



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5853

Introduced 2/10/2010, by Rep. Marlow H. Colvin

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-750

Amends the Juvenile Court Act of 1987. Provides that the court may not commit to the Department of Juvenile Justice a delinquent who has been adjudged a ward of the court for an act that if committed by an adult would be a misdemeanor. Provides that if a minor has been adjudged a ward of the court for an act that if committed by an adult would be a Class 4 or Class 3 felony, the court shall, in addition to the factors and review in the Act, evaluate whether the best interests of the minor and the public will be served by placing the minor in a community based alternative program instead of commitment to the Department of Juvenile Justice.

LRB096 18818 RLC 36074 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning courts.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-750 as follows:

6 (705 ILCS 405/5-750)

7 Sec. 5-750. Commitment to the Department of Juvenile
8 Justice.

9 (1) Except as provided in subsections ~~subsection~~ (2) and
10 (2.5) of this Section, when any delinquent has been adjudged a
11 ward of the court under this Act, the court may commit him or
12 her to the Department of Juvenile Justice, if it finds that (a)
13 his or her parents, guardian or legal custodian are unfit or
14 are unable, for some reason other than financial circumstances
15 alone, to care for, protect, train or discipline the minor, or
16 are unwilling to do so, and the best interests of the minor and
17 the public will not be served by placement under Section 5-740
18 or; (b) it is necessary to ensure the protection of the public
19 from the consequences of criminal activity of the delinquent.

20 (2) When a minor of the age of at least 13 years is
21 adjudged delinquent for the offense of first degree murder, the
22 court shall declare the minor a ward of the court and order the
23 minor committed to the Department of Juvenile Justice until the

1 minor's 21st birthday, without the possibility of parole,
2 furlough, or non-emergency authorized absence for a period of 5
3 years from the date the minor was committed to the Department
4 of Juvenile Justice, except that the time that a minor spent in
5 custody for the instant offense before being committed to the
6 Department of Juvenile Justice shall be considered as time
7 credited towards that 5 year period. Nothing in this subsection
8 (2) shall preclude the State's Attorney from seeking to
9 prosecute a minor as an adult as an alternative to proceeding
10 under this Act.

11 (2.5) The court may not commit to the Department of
12 Juvenile Justice a delinquent who has been adjudged a ward of
13 the court under this Act for an act that if committed by an
14 adult would be a misdemeanor. If a minor has been adjudged a
15 ward of the court under this Act for an act that if committed
16 by an adult would be a Class 4 or Class 3 felony, the court
17 shall, in addition to the factors and review in Section 5-750
18 and elsewhere in this Act, evaluate whether the best interests
19 of the minor and the public will be served by placing the minor
20 in a community based alternative program instead of commitment
21 to the Department of Juvenile Justice.

22 (3) Except as provided in subsection (2), the commitment of
23 a delinquent to the Department of Juvenile Justice shall be for
24 an indeterminate term which shall automatically terminate upon
25 the delinquent attaining the age of 21 years unless the
26 delinquent is sooner discharged from parole or custodianship is

1 otherwise terminated in accordance with this Act or as
2 otherwise provided for by law.

3 (4) When the court commits a minor to the Department of
4 Juvenile Justice, it shall order him or her conveyed forthwith
5 to the appropriate reception station or other place designated
6 by the Department of Juvenile Justice, and shall appoint the
7 Director of Juvenile Justice legal custodian of the minor. The
8 clerk of the court shall issue to the Director of Juvenile
9 Justice a certified copy of the order, which constitutes proof
10 of the Director's authority. No other process need issue to
11 warrant the keeping of the minor.

12 (5) If a minor is committed to the Department of Juvenile
13 Justice, the clerk of the court shall forward to the
14 Department:

- 15 (a) the disposition ordered;
16 (b) all reports;
17 (c) the court's statement of the basis for ordering the
18 disposition; and
19 (d) all additional matters which the court directs the
20 clerk to transmit.

21 (6) Whenever the Department of Juvenile Justice lawfully
22 discharges from its custody and control a minor committed to
23 it, the Director of Juvenile Justice shall petition the court
24 for an order terminating his or her custodianship. The
25 custodianship shall terminate automatically 30 days after
26 receipt of the petition unless the court orders otherwise.

1 (Source: P.A. 94-696, eff. 6-1-06.)