

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Section
5 10-20.12a as follows:

6 (105 ILCS 5/10-20.12a) (from Ch. 122, par. 10-20.12a)

7 Sec. 10-20.12a. Tuition for non-resident pupils. To charge
8 non-resident pupils who attend the schools of the district
9 tuition in an amount not exceeding 110% of the per capita cost
10 of maintaining the schools of the district for the preceding
11 school year.

12 Such per capita cost shall be computed by dividing the
13 total cost of conducting and maintaining the schools of the
14 district by the average daily attendance, including tuition
15 pupils. Depreciation on the buildings and equipment of the
16 schools of the district, and the amount of annual depreciation
17 on such buildings and equipment shall be dependent upon the
18 useful life of such property.

19 The tuition charged shall in no case exceed 110% of the per
20 capita cost of conducting and maintaining the schools of the
21 district attended, as determined with reference to the most
22 recent audit prepared under Section 3-7 which is available at
23 the commencement of the current school year. Non-resident

1 pupils attending the schools of the district for less than the
2 school term shall have their tuition apportioned, however
3 pupils who become non-resident during a school term shall not
4 be charged tuition for the remainder of the school term in
5 which they became non-resident pupils.

6 Unless otherwise agreed to by the parties involved and
7 where the educational services are not otherwise provided for,
8 educational services for an Illinois student under the age of
9 21 in a residential program designed to correct alcohol or
10 other drug dependencies shall be provided by the district in
11 which the facility is located and financed as follows. The cost
12 of educational services shall be paid by the district of the
13 student's residence to the district wherein the facility is
14 located no less than once per month, unless otherwise agreed to
15 by the parties. The funding provision in this paragraph applies
16 to all Illinois students receiving educational services,
17 whether placed pursuant to this Code or the Juvenile Court Act
18 of 1987, by court order, or by a State agency or whether the
19 student voluntarily enrolls or is enrolled by a parent or
20 guardian. Nothing in this Section shall be construed to relieve
21 the district of the student's residence of financial
22 responsibility based on the manner in which the student was
23 placed at the facility. Subsections (c), (c-5), (d), (e), (f),
24 and (g) of Section 10-20.12b of this Code do not apply to
25 Illinois students placed, through whatever means, at a
26 residential program designed to correct alcohol or other drug

1 dependencies. The changes to this Section made by this
2 amendatory Act of the 95th General Assembly apply to all
3 placements in effect on July 1, 2007 and all placements
4 thereafter. The cost of educational services shall be paid by
5 the district in which the student resides in an amount equal to
6 the cost of providing educational services in a treatment
7 facility. Payments shall be made by the district of the
8 student's residence and shall be made to the district wherein
9 the facility is located no less than once per month unless
10 otherwise agreed to by the parties.

11 (Source: P.A. 89-397, eff. 8-20-95; 90-649, eff. 7-24-98.)

12 Section 10. The Juvenile Court Act of 1987 is amended by
13 changing Section 5-710 as follows:

14 (705 ILCS 405/5-710)

15 (Text of Section before amendment by P.A. 95-337 and
16 95-642)

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

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

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

22 (i) put on probation or conditional discharge and
23 released to his or her parents, guardian or legal
24 custodian, provided, however, that any such minor who

1 is not committed to the Department of Juvenile Justice
2 under this subsection and who is found to be a
3 delinquent for an offense which is first degree murder,
4 a Class X felony, or a forcible felony shall be placed
5 on probation;

6 (ii) placed in accordance with Section 5-740, with
7 or without also being put on probation or conditional
8 discharge;

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

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

15 (v) placed in detention for a period not to exceed
16 30 days, either as the exclusive order of disposition
17 or, where appropriate, in conjunction with any other
18 order of disposition issued under this paragraph,
19 provided that any such detention shall be in a juvenile
20 detention home and the minor so detained shall be 10
21 years of age or older. However, the 30-day limitation
22 may be extended by further order of the court for a
23 minor under age 13 committed to the Department of
24 Children and Family Services if the court finds that
25 the minor is a danger to himself or others. The minor
26 shall be given credit on the sentencing order of

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

13 (vi) ordered partially or completely emancipated
14 in accordance with the provisions of the Emancipation
15 of Minors Act;

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

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

1 notwithstanding any contrary provision of the law; or

2 (ix) ordered to undergo a medical or other
3 procedure to have a tattoo symbolizing allegiance to a
4 street gang removed from his or her body.

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

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

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

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

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

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

26 (6) Whenever the sentencing order requires the minor to

1 attend school or participate in a program of training, the
2 truant officer or designated school official shall regularly
3 report to the court if the minor is a chronic or habitual
4 truant under Section 26-2a of the School Code. Notwithstanding
5 any other provision of this Act, in instances in which
6 educational services are to be provided to a minor in a
7 residential program designed to correct alcohol or other drug
8 dependencies, costs incurred in the provision of those services
9 must be allocated based on the requirements of Section
10 10-20.12a of the School Code.

11 (7) In no event shall a guilty minor be committed to the
12 Department of Juvenile Justice for a period of time in excess
13 of that period for which an adult could be committed for the
14 same act.

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

25 (8.5) A minor found to be guilty for reasons that include a
26 violation of Section 3.02 or Section 3.03 of the Humane Care

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

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

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

15 (10) When a court finds a minor to be guilty the court
16 shall, before entering a sentencing order under this Section,
17 make a finding whether the offense committed either: (a) was
18 related to or in furtherance of the criminal activities of an
19 organized gang or was motivated by the minor's membership in or
20 allegiance to an organized gang, or (b) involved a violation of
21 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,
22 a violation of any Section of Article 24 of the Criminal Code
23 of 1961, or a violation of any statute that involved the
24 wrongful use of a firearm. If the court determines the question
25 in the affirmative, and the court does not commit the minor to
26 the Department of Juvenile Justice, the court shall order the

1 minor to perform community service for not less than 30 hours
2 nor more than 120 hours, provided that community service is
3 available in the jurisdiction and is funded and approved by the
4 county board of the county where the offense was committed. The
5 community service shall include, but need not be limited to,
6 the cleanup and repair of any damage caused by a violation of
7 Section 21-1.3 of the Criminal Code of 1961 and similar damage
8 to property located in the municipality or county in which the
9 violation occurred. When possible and reasonable, the
10 community service shall be performed in the minor's
11 neighborhood. This order shall be in addition to any other
12 order authorized by this Section except for an order to place
13 the minor in the custody of the Department of Juvenile Justice.
14 For the purposes of this Section, "organized gang" has the
15 meaning ascribed to it in Section 10 of the Illinois Streetgang
16 Terrorism Omnibus Prevention Act.

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

18 (Text of Section after amendment by P.A. 95-337 and 95-642)
19 Sec. 5-710. Kinds of sentencing orders.

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21 respect of wards of the court:

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23 a minor who is found guilty under Section 5-620 may be:

24 (i) put on probation or conditional discharge and
25 released to his or her parents, guardian or legal

1 custodian, provided, however, that any such minor who
2 is not committed to the Department of Juvenile Justice
3 under this subsection and who is found to be a
4 delinquent for an offense which is first degree murder,
5 a Class X felony, or a forcible felony shall be placed
6 on probation;

7 (ii) placed in accordance with Section 5-740, with
8 or without also being put on probation or conditional
9 discharge;

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

13 (iv) placed in the guardianship of the Department
14 of Children and Family Services, but only if the
15 delinquent minor is under 15 years of age or, pursuant
16 to Article II of this Act, a minor for whom an
17 independent basis of abuse, neglect, or dependency
18 exists. An independent basis exists when the
19 allegations or adjudication of abuse, neglect, or
20 dependency do not arise from the same facts, incident,
21 or circumstances which give rise to a charge or
22 adjudication of delinquency;

23 (v) placed in detention for a period not to exceed
24 30 days, either as the exclusive order of disposition
25 or, where appropriate, in conjunction with any other
26 order of disposition issued under this paragraph,

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

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

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

1 attains 18 years of age;

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3 and placed in detention under Section 3-6039 of the
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9 notwithstanding any contrary provision of the law; or

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

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3 a substance abuse program approved by the Department of
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7 supervision under Section 5-725 and may include an order of
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9 (3) Unless the sentencing order expressly so provides, it
10 does not operate to close proceedings on the pending petition,
11 but is subject to modification until final closing and
12 discharge of the proceedings under Section 5-750.

13 (4) In addition to any other sentence, the court may order
14 any minor found to be delinquent to make restitution, in
15 monetary or non-monetary form, under the terms and conditions
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17 that the "presentencing hearing" referred to in that Section
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10 truant officer or designated school official shall regularly
11 report to the court if the minor is a chronic or habitual
12 truant under Section 26-2a of the School Code. Notwithstanding
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14 educational services are to be provided to a minor in a
15 residential program designed to correct alcohol or other drug
16 dependencies, costs incurred in the provision of those services
17 must be allocated based on the requirements of Section
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19 (7) In no event shall a guilty minor be committed to the
20 Department of Juvenile Justice for a period of time in excess
21 of that period for which an adult could be committed for the
22 same act.

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

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

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

15 (9) In addition to any other sentencing order, the court
16 shall order any minor found to be guilty for an act which would
17 constitute, predatory criminal sexual assault of a child,
18 aggravated criminal sexual assault, criminal sexual assault,
19 aggravated criminal sexual abuse, or criminal sexual abuse if
20 committed by an adult to undergo medical testing to determine
21 whether the defendant has any sexually transmissible disease
22 including a test for infection with human immunodeficiency
23 virus (HIV) or any other identified causative agency of
24 acquired immunodeficiency syndrome (AIDS). Any medical test
25 shall be performed only by appropriately licensed medical
26 practitioners and may include an analysis of any bodily fluids

1 as well as an examination of the minor's person. Except as
2 otherwise provided by law, the results of the test shall be
3 kept strictly confidential by all medical personnel involved in
4 the testing and must be personally delivered in a sealed
5 envelope to the judge of the court in which the sentencing
6 order was entered for the judge's inspection in camera. Acting
7 in accordance with the best interests of the victim and the
8 public, the judge shall have the discretion to determine to
9 whom the results of the testing may be revealed. The court
10 shall notify the minor of the results of the test for infection
11 with the human immunodeficiency virus (HIV). The court shall
12 also notify the victim if requested by the victim, and if the
13 victim is under the age of 15 and if requested by the victim's
14 parents or legal guardian, the court shall notify the victim's
15 parents or the legal guardian, of the results of the test for
16 infection with the human immunodeficiency virus (HIV). The
17 court shall provide information on the availability of HIV
18 testing and counseling at the Department of Public Health
19 facilities to all parties to whom the results of the testing
20 are revealed. The court shall order that the cost of any test
21 shall be paid by the county and may be taxed as costs against
22 the minor.

23 (10) When a court finds a minor to be guilty the court
24 shall, before entering a sentencing order under this Section,
25 make a finding whether the offense committed either: (a) was
26 related to or in furtherance of the criminal activities of an

1 organized gang or was motivated by the minor's membership in or
2 allegiance to an organized gang, or (b) involved a violation of
3 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,
4 a violation of any Section of Article 24 of the Criminal Code
5 of 1961, or a violation of any statute that involved the
6 wrongful use of a firearm. If the court determines the question
7 in the affirmative, and the court does not commit the minor to
8 the Department of Juvenile Justice, the court shall order the
9 minor to perform community service for not less than 30 hours
10 nor more than 120 hours, provided that community service is
11 available in the jurisdiction and is funded and approved by the
12 county board of the county where the offense was committed. The
13 community service shall include, but need not be limited to,
14 the cleanup and repair of any damage caused by a violation of
15 Section 21-1.3 of the Criminal Code of 1961 and similar damage
16 to property located in the municipality or county in which the
17 violation occurred. When possible and reasonable, the
18 community service shall be performed in the minor's
19 neighborhood. This order shall be in addition to any other
20 order authorized by this Section except for an order to place
21 the minor in the custody of the Department of Juvenile Justice.
22 For the purposes of this Section, "organized gang" has the
23 meaning ascribed to it in Section 10 of the Illinois Streetgang
24 Terrorism Omnibus Prevention Act.

25 (11) If the court determines that the offense was committed
26 in furtherance of the criminal activities of an organized gang,

1 as provided in subsection (10), and that the offense involved
2 the operation or use of a motor vehicle or the use of a
3 driver's license or permit, the court shall notify the
4 Secretary of State of that determination and of the period for
5 which the minor shall be denied driving privileges. If, at the
6 time of the determination, the minor does not hold a driver's
7 license or permit, the court shall provide that the minor shall
8 not be issued a driver's license or permit until his or her
9 18th birthday. If the minor holds a driver's license or permit
10 at the time of the determination, the court shall provide that
11 the minor's driver's license or permit shall be revoked until
12 his or her 21st birthday, or until a later date or occurrence
13 determined by the court. If the minor holds a driver's license
14 at the time of the determination, the court may direct the
15 Secretary of State to issue the minor a judicial driving
16 permit, also known as a JDP. The JDP shall be subject to the
17 same terms as a JDP issued under Section 6-206.1 of the
18 Illinois Vehicle Code, except that the court may direct that
19 the JDP be effective immediately.

20 (Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06;
21 95-337, eff. 6-1-08; 95-642, eff. 6-1-08; revised 11-19-07.)

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.