occurs within 12  
7 months after the first violation is punishable by a \$100 fine  
8 and 30 hours of community service.

9       (d) Any second or subsequent violation not within the  
10 12-month time period after the first violation is punishable as  
11 provided for a first violation.

12 (Source: P.A. 91-98, eff. 1-1-00; 92-454, eff. 1-1-02; revised  
13 10-9-03.)

14       Section 15. The Sale of Tobacco to Minors Act is amended by  
15 changing the title of the Act and Sections 0.01, 1, and 2 as  
16 follows:

17       (720 ILCS 675/Act title)

18       An Act to prohibit minors from buying, ~~or~~ selling, or  
19 possessing tobacco in any of its forms, to prohibit selling,  
20 giving or furnishing tobacco, in any of its forms, to minors,  
21 and providing penalties therefor.

22       (720 ILCS 675/0.01) (from Ch. 23, par. 2356.9)

23       Sec. 0.01. Short title. This Act may be cited as the  
24 Prevention of Tobacco Use by ~~Sale of Tobacco to~~ Minors Act.

25 (Source: P.A. 86-1324.)

26       (720 ILCS 675/1) (from Ch. 23, par. 2357)

27       Sec. 1. Prohibition on sale to and possession of tobacco by  
28 ~~to~~ minors; vending machines; lunch wagons.

29       (a) No minor under 18 years of age shall buy any cigar,  
30 cigarette, smokeless tobacco or tobacco in any of its forms. No

1 person shall sell, buy for, distribute samples of or furnish  
2 any cigar, cigarette, smokeless tobacco or tobacco in any of  
3 its forms, to any minor under 18 years of age.

4 (a-5) No minor under 16 years of age may sell any cigar,  
5 cigarette, smokeless tobacco, or tobacco in any of its forms at  
6 a retail establishment selling tobacco products. This  
7 subsection does not apply to a sales clerk in a family-owned  
8 business which can prove that the sales clerk is in fact a son  
9 or daughter of the owner.

10 (b) No minor under 18 years of age shall possess any cigar,  
11 cigarette, smokeless tobacco, or tobacco in any of its forms.

12 (c) For the purpose of this Section, "smokeless tobacco"  
13 means any tobacco products that are suitable for dipping or  
14 chewing.

15 (d) ~~(b)~~ Tobacco products listed in this Section ~~above~~ may  
16 be sold through a vending machine only in the following  
17 locations:

18 (1) Factories, businesses, offices, private clubs, and  
19 other places not open to the general public.

20 (2) Places to which minors under 18 years of age are  
21 not permitted access.

22 (3) Places where alcoholic beverages are sold and  
23 consumed on the premises.

24 (4) Places where the vending machine is under the  
25 direct supervision of the owner of the establishment or an  
26 employee over 18 years of age. The sale of tobacco products  
27 from a vending machine under direct supervision of the  
28 owner or an employee of the establishment is considered a  
29 sale of tobacco products by that person. As used in this  
30 subdivision, "direct supervision" means that the owner or  
31 employee has an unimpeded line of sight to the vending  
32 machine.

33 (5) Places where the vending machine can only be  
34 operated by the owner or an employee over age 18 either



1 directly or through a remote control device if the device  
2 is inaccessible to all customers.

3 (e) ~~(e)~~ The sale or distribution at no charge of cigarettes  
4 from a lunch wagon engaging in any sales activity within 1,000  
5 feet of any public or private elementary or secondary school  
6 grounds is prohibited.

7 (f) It is not a violation of this Act for a person under 18  
8 years of age to purchase or possess a cigar, cigarette,  
9 smokeless tobacco or tobacco in any of its forms if the person  
10 under the age of 18 purchases or is given the cigar, cigarette,  
11 smokeless tobacco or tobacco in any of its forms from a retail  
12 seller of tobacco products or an employee of the retail seller  
13 pursuant to a plan or action to investigate, patrol, or  
14 otherwise conduct a "sting operation" or enforcement action  
15 against a retail seller of tobacco products or a person  
16 employed by the retail seller of tobacco products or on any  
17 premises authorized to sell tobacco products to determine if  
18 tobacco products are being sold or given to persons under 18  
19 years of age if the "sting operation" or enforcement action is  
20 approved by the Department of State Police, the county sheriff,  
21 a municipal police department, the Department of Public Health,  
22 or a local health department.

23 For the purpose of this Section, "lunch wagon" means a  
24 mobile vehicle designed and constructed to transport food and  
25 from which food is sold to the general public.

26 (Source: P.A. 93-284, eff. 1-1-04; 93-886, eff. 1-1-05.)

27 (720 ILCS 675/2) (from Ch. 23, par. 2358)

28 Sec. 2. (a) Any person who violates subsections (a) or  
29 (a) (5) of Section 1 ~~any provision~~ of this Act is guilty of a  
30 petty offense and for the first offense shall be fined \$200,  
31 \$400 for the second offense in a 12-month period, and \$600 for  
32 the third or any subsequent offense in a 12-month period.

33 (b) If a minor violates subsection (b) of Section 1 he or

1 she is guilty of a petty offense and the court may impose a  
2 sentence of 15 hours of community service or a fine of \$25 for  
3 a first violation.

4 (c) A second violation by a minor of subsection (b) of  
5 Section 1 that occurs within 12 months after the first  
6 violation is punishable by a fine of \$50 and 25 hours of  
7 community service.

8 (d) A third or subsequent violation by a minor of  
9 subsection (b) of Section 1 that occurs within 12 months after  
10 the first violation is punishable by a \$100 fine and 30 hours  
11 of community service.

12 (e) Any second or subsequent violation not within the  
13 12-month time period after the first violation is punishable as  
14 provided for a first violation.

15 (f) If a minor is convicted of or placed on supervision for  
16 a violation of subsection (b) of Section 1, the court may, in  
17 its discretion, and upon recommendation by the State's  
18 Attorney, order that minor and his or her parents or legal  
19 guardian to attend a smoker's education or youth diversion  
20 program if that program is available in the jurisdiction where  
21 the offender resides. Attendance at a smoker's education or  
22 youth diversion program shall be time-credited against any  
23 community service time imposed for any first violation of  
24 subsection (b) of Section 1. In addition to any other penalty  
25 that the court may impose for a violation of subsection (b) of  
26 Section 1, the court, upon request by the State's Attorney, may  
27 in its discretion require the offender to remit a fee for his  
28 or her attendance at a smoker's education or youth diversion  
29 program.

30 (g) For purposes of this Section, "smoker's education  
31 program" or "youth diversion program" includes, but is not  
32 limited to, a seminar designed to educate a person on the  
33 physical and psychological effects of smoking tobacco products  
34 and the health consequences of smoking tobacco products that

1 can be conducted with a locality's youth diversion program.

2 (h) All moneys collected as fines for violations of  
3 subsection (a) of Section 1 shall be distributed in the  
4 following manner:

5 (1) one-half of each fine shall be distributed to the  
6 unit of local government or other entity that successfully  
7 prosecuted the offender; and

8 (2) one-half shall be remitted to the State to be used  
9 for enforcing this Act. ~~One-half of each fine collected~~  
10 ~~under this Section shall be distributed to the unit of~~  
11 ~~local government or other entity that successfully~~  
12 ~~prosecuted the offender and one-half shall be remitted to~~  
13 ~~the State to be used for enforcing this Act.~~

14 (Source: P.A. 88-418.)

15 Section 20. The Display of Tobacco Products Act is amended  
16 by changing Section 15 as follows:

17 (720 ILCS 677/15)

18 Sec. 15. Vending machines. This Act does not prohibit the  
19 sale of tobacco products from vending machines if the location  
20 of the vending machines are in compliance with the provisions  
21 of Section 1 of the Prevention of Tobacco Use by ~~Sale of~~  
22 ~~Tobacco to~~ Minors Act.

23 (Source: P.A. 93-886, eff. 1-1-05.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law."