

1 AN ACT concerning criminal law.

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

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

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

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

1 up to \$50.

2 (2) To adopt such rules and regulations consistent with
3 the provisions of this Act which shall be necessary to
4 carry on its functions and duties to the end that the
5 health, safety and welfare of the People of the State of
6 Illinois shall be protected and temperance in the
7 consumption of alcoholic liquors shall be fostered and
8 promoted and to distribute copies of such rules and
9 regulations to all licensees affected thereby.

10 (3) To call upon other administrative departments of
11 the State, county and municipal governments, county and
12 city police departments and upon prosecuting officers for
13 such information and assistance as it deems necessary in
14 the performance of its duties.

15 (4) To recommend to local commissioners rules and
16 regulations, not inconsistent with the law, for the
17 distribution and sale of alcoholic liquors throughout the
18 State.

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

22 (5.1) Upon receipt of a complaint or upon having
23 knowledge that any person is engaged in business as a
24 manufacturer, importing distributor, distributor, or
25 retailer without a license or valid license, to notify the
26 local liquor authority, file a complaint with the State's

1 Attorney's Office of the county where the incident
2 occurred, or initiate an investigation with the
3 appropriate law enforcement officials.

4 (5.2) To issue a cease and desist notice to persons
5 shipping alcoholic liquor into this State from a point
6 outside of this State if the shipment is in violation of
7 this Act.

8 (5.3) To receive complaints from licensees, local
9 officials, law enforcement agencies, organizations, and
10 persons stating that any licensee has been or is violating
11 any provision of this Act or the rules and regulations
12 issued pursuant to this Act. Such complaints shall be in
13 writing, signed and sworn to by the person making the
14 complaint, and shall state with specificity the facts in
15 relation to the alleged violation. If the Commission has
16 reasonable grounds to believe that the complaint
17 substantially alleges a violation of this Act or rules and
18 regulations adopted pursuant to this Act, it shall conduct
19 an investigation. If, after conducting an investigation,
20 the Commission is satisfied that the alleged violation did
21 occur, it shall proceed with disciplinary action against
22 the licensee as provided in this Act.

23 (6) To hear and determine appeals from orders of a
24 local commission in accordance with the provisions of this
25 Act, as hereinafter set forth. Hearings under this
26 subsection shall be held in Springfield or Chicago, at

1 whichever location is the more convenient for the majority
2 of persons who are parties to the hearing.

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

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

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

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

26 (10) To adopt such rules and regulations consistent

1 with the provisions of this Act which shall be necessary
2 for the control, sale or disposition of alcoholic liquor
3 damaged as a result of an accident, wreck, flood, fire or
4 other similar occurrence.

5 (11) To develop industry educational programs related
6 to responsible serving and selling, particularly in the
7 areas of overserving consumers and illegal underage
8 purchasing and consumption of alcoholic beverages.

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

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

20 (13) On or before January 15, 1994, the Commission
21 shall issue a written report to the Governor and General
22 Assembly that is to be based on a comprehensive study of
23 the impact on and implications for the State of Illinois of
24 Section 1926 of the Federal ADAMHA Reorganization Act of
25 1992 (Public Law 102-321). This study shall address the
26 extent to which Illinois currently complies with the

1 provisions of P.L. 102-321 and the rules promulgated
2 pursuant thereto.

3 As part of its report, the Commission shall provide the
4 following essential information:

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

7 (ii) the number of reported citations and
8 successful convictions, categorized by type and
9 location of retail distributor, for violation of the
10 Prevention of Tobacco Use by ~~Sale of Tobacco to~~ Minors
11 Act and the Smokeless Tobacco Limitation Act;

12 (iii) the extent and nature of organized
13 educational and governmental activities that are
14 intended to promote, encourage or otherwise secure
15 compliance with any Illinois laws that prohibit the
16 sale or distribution of tobacco products to minors; and

17 (iv) the level of access and availability of
18 tobacco products to individuals under the age of 18.

19 To obtain the data necessary to comply with the
20 provisions of P.L. 102-321 and the requirements of this
21 report, the Commission shall conduct random, unannounced
22 inspections of a geographically and scientifically
23 representative sample of the State's retail tobacco
24 distributors.

25 The Commission shall consult with the Department of
26 Public Health, the Department of Human Services, the

1 Illinois State Police and any other executive branch
2 agency, and private organizations that may have
3 information relevant to this report.

4 The Commission may contract with the Food and Drug
5 Administration of the U.S. Department of Health and Human
6 Services to conduct unannounced investigations of Illinois
7 tobacco vendors to determine compliance with federal laws
8 relating to the illegal sale of cigarettes and smokeless
9 tobacco products to persons under the age of 18.

10 (14) On or before April 30, 2008 and every 2 years
11 thereafter, the Commission shall present a written report
12 to the Governor and the General Assembly that shall be
13 based on a study of the impact of this amendatory Act of
14 the 95th General Assembly on the business of soliciting,
15 selling, and shipping wine from inside and outside of this
16 State directly to residents of this State. As part of its
17 report, the Commission shall provide all of the following
18 information:

19 (A) The amount of State excise and sales tax
20 revenues generated.

21 (B) The amount of licensing fees received.

22 (C) The number of cases of wine shipped from inside
23 and outside of this State directly to residents of this
24 State.

25 (D) The number of alcohol compliance operations
26 conducted.

1 (E) The number of winery shipper's licenses
2 issued.

3 (F) The number of each of the following: reported
4 violations; cease and desist notices issued by the
5 Commission; notices of violations issued by the
6 Commission and to the Department of Revenue; and
7 notices and complaints of violations to law
8 enforcement officials, including, without limitation,
9 the Illinois Attorney General and the U.S. Department
10 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

11 (15) As a means to reduce the underage consumption of
12 alcoholic liquors, the Commission shall conduct alcohol
13 compliance operations to investigate whether businesses
14 that are soliciting, selling, and shipping wine from inside
15 or outside of this State directly to residents of this
16 State are licensed by this State or are selling or
17 attempting to sell wine to persons under 21 years of age in
18 violation of this Act.

19 (16) The Commission shall, in addition to notifying any
20 appropriate law enforcement agency, submit notices of
21 complaints or violations of Sections 6-29 and 6-29.1 by
22 persons who do not hold a winery shipper's license under
23 this amendatory Act to the Illinois Attorney General and to
24 the U.S. Department of Treasury's Alcohol and Tobacco Tax
25 and Trade Bureau.

26 (17) (A) A person licensed to make wine under the laws

1 of another state who has a winery shipper's license under
2 this amendatory Act and annually produces less than 25,000
3 gallons of wine or a person who has a first-class or
4 second-class wine manufacturer's license, a first-class or
5 second-class wine-maker's license, or a limited wine
6 manufacturer's license under this Act and annually
7 produces less than 25,000 gallons of wine may make
8 application to the Commission for a self-distribution
9 exemption to allow the sale of not more than 5,000 gallons
10 of the exemption holder's wine to retail licensees per
11 year.

12 (B) In the application, which shall be sworn under
13 penalty of perjury, such person shall state (1) the
14 date it was established; (2) its volume of production
15 and sales for each year since its establishment; (3)
16 its efforts to establish distributor relationships;
17 (4) that a self-distribution exemption is necessary to
18 facilitate the marketing of its wine; and (5) that it
19 will comply with the liquor and revenue laws of the
20 United States, this State, and any other state where it
21 is licensed.

22 (C) The Commission shall approve the application
23 for a self-distribution exemption if such person: (1)
24 is in compliance with State revenue and liquor laws;
25 (2) is not a member of any affiliated group that
26 produces more than 25,000 gallons of wine per annum or

1 produces any other alcoholic liquor; (3) will not
2 annually produce for sale more than 25,000 gallons of
3 wine; and (4) will not annually sell more than 5,000
4 gallons of its wine to retail licensees.

5 (D) A self-distribution exemption holder shall
6 annually certify to the Commission its production of
7 wine in the previous 12 months and its anticipated
8 production and sales for the next 12 months. The
9 Commission may fine, suspend, or revoke a
10 self-distribution exemption after a hearing if it
11 finds that the exemption holder has made a material
12 misrepresentation in its application, violated a
13 revenue or liquor law of Illinois, exceeded production
14 of 25,000 gallons of wine in any calendar year, or
15 become part of an affiliated group producing more than
16 25,000 gallons of wine or any other alcoholic liquor.

17 (E) Except in hearings for violations of this Act
18 or amendatory Act or a bona fide investigation by duly
19 sworn law enforcement officials, the Commission, or
20 its agents, the Commission shall maintain the
21 production and sales information of a
22 self-distribution exemption holder as confidential and
23 shall not release such information to any person.

24 (F) The Commission shall issue regulations
25 governing self-distribution exemptions consistent with
26 this Section and this Act.

1 (G) Nothing in this subsection (17) shall prohibit
2 a self-distribution exemption holder from entering
3 into or simultaneously having a distribution agreement
4 with a licensed Illinois distributor.

5 (H) It is the intent of this subsection (17) to
6 promote and continue orderly markets. The General
7 Assembly finds that in order to preserve Illinois'
8 regulatory distribution system it is necessary to
9 create an exception for smaller makers of wine as their
10 wines are frequently adjusted in varietals, mixes,
11 vintages, and taste to find and create market niches
12 sometimes too small for distributor or importing
13 distributor business strategies. Limited
14 self-distribution rights will afford and allow smaller
15 makers of wine access to the marketplace in order to
16 develop a customer base without impairing the
17 integrity of the 3-tier system.

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

24 As part of its report, the Commission shall provide the
25 following information:

26 (i) the amount of State excise and sales tax revenues

1 generated as a result of this amendatory Act of 1998;

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

4 (iii) the number of reported violations, the number of
5 cease and desist notices issued by the Commission, the
6 number of notices of violations issued to the Department of
7 Revenue, and the number of notices and complaints of
8 violations to law enforcement officials.

9 (Source: P.A. 95-634, eff. 6-1-08.)

10 (235 ILCS 5/6-16.1)

11 Sec. 6-16.1. Enforcement actions.

12 (a) A licensee or an officer, associate, member,
13 representative, agent, or employee of a licensee may sell,
14 give, or deliver alcoholic liquor to a person under the age of
15 21 years or authorize the sale, gift, or delivery of alcoholic
16 liquor to a person under the age of 21 years pursuant to a plan
17 or action to investigate, patrol, or otherwise conduct a "sting
18 operation" or enforcement action against a person employed by
19 the licensee or on any licensed premises if the licensee or
20 officer, associate, member, representative, agent, or employee
21 of the licensee provides written notice, at least 14 days
22 before the "sting operation" or enforcement action, unless
23 governing body of the municipality or county having
24 jurisdiction sets a shorter period by ordinance, to the law
25 enforcement agency having jurisdiction, the local liquor

1 control commissioner, or both. Notice provided under this
2 Section shall be valid for a "sting operation" or enforcement
3 action conducted within 60 days of the provision of that
4 notice, unless the governing body of the municipality or county
5 having jurisdiction sets a shorter period by ordinance.

6 (b) A local liquor control commission or unit of local
7 government that conducts alcohol and tobacco compliance
8 operations shall establish a policy and standards for alcohol
9 and tobacco compliance operations to investigate whether a
10 licensee is furnishing (1) alcoholic liquor to persons under 21
11 years of age in violation of this Act or (2) tobacco to persons
12 in violation of the Prevention of Tobacco Use by Sale of
13 ~~Tobacco to~~ Minors Act.

14 (c) The Illinois Law Enforcement Training Standards Board
15 shall develop a model policy and guidelines for the operation
16 of alcohol and tobacco compliance checks by local law
17 enforcement officers. The Illinois Law Enforcement Training
18 Standards Board shall also require the supervising officers of
19 such compliance checks to have met a minimum training standard
20 as determined by the Board. The Board shall have the right to
21 waive any training based on current written policies and
22 procedures for alcohol and tobacco compliance check operations
23 and in-service training already administered by the local law
24 enforcement agency, department, or office.

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

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

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

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

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

16 (705 ILCS 405/5-615)

17 Sec. 5-615. Continuance under supervision.

18 (1) The court may enter an order of continuance under
19 supervision for an offense other than first degree murder, a
20 Class X felony or a forcible felony (a) upon an admission or
21 stipulation by the appropriate respondent or minor respondent
22 of the facts supporting the petition and before proceeding to
23 adjudication, or after hearing the evidence at the trial, and
24 (b) in the absence of objection made in open court by the

1 minor, his or her parent, guardian, or legal custodian, the
2 minor's attorney or the State's Attorney.

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

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

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

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

20 (a) not violate any criminal statute of any
21 jurisdiction;

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

24 (c) work or pursue a course of study or vocational
25 training;

26 (d) undergo medical or psychotherapeutic treatment

1 rendered by a therapist licensed under the provisions of
2 the Medical Practice Act of 1987, the Clinical Psychologist
3 Licensing Act, or the Clinical Social Work and Social Work
4 Practice Act, or an entity licensed by the Department of
5 Human Services as a successor to the Department of
6 Alcoholism and Substance Abuse, for the provision of drug
7 addiction and alcoholism treatment;

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

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

11 (g) pay costs;

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

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

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

17 (k) attend school;

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

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

26 (m) contribute to his or her own support at home or in

1 a foster home;

2 (n) perform some reasonable public or community
3 service;

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

9 (p) comply with curfew requirements as designated by
10 the court;

11 (q) refrain from entering into a designated geographic
12 area except upon terms as the court finds appropriate. The
13 terms may include consideration of the purpose of the
14 entry, the time of day, other persons accompanying the
15 minor, and advance approval by a probation officer;

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

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

23 (s) refrain from having in his or her body the presence
24 of any illicit drug prohibited by the Cannabis Control Act,
25 the Illinois Controlled Substances Act, or the
26 Methamphetamine Control and Community Protection Act,

1 unless prescribed by a physician, and submit samples of his
2 or her blood or urine or both for tests to determine the
3 presence of any illicit drug; or

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

6 (6) A minor whose case is continued under supervision under
7 subsection (5) shall be given a certificate setting forth the
8 conditions imposed by the court. Those conditions may be
9 reduced, enlarged, or modified by the court on motion of the
10 probation officer or on its own motion, or that of the State's
11 Attorney, or, at the request of the minor after notice and
12 hearing.

13 (7) If a petition is filed charging a violation of a
14 condition of the continuance under supervision, the court shall
15 conduct a hearing. If the court finds that a condition of
16 supervision has not been fulfilled, the court may proceed to
17 findings and adjudication and disposition. The filing of a
18 petition for violation of a condition of the continuance under
19 supervision shall toll the period of continuance under
20 supervision until the final determination of the charge, and
21 the term of the continuance under supervision shall not run
22 until the hearing and disposition of the petition for
23 violation; provided where the petition alleges conduct that
24 does not constitute a criminal offense, the hearing must be
25 held within 30 days of the filing of the petition unless a
26 delay shall continue the tolling of the period of continuance

1 under supervision for the period of the delay.

2 (8) When a hearing in which a minor is alleged to be a
3 delinquent for reasons that include a violation of Section
4 21-1.3 of the Criminal Code of 1961 is continued under this
5 Section, the court shall, as a condition of the continuance
6 under supervision, require the minor to perform community
7 service for not less than 30 and not more than 120 hours, if
8 community service is available in the jurisdiction. The
9 community service shall include, but need not be limited to,
10 the cleanup and repair of the damage that was caused by the
11 alleged violation or similar damage to property located in the
12 municipality or county in which the alleged violation occurred.
13 The condition may be in addition to any other condition.

14 (8.5) When a hearing in which a minor is alleged to be a
15 delinquent for reasons that include a violation of Section 3.02
16 or Section 3.03 of the Humane Care for Animals Act or paragraph
17 (d) of subsection (1) of Section 21-1 of the Criminal Code of
18 1961 is continued under this Section, the court shall, as a
19 condition of the continuance under supervision, require the
20 minor to undergo medical or psychiatric treatment rendered by a
21 psychiatrist or psychological treatment rendered by a clinical
22 psychologist. The condition may be in addition to any other
23 condition.

24 (9) When a hearing in which a minor is alleged to be a
25 delinquent is continued under this Section, the court, before
26 continuing the case, shall make a finding whether the offense

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

25 (10) The court shall impose upon a minor placed on
26 supervision, as a condition of the supervision, a fee of \$25

1 for each month of supervision ordered by the court, unless
2 after determining the inability of the minor placed on
3 supervision to pay the fee, the court assesses a lesser amount.
4 The court may not impose the fee on a minor who is made a ward
5 of the State under this Act while the minor is in placement.
6 The fee shall be imposed only upon a minor who is actively
7 supervised by the probation and court services department. A
8 court may order the parent, guardian, or legal custodian of the
9 minor to pay some or all of the fee on the minor's behalf.

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

26 For purposes of this Section, "smoker's education program"

1 or "youth diversion program" includes, but is not limited to, a
2 seminar designed to educate a person on the physical and
3 psychological effects of smoking tobacco products and the
4 health consequences of smoking tobacco products that can be
5 conducted with a locality's youth diversion program.

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

8 (a) If a minor violates subsection (a-7) of Section 1
9 of the Prevention of Tobacco Use by Minors Act, the court
10 may impose a sentence of 15 hours of community service or a
11 fine of \$25 for a first violation.

12 (b) A second violation by a minor of subsection (a-7)
13 of Section 1 of that Act that occurs within 12 months after
14 the first violation is punishable by a fine of \$50 and 25
15 hours of community service.

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

20 (d) Any second or subsequent violation not within the
21 12-month time period after the first violation is
22 punishable as provided for a first violation.

23 (Source: P.A. eff. 1-1-00; 94-556, eff. 9-11-05.)

24 (705 ILCS 405/5-710)

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

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

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

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

13 (ii) placed in accordance with Section 5-740, with
14 or without also being put on probation or conditional
15 discharge;

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

19 (iv) placed in the guardianship of the Department
20 of Children and Family Services, but only if the
21 delinquent minor is under 15 years of age or, pursuant
22 to Article II of this Act, a minor for whom an
23 independent basis of abuse, neglect, or dependency
24 exists. An independent basis exists when the
25 allegations or adjudication of abuse, neglect, or
26 dependency do not arise from the same facts, incident,

1 or circumstances which give rise to a charge or
2 adjudication of delinquency;

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

1 (vi) ordered partially or completely emancipated
2 in accordance with the provisions of the Emancipation
3 of Minors Act;

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

8 (viii) put on probation or conditional discharge
9 and placed in detention under Section 3-6039 of the
10 Counties Code for a period not to exceed the period of
11 incarceration permitted by law for adults found guilty
12 of the same offense or offenses for which the minor was
13 adjudicated delinquent, and in any event no longer than
14 upon attainment of age 21; this subdivision (viii)
15 notwithstanding any contrary provision of the law; or

16 (ix) ordered to undergo a medical or other
17 procedure to have a tattoo symbolizing allegiance to a
18 street gang removed from his or her body.

19 (b) A minor found to be guilty may be committed to the
20 Department of Juvenile Justice under Section 5-750 if the
21 minor is 13 years of age or older, provided that the
22 commitment to the Department of Juvenile Justice shall be
23 made only if a term of incarceration is permitted by law
24 for adults found guilty of the offense for which the minor
25 was adjudicated delinquent. The time during which a minor
26 is in custody before being released upon the request of a

1 parent, guardian or legal custodian shall be considered as
2 time spent in detention.

3 (c) When a minor is found to be guilty for an offense
4 which is a violation of the Illinois Controlled Substances
5 Act, the Cannabis Control Act, or the Methamphetamine
6 Control and Community Protection Act and made a ward of the
7 court, the court may enter a disposition order requiring
8 the minor to undergo assessment, counseling or treatment in
9 a substance abuse program approved by the Department of
10 Human Services.

11 (2) Any sentencing order other than commitment to the
12 Department of Juvenile Justice may provide for protective
13 supervision under Section 5-725 and may include an order of
14 protection under Section 5-730.

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

19 (4) In addition to any other sentence, the court may order
20 any minor found to be delinquent to make restitution, in
21 monetary or non-monetary form, under the terms and conditions
22 of Section 5-5-6 of the Unified Code of Corrections, except
23 that the "presentencing hearing" referred to in that Section
24 shall be the sentencing hearing for purposes of this Section.
25 The parent, guardian or legal custodian of the minor may be
26 ordered by the court to pay some or all of the restitution on

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

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

14 (6) Whenever the sentencing order requires the minor to
15 attend school or participate in a program of training, the
16 truant officer or designated school official shall regularly
17 report to the court if the minor is a chronic or habitual
18 truant under Section 26-2a of the School Code. Notwithstanding
19 any other provision of this Act, in instances in which
20 educational services are to be provided to a minor in a
21 residential facility where the minor has been placed by the
22 court, costs incurred in the provision of those educational
23 services must be allocated based on the requirements of the
24 School Code.

25 (7) In no event shall a guilty minor be committed to the
26 Department of Juvenile Justice for a period of time in excess

1 of that period for which an adult could be committed for the
2 same act.

3 (8) A minor found to be guilty for reasons that include a
4 violation of Section 21-1.3 of the Criminal Code of 1961 shall
5 be ordered to perform community service for not less than 30
6 and not more than 120 hours, if community service is available
7 in the jurisdiction. The community service shall include, but
8 need not be limited to, the cleanup and repair of the damage
9 that was caused by the violation or similar damage to property
10 located in the municipality or county in which the violation
11 occurred. The order may be in addition to any other order
12 authorized by this Section.

13 (8.5) A minor found to be guilty for reasons that include a
14 violation of Section 3.02 or Section 3.03 of the Humane Care
15 for Animals Act or paragraph (d) of subsection (1) of Section
16 21-1 of the Criminal Code of 1961 shall be ordered to undergo
17 medical or psychiatric treatment rendered by a psychiatrist or
18 psychological treatment rendered by a clinical psychologist.
19 The order may be in addition to any other order authorized by
20 this Section.

21 (9) In addition to any other sentencing order, the court
22 shall order any minor found to be guilty for an act which would
23 constitute, predatory criminal sexual assault of a child,
24 aggravated criminal sexual assault, criminal sexual assault,
25 aggravated criminal sexual abuse, or criminal sexual abuse if
26 committed by an adult to undergo medical testing to determine

1 whether the defendant has any sexually transmissible disease
2 including a test for infection with human immunodeficiency
3 virus (HIV) or any other identified causative agency of
4 acquired immunodeficiency syndrome (AIDS). Any medical test
5 shall be performed only by appropriately licensed medical
6 practitioners and may include an analysis of any bodily fluids
7 as well as an examination of the minor's person. Except as
8 otherwise provided by law, the results of the test shall be
9 kept strictly confidential by all medical personnel involved in
10 the testing and must be personally delivered in a sealed
11 envelope to the judge of the court in which the sentencing
12 order was entered for the judge's inspection in camera. Acting
13 in accordance with the best interests of the victim and the
14 public, the judge shall have the discretion to determine to
15 whom the results of the testing may be revealed. The court
16 shall notify the minor of the results of the test for infection
17 with the human immunodeficiency virus (HIV). The court shall
18 also notify the victim if requested by the victim, and if the
19 victim is under the age of 15 and if requested by the victim's
20 parents or legal guardian, the court shall notify the victim's
21 parents or the legal guardian, of the results of the test for
22 infection with the human immunodeficiency virus (HIV). The
23 court shall provide information on the availability of HIV
24 testing and counseling at the Department of Public Health
25 facilities to all parties to whom the results of the testing
26 are revealed. The court shall order that the cost of any test

1 shall be paid by the county and may be taxed as costs against
2 the minor.

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

1 the minor in the custody of the Department of Juvenile Justice.
2 For the purposes of this Section, "organized gang" has the
3 meaning ascribed to it in Section 10 of the Illinois Streetgang
4 Terrorism Omnibus Prevention Act.

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

26 (12) If a minor is found to be guilty of a violation of

1 subsection (a-7) of Section 1 of the Prevention of Tobacco Use
2 by 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
10 (a-7) of Section 1 of that Act. In addition to any other
11 penalty that the court may impose for a violation of subsection
12 (a-7) of Section 1 of that Act, the court, upon request by the
13 State's Attorney, may in its discretion require the offender to
14 remit a fee for his or her attendance at a smoker's education
15 or youth 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 (12):

24 (a) If a minor violates subsection (a-7) of Section 1
25 of the Prevention of Tobacco Use by Minors Act, the court
26 may impose a sentence of 15 hours of community service or a

1 fine of \$25 for a first violation.

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

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

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

13 (Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06;
14 95-337, eff. 6-1-08; 95-642, eff. 6-1-08; 95-844, eff. 8-15-08;
15 95-876, eff. 8-21-08.)

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

19 (720 ILCS 675/Act title)

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

1 (720 ILCS 675/0.01) (from Ch. 23, par. 2356.9)

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

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

5 (720 ILCS 675/1) (from Ch. 23, par. 2357)

6 Sec. 1. Prohibition on sale to and possession of tobacco by
7 ~~to~~ minors; use of identification cards; vending machines; lunch
8 wagons; out-of-package sales.

9 (a) No minor under 18 years of age shall buy any cigar,
10 cigarette, smokeless tobacco or tobacco in any of its forms. No
11 person shall sell, buy for, distribute samples of or furnish
12 any cigar, cigarette, smokeless tobacco or tobacco in any of
13 its forms, to any minor under 18 years of age.

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

20 (a-6) No minor under 18 years of age in the furtherance or
21 facilitation of obtaining any cigar, cigarette, smokeless
22 tobacco, or tobacco in any of its forms shall display or use a
23 false or forged identification card or transfer, alter, or
24 deface an identification card.

25 (a-7) No minor under 18 years of age shall possess any

1 cigar, cigarette, smokeless tobacco, or tobacco in any of its
2 forms.

3 For the purpose of this Section, "smokeless tobacco" means
4 any tobacco products that are suitable for dipping or chewing.

5 (b) Tobacco products listed in this Section ~~above~~ may be
6 sold through a vending machine only if such tobacco products
7 are not placed together with any non-tobacco product, other
8 than matches, in the vending machine and the vending machine is
9 in any of the following locations:

10 (1) (Blank).

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

13 (3) Places where alcoholic beverages are sold and
14 consumed on the premises and vending machine operation is
15 under the direct supervision of the owner or manager.

16 (4) (Blank).

17 (5) Places where the vending machine can only be
18 operated by the owner or an employee over age 18 either
19 directly or through a remote control device if the device
20 is inaccessible to all customers.

21 (c) The sale or distribution at no charge of cigarettes
22 from a lunch wagon engaging in any sales activity within 1,000
23 feet of any public or private elementary or secondary school
24 grounds is prohibited.

25 For the purpose of this Section, "lunch wagon" means a
26 mobile vehicle designed and constructed to transport food and

1 from which food is sold to the general public.

2 (d) The sale or distribution by any person of a tobacco
3 product in this Section ~~listed above~~, including but not limited
4 to a single or loose cigarette, that is not contained within a
5 sealed container, pack, or package as provided by the
6 manufacturer, which container, pack, or package bears the
7 health warning required by federal law, is prohibited.

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

24 (Source: P.A. 95-905, eff. 1-1-09.)

25 (720 ILCS 675/2) (from Ch. 23, par. 2358)

1 Sec. 2. Penalties.

2 (a) Any person who violates subsection (a), (a-5), or (a-6)
3 of Section 1 ~~any provision~~ of this Act is guilty of a petty
4 offense and for the first offense shall be fined \$200, \$400 for
5 the second offense in a 12-month period, and \$600 for the third
6 or any subsequent offense in a 12-month period.

7 (b) If a minor violates subsection (a-7) of Section 1 he or
8 she is guilty of a petty offense and the court may impose a
9 sentence of 15 hours of community service or a fine of \$25 for
10 a first violation.

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

15 (d) A third or subsequent violation by a minor of
16 subsection (a-7) of Section 1 that occurs within 12 months
17 after the first violation is punishable by a \$100 fine and 30
18 hours of community service.

19 (e) Any second or subsequent violation not within the
20 12-month time period after the first violation is punishable as
21 provided for a first violation.

22 (f) If a minor is convicted of or placed on supervision for
23 a violation of subsection (a-7) of Section 1, the court may, in
24 its discretion, and upon recommendation by the State's
25 Attorney, order that minor and his or her parents or legal
26 guardian to attend a smoker's education or youth diversion

1 program if that program is available in the jurisdiction where
2 the offender resides. Attendance at a smoker's education or
3 youth diversion program shall be time-credited against any
4 community service time imposed for any first violation of
5 subsection (a-7) of Section 1. In addition to any other penalty
6 that the court may impose for a violation of subsection (a-7)
7 of Section 1, the court, upon request by the State's Attorney,
8 may in its discretion require the offender to remit a fee for
9 his or her attendance at a smoker's education or youth
10 diversion program.

11 (g) For purposes of this Section, "smoker's education
12 program" or "youth diversion program" includes, but is not
13 limited to, a seminar designed to educate a person on the
14 physical and psychological effects of smoking tobacco products
15 and the health consequences of smoking tobacco products that
16 can be conducted with a locality's youth diversion program.

17 (h) All moneys collected as fines for violations of
18 subsection (a), (a-5), (a-6), or (a-7) of Section 1 shall be
19 distributed in the following manner:

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

23 (2) one-half shall be remitted to the State to be used
24 for enforcing this Act. ~~One-half of each fine collected~~
25 ~~under this Section shall be distributed to the unit of~~
26 ~~local government or other entity that successfully~~

1 ~~prosecuted the offender and one half shall be remitted to~~
2 ~~the State to be used for enforcing this Act.~~

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

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

6 (720 ILCS 677/15)

7 Sec. 15. Vending machines. This Act does not prohibit the
8 sale of tobacco products from vending machines if the location
9 of the vending machines are in compliance with the provisions
10 of Section 1 of the Prevention of Tobacco Use by ~~Sale of~~
11 ~~Tobacco to~~ Minors Act.

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.