



Adopted in House Comm. on Aug 01, 2007

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LRB095 05584 NHT 38358 a

1 AMENDMENT TO SENATE BILL 844

2 AMENDMENT NO. _____. Amend Senate Bill 844 by replacing
3 everything after the enacting clause with the following:

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

1 on such buildings and equipment shall be dependent upon the
2 useful life of such property.

3 The tuition charged shall in no case exceed 110% of the per
4 capita cost of conducting and maintaining the schools of the
5 district attended, as determined with reference to the most
6 recent audit prepared under Section 3-7 which is available at
7 the commencement of the current school year. Non-resident
8 pupils attending the schools of the district for less than the
9 school term shall have their tuition apportioned, however
10 pupils who become non-resident during a school term shall not
11 be charged tuition for the remainder of the school term in
12 which they became non-resident pupils.

13 Unless otherwise agreed to by the parties involved and
14 where the educational services are not otherwise provided for,
15 educational services for an Illinois student under the age of
16 21 in a residential program designed to correct alcohol or
17 other drug dependencies shall be provided by the district in
18 which the facility is located and financed as follows. The cost
19 of educational services shall be paid by the district of the
20 student's residence to the district wherein the facility is
21 located no less than once per month, unless otherwise agreed to
22 by the parties. The funding provision in this paragraph applies
23 to all Illinois students receiving educational services,
24 whether placed pursuant to this Code or the Juvenile Court Act
25 of 1987, by court order, or by a State agency or whether the
26 student voluntarily enrolls or is enrolled by a parent or

1 guardian. Nothing in this Section shall be construed to relieve
2 the district of the student's residence of financial
3 responsibility based on the manner in which the student was
4 placed at the facility. Subsections (b), (c), (c-5), (d), (e),
5 (f), and (g) of Section 10-20.12b of this Code do not apply to
6 Illinois students placed, through whatever means, at a
7 residential program designed to correct alcohol or other drug
8 dependencies. The cost of educational services shall be paid by
9 the district in which the student resides in an amount equal to
10 the cost of providing educational services in a treatment
11 facility. Payments shall be made by the district of the
12 student's residence and shall be made to the district wherein
13 the facility is located no less than once per month unless
14 otherwise agreed to by the parties.

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

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

18 (705 ILCS 405/5-710)

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

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

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

24 (i) put on probation or conditional discharge and

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

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

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

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

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

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

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

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

22 (viii) put on probation or conditional discharge
23 and placed in detention under Section 3-6039 of the
24 Counties Code for a period not to exceed the period of
25 incarceration permitted by law for adults found guilty
26 of the same offense or offenses for which the minor was

1 adjudicated delinquent, and in any event no longer than
2 upon attainment of age 21; this subdivision (viii)
3 notwithstanding any contrary provision of the law; or

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

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

1 supervision under Section 5-725 and may include an order of
2 protection under Section 5-730.

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

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

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

1 Section 9.1 of the Children and Family Services Act.

2 (6) Whenever the sentencing order requires the minor to
3 attend school or participate in a program of training, the
4 truant officer or designated school official shall regularly
5 report to the court if the minor is a chronic or habitual
6 truant under Section 26-2a of the School Code. Notwithstanding
7 any other provision of this Act, in instances in which
8 educational services are to be provided to a minor in a
9 residential program designed to correct alcohol or other drug
10 dependencies, costs incurred in the provision of those services
11 must be allocated based on the requirements of Section
12 10-20.12a of the School Code.

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

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

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

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

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

17 (10) When a court finds a minor to be guilty the court
18 shall, before entering a sentencing order under this Section,
19 make a finding whether the offense committed either: (a) was
20 related to or in furtherance of the criminal activities of an
21 organized gang or was motivated by the minor's membership in or
22 allegiance to an organized gang, or (b) involved a violation of
23 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,
24 a violation of any Section of Article 24 of the Criminal Code
25 of 1961, or a violation of any statute that involved the
26 wrongful use of a firearm. If the court determines the question

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

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."