

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 Sections 5-105, 5-410, and 5-501 as follows:

6 (705 ILCS 405/5-105)

7 Sec. 5-105. Definitions. As used in this Article:

8 (1) "Aftercare release" means the conditional and
9 revocable release of an adjudicated delinquent juvenile
10 committed to the Department of Juvenile Justice under the
11 supervision of the Department of Juvenile Justice.

12 (1.5) "Court" means the circuit court in a session or
13 division assigned to hear proceedings under this Act, and
14 includes the term Juvenile Court.

15 (2) "Community service" means uncompensated labor for
16 a community service agency as hereinafter defined.

17 (2.5) "Community service agency" means a
18 not-for-profit organization, community organization,
19 church, charitable organization, individual, public
20 office, or other public body whose purpose is to enhance
21 the physical or mental health of a delinquent minor or to
22 rehabilitate the minor, or to improve the environmental
23 quality or social welfare of the community which agrees to

1 accept community service from juvenile delinquents and to
2 report on the progress of the community service to the
3 State's Attorney pursuant to an agreement or to the court
4 or to any agency designated by the court or to the
5 authorized diversion program that has referred the
6 delinquent minor for community service.

7 (3) "Delinquent minor" means any minor who prior to his
8 or her 18th birthday has violated or attempted to violate,
9 regardless of where the act occurred, any federal, State,
10 county or municipal law or ordinance.

11 (4) "Department" means the Department of Human
12 Services unless specifically referenced as another
13 department.

14 (5) "Detention" means the temporary care of a minor who
15 is alleged to be or has been adjudicated delinquent and who
16 requires secure custody for the minor's own protection or
17 the community's protection in a facility designed to
18 physically restrict the minor's movements, pending
19 disposition by the court or execution of an order of the
20 court for placement or commitment. Design features that
21 physically restrict movement include, but are not limited
22 to, locked rooms and the secure handcuffing of a minor to a
23 rail or other stationary object. In addition, "detention"
24 includes the court ordered care of an alleged or
25 adjudicated delinquent minor who requires secure custody
26 pursuant to Section 5-125 of this Act.

1 (6) "Diversion" means the referral of a juvenile,
2 without court intervention, into a program that provides
3 services designed to educate the juvenile and develop a
4 productive and responsible approach to living in the
5 community.

6 (7) "Juvenile detention home" means a public facility
7 with specially trained staff that conforms to the county
8 juvenile detention standards adopted ~~promulgated~~ by the
9 Department of Juvenile Justice ~~Corrections~~.

10 (8) "Juvenile justice continuum" means a set of
11 delinquency prevention programs and services designed for
12 the purpose of preventing or reducing delinquent acts,
13 including criminal activity by youth gangs, as well as
14 intervention, rehabilitation, and prevention services
15 targeted at minors who have committed delinquent acts, and
16 minors who have previously been committed to residential
17 treatment programs for delinquents. The term includes
18 children-in-need-of-services and
19 families-in-need-of-services programs; aftercare and
20 reentry services; substance abuse and mental health
21 programs; community service programs; community service
22 work programs; and alternative-dispute resolution programs
23 serving youth-at-risk of delinquency and their families,
24 whether offered or delivered by State or local governmental
25 entities, public or private for-profit or not-for-profit
26 organizations, or religious or charitable organizations.

1 This term would also encompass any program or service
2 consistent with the purpose of those programs and services
3 enumerated in this subsection.

4 (9) "Juvenile police officer" means a sworn police
5 officer who has completed a Basic Recruit Training Course,
6 has been assigned to the position of juvenile police
7 officer by his or her chief law enforcement officer and has
8 completed the necessary juvenile officers training as
9 prescribed by the Illinois Law Enforcement Training
10 Standards Board, or in the case of a State police officer,
11 juvenile officer training approved by the Director of State
12 Police.

13 (10) "Minor" means a person under the age of 21 years
14 subject to this Act.

15 (11) "Non-secure custody" means confinement where the
16 minor is not physically restricted by being placed in a
17 locked cell or room, by being handcuffed to a rail or other
18 stationary object, or by other means. Non-secure custody
19 may include, but is not limited to, electronic monitoring,
20 foster home placement, home confinement, group home
21 placement, or physical restriction of movement or activity
22 solely through facility staff.

23 (12) "Public or community service" means uncompensated
24 labor for a not-for-profit organization or public body
25 whose purpose is to enhance physical or mental stability of
26 the offender, environmental quality or the social welfare

1 and which agrees to accept public or community service from
2 offenders and to report on the progress of the offender and
3 the public or community service to the court or to the
4 authorized diversion program that has referred the
5 offender for public or community service.

6 (13) "Sentencing hearing" means a hearing to determine
7 whether a minor should be adjudged a ward of the court, and
8 to determine what sentence should be imposed on the minor.
9 It is the intent of the General Assembly that the term
10 "sentencing hearing" replace the term "dispositional
11 hearing" and be synonymous with that definition as it was
12 used in the Juvenile Court Act of 1987.

13 (14) "Shelter" means the temporary care of a minor in
14 physically unrestricting facilities pending court
15 disposition or execution of court order for placement.

16 (15) "Site" means a not-for-profit organization,
17 public body, church, charitable organization, or
18 individual agreeing to accept community service from
19 offenders and to report on the progress of ordered or
20 required public or community service to the court or to the
21 authorized diversion program that has referred the
22 offender for public or community service.

23 (16) "Station adjustment" means the informal or formal
24 handling of an alleged offender by a juvenile police
25 officer.

26 (17) "Trial" means a hearing to determine whether the

1 allegations of a petition under Section 5-520 that a minor
2 is delinquent are proved beyond a reasonable doubt. It is
3 the intent of the General Assembly that the term "trial"
4 replace the term "adjudicatory hearing" and be synonymous
5 with that definition as it was used in the Juvenile Court
6 Act of 1987.

7 The changes made to this Section by Public Act 98-61 ~~this~~
8 ~~amendatory Act of the 98th General Assembly~~ apply to violations
9 or attempted violations committed on or after January 1, 2014
10 (the effective date of Public Act 98-61) ~~this amendatory Act~~.
11 (Source: P.A. 98-61, eff. 1-1-14; 98-558, eff. 1-1-14; revised
12 1-21-14.)

13 (705 ILCS 405/5-410)

14 Sec. 5-410. Non-secure custody or detention.

15 (1) Any minor arrested or taken into custody pursuant to
16 this Act who requires care away from his or her home but who
17 does not require physical restriction shall be given temporary
18 care in a foster family home or other shelter facility
19 designated by the court.

20 (2) (a) Any minor 10 years of age or older arrested
21 pursuant to this Act where there is probable cause to believe
22 that the minor is a delinquent minor and that (i) secured
23 custody is a matter of immediate and urgent necessity for the
24 protection of the minor or of the person or property of
25 another, (ii) the minor is likely to flee the jurisdiction of

1 the court, or (iii) the minor was taken into custody under a
2 warrant, may be kept or detained in an authorized detention
3 facility. No minor under 12 years of age shall be detained in a
4 county jail or a municipal lockup for more than 6 hours.

5 (b) The written authorization of the probation officer or
6 detention officer (or other public officer designated by the
7 court in a county having 3,000,000 or more inhabitants)
8 constitutes authority for the superintendent of any juvenile
9 detention home to detain and keep a minor for up to 40 hours,
10 excluding Saturdays, Sundays and court-designated holidays.
11 These records shall be available to the same persons and
12 pursuant to the same conditions as are law enforcement records
13 as provided in Section 5-905.

14 (b-4) The consultation required by subsection (b-5) shall
15 not be applicable if the probation officer or detention officer
16 (or other public officer designated by the court in a county
17 having 3,000,000 or more inhabitants) utilizes a scorable
18 detention screening instrument, which has been developed with
19 input by the State's Attorney, to determine whether a minor
20 should be detained, however, subsection (b-5) shall still be
21 applicable where no such screening instrument is used or where
22 the probation officer, detention officer (or other public
23 officer designated by the court in a county having 3,000,000 or
24 more inhabitants) deviates from the screening instrument.

25 (b-5) Subject to the provisions of subsection (b-4), if a
26 probation officer or detention officer (or other public officer

1 designated by the court in a county having 3,000,000 or more
2 inhabitants) does not intend to detain a minor for an offense
3 which constitutes one of the following offenses he or she shall
4 consult with the State's Attorney's Office prior to the release
5 of the minor: first degree murder, second degree murder,
6 involuntary manslaughter, criminal sexual assault, aggravated
7 criminal sexual assault, aggravated battery with a firearm as
8 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
9 (e)(3), or (e)(4) of Section 12-3.05, aggravated or heinous
10 battery involving permanent disability or disfigurement or
11 great bodily harm, robbery, aggravated robbery, armed robbery,
12 vehicular hijacking, aggravated vehicular hijacking, vehicular
13 invasion, arson, aggravated arson, kidnapping, aggravated
14 kidnapping, home invasion, burglary, or residential burglary.

15 (c) Except as otherwise provided in paragraph (a), (d), or
16 (e), no minor shall be detained in a county jail or municipal
17 lockup for more than 12 hours, unless the offense is a crime of
18 violence in which case the minor may be detained up to 24
19 hours. For the purpose of this paragraph, "crime of violence"
20 has the meaning ascribed to it in Section 1-10 of the
21 Alcoholism and Other Drug Abuse and Dependency Act.

22 (i) The period of detention is deemed to have begun
23 once the minor has been placed in a locked room or cell or
24 handcuffed to a stationary object in a building housing a
25 county jail or municipal lockup. Time spent transporting a
26 minor is not considered to be time in detention or secure

1 custody.

2 (ii) Any minor so confined shall be under periodic
3 supervision and shall not be permitted to come into or
4 remain in contact with adults in custody in the building.

5 (iii) Upon placement in secure custody in a jail or
6 lockup, the minor shall be informed of the purpose of the
7 detention, the time it is expected to last and the fact
8 that it cannot exceed the time specified under this Act.

9 (iv) A log shall be kept which shows the offense which
10 is the basis for the detention, the reasons and
11 circumstances for the decision to detain and the length of
12 time the minor was in detention.

13 (v) Violation of the time limit on detention in a
14 county jail or municipal lockup shall not, in and of
15 itself, render inadmissible evidence obtained as a result
16 of the violation of this time limit. Minors under 18 years
17 of age shall be kept separate from confined adults and may
18 not at any time be kept in the same cell, room or yard with
19 adults confined pursuant to criminal law. Persons 18 years
20 of age and older who have a petition of delinquency filed
21 against them may be confined in an adult detention
22 facility. In making a determination whether to confine a
23 person 18 years of age or older who has a petition of
24 delinquency filed against the person, these factors, among
25 other matters, shall be considered:

26 (A) The age of the person;

1 (B) Any previous delinquent or criminal history of
2 the person;

3 (C) Any previous abuse or neglect history of the
4 person; and

5 (D) Any mental health or educational history of the
6 person, or both.

7 (d) (i) If a minor 12 years of age or older is confined in a
8 county jail in a county with a population below 3,000,000
9 inhabitants, then the minor's confinement shall be implemented
10 in such a manner that there will be no contact by sight, sound
11 or otherwise between the minor and adult prisoners. Minors 12
12 years of age or older must be kept separate from confined
13 adults and may not at any time be kept in the same cell, room,
14 or yard with confined adults. This paragraph (d) (i) shall only
15 apply to confinement pending an adjudicatory hearing and shall
16 not exceed 40 hours, excluding Saturdays, Sundays and court
17 designated holidays. To accept or hold minors during this time
18 period, county jails shall comply with all monitoring standards
19 adopted ~~promulgated~~ by the Department of Corrections and
20 training standards approved by the Illinois Law Enforcement
21 Training Standards Board.

22 (ii) To accept or hold minors, 12 years of age or older,
23 after the time period prescribed in paragraph (d) (i) of this
24 subsection (2) of this Section but not exceeding 7 days
25 including Saturdays, Sundays and holidays pending an
26 adjudicatory hearing, county jails shall comply with all

1 temporary detention standards adopted ~~promulgated~~ by the
2 Department of Corrections and training standards approved by
3 the Illinois Law Enforcement Training Standards Board.

4 (iii) To accept or hold minors 12 years of age or older,
5 after the time period prescribed in paragraphs (d)(i) and
6 (d)(ii) of this subsection (2) of this Section, county jails
7 shall comply with all county juvenile detention standards
8 adopted ~~programmatic and training standards for juvenile~~
9 ~~detention homes promulgated~~ by the Department of Juvenile
10 Justice Corrections.

11 (e) When a minor who is at least 15 years of age is
12 prosecuted under the criminal laws of this State, the court may
13 enter an order directing that the juvenile be confined in the
14 county jail. However, any juvenile confined in the county jail
15 under this provision shall be separated from adults who are
16 confined in the county jail in such a manner that there will be
17 no contact by sight, sound or otherwise between the juvenile
18 and adult prisoners.

19 (f) For purposes of appearing in a physical lineup, the
20 minor may be taken to a county jail or municipal lockup under
21 the direct and constant supervision of a juvenile police
22 officer. During such time as is necessary to conduct a lineup,
23 and while supervised by a juvenile police officer, the sight
24 and sound separation provisions shall not apply.

25 (g) For purposes of processing a minor, the minor may be
26 taken to a County Jail or municipal lockup under the direct and

1 constant supervision of a law enforcement officer or
2 correctional officer. During such time as is necessary to
3 process the minor, and while supervised by a law enforcement
4 officer or correctional officer, the sight and sound separation
5 provisions shall not apply.

6 (3) If the probation officer or State's Attorney (or such
7 other public officer designated by the court in a county having
8 3,000,000 or more inhabitants) determines that the minor may be
9 a delinquent minor as described in subsection (3) of Section
10 5-105, and should be retained in custody but does not require
11 physical restriction, the minor may be placed in non-secure
12 custody for up to 40 hours pending a detention hearing.

13 (4) Any minor taken into temporary custody, not requiring
14 secure detention, may, however, be detained in the home of his
15 or her parent or guardian subject to such conditions as the
16 court may impose.

17 (5) The changes made to this Section by Public Act 98-61
18 ~~this amendatory Act of the 98th General Assembly~~ apply to a
19 minor who has been arrested or taken into custody on or after
20 January 1, 2014 (the effective date of Public Act 98-61) ~~this~~
21 ~~amendatory Act.~~

22 (Source: P.A. 98-61, eff. 1-1-14; revised 11-22-13.)

23 (705 ILCS 405/5-501)

24 Sec. 5-501. Detention or shelter care hearing. At the
25 appearance of the minor before the court at the detention or

1 shelter care hearing, the court shall receive all relevant
2 information and evidence, including affidavits concerning the
3 allegations made in the petition. Evidence used by the court in
4 its findings or stated in or offered in connection with this
5 Section may be by way of proffer based on reliable information
6 offered by the State or minor. All evidence shall be admissible
7 if it is relevant and reliable regardless of whether it would
8 be admissible under the rules of evidence applicable at a
9 trial. No hearing may be held unless the minor is represented
10 by counsel and no hearing shall be held until the minor has had
11 adequate opportunity to consult with counsel.

12 (1) If the court finds that there is not probable cause to
13 believe that the minor is a delinquent minor it shall release
14 the minor and dismiss the petition.

15 (2) If the court finds that there is probable cause to
16 believe that the minor is a delinquent minor, the minor, his or
17 her parent, guardian, custodian and other persons able to give
18 relevant testimony may be examined before the court. The court
19 may also consider any evidence by way of proffer based upon
20 reliable information offered by the State or the minor. All
21 evidence, including affidavits, shall be admissible if it is
22 relevant and reliable regardless of whether it would be
23 admissible under the rules of evidence applicable at trial.
24 After such evidence is presented, the court may enter an order
25 that the minor shall be released upon the request of a parent,
26 guardian or legal custodian if the parent, guardian or

1 custodian appears to take custody.

2 If the court finds that it is a matter of immediate and
3 urgent necessity for the protection of the minor or of the
4 person or property of another that the minor be detained or
5 placed in a shelter care facility or that he or she is likely
6 to flee the jurisdiction of the court, the court may prescribe
7 detention or shelter care and order that the minor be kept in a
8 suitable place designated by the court or in a shelter care
9 facility designated by the Department of Children and Family
10 Services or a licensed child welfare agency; otherwise it shall
11 release the minor from custody. If the court prescribes shelter
12 care, then in placing the minor, the Department or other agency
13 shall, to the extent compatible with the court's order, comply
14 with Section 7 of the Children and Family Services Act. In
15 making the determination of the existence of immediate and
16 urgent necessity, the court shall consider among other matters:
17 (a) the nature and seriousness of the alleged offense; (b) the
18 minor's record of delinquency offenses, including whether the
19 minor has delinquency cases pending; (c) the minor's record of
20 willful failure to appear following the issuance of a summons
21 or warrant; (d) the availability of non-custodial
22 alternatives, including the presence of a parent, guardian or
23 other responsible relative able and willing to provide
24 supervision and care for the minor and to assure his or her
25 compliance with a summons. If the minor is ordered placed in a
26 shelter care facility of a licensed child welfare agency, the

1 court shall, upon request of the agency, appoint the
2 appropriate agency executive temporary custodian of the minor
3 and the court may enter such other orders related to the
4 temporary custody of the minor as it deems fit and proper.

5 The order together with the court's findings of fact in
6 support of the order shall be entered of record in the court.

7 Once the court finds that it is a matter of immediate and
8 urgent necessity for the protection of the minor that the minor
9 be placed in a shelter care facility, the minor shall not be
10 returned to the parent, custodian or guardian until the court
11 finds that the placement is no longer necessary for the
12 protection of the minor.

13 (3) Only when there is reasonable cause to believe that the
14 minor taken into custody is a delinquent minor may the minor be
15 kept or detained in a facility authorized for juvenile
16 detention. This Section shall in no way be construed to limit
17 subsection (4).

18 (4) Minors 12 years of age or older must be kept separate
19 from confined adults and may not at any time be kept in the
20 same cell, room or yard with confined adults. This paragraph
21 (4):

22 (a) shall only apply to confinement pending an
23 adjudicatory hearing and shall not exceed 40 hours,
24 excluding Saturdays, Sundays, and court designated
25 holidays. To accept or hold minors during this time period,
26 county jails shall comply with all monitoring standards

1 adopted ~~for juvenile detention homes promulgated~~ by the
2 Department of Corrections and training standards approved
3 by the Illinois Law Enforcement Training Standards Board.

4 (b) To accept or hold minors, 12 years of age or older,
5 after the time period prescribed in clause (a) of
6 subsection (4) of this Section but not exceeding 7 days
7 including Saturdays, Sundays, and holidays, pending an
8 adjudicatory hearing, county jails shall comply with all
9 temporary detention standards adopted ~~promulgated~~ by the
10 Department of Corrections and training standards approved
11 by the Illinois Law Enforcement Training Standards Board.

12 (c) To accept or hold minors 12 years of age or older,
13 after the time period prescribed in clause (a) and (b), of
14 this subsection county jails shall comply with all county
15 juvenile detention standards adopted ~~programmatic and~~
16 ~~training standards for juvenile detention homes~~
17 ~~promulgated~~ by the Department of Juvenile Justice
18 Corrections.

19 (5) If the minor is not brought before a judicial officer
20 within the time period as specified in Section 5-415 the minor
21 must immediately be released from custody.

22 (6) If neither the parent, guardian or legal custodian
23 appears within 24 hours to take custody of a minor released
24 from detention or shelter care, then the clerk of the court
25 shall set the matter for rehearing not later than 7 days after
26 the original order and shall issue a summons directed to the

1 parent, guardian or legal custodian to appear. At the same time
2 the probation department shall prepare a report on the minor.
3 If a parent, guardian or legal custodian does not appear at
4 such rehearing, the judge may enter an order prescribing that
5 the minor be kept in a suitable place designated by the
6 Department of Human Services or a licensed child welfare
7 agency. The time during which a minor is in custody after being
8 released upon the request of a parent, guardian or legal
9 custodian shall be considered as time spent in detention for
10 purposes of scheduling the trial.

11 (7) Any party, including the State, the temporary
12 custodian, an agency providing services to the minor or family
13 under a service plan pursuant to Section 8.2 of the Abused and
14 Neglected Child Reporting Act, foster parent, or any of their
15 representatives, may file a motion to modify or vacate a
16 temporary custody order or vacate a detention or shelter care
17 order on any of the following grounds:

18 (a) It is no longer a matter of immediate and urgent
19 necessity that the minor remain in detention or shelter
20 care; or

21 (b) There is a material change in the circumstances of
22 the natural family from which the minor was removed; or

23 (c) A person, including a parent, relative or legal
24 guardian, is capable of assuming temporary custody of the
25 minor; or

26 (d) Services provided by the Department of Children and

1 Family Services or a child welfare agency or other service
2 provider have been successful in eliminating the need for
3 temporary custody.

4 The clerk shall set the matter for hearing not later than
5 14 days after such motion is filed. In the event that the court
6 modifies or vacates a temporary order but does not vacate its
7 finding of probable cause, the court may order that appropriate
8 services be continued or initiated in behalf of the minor and
9 his or her family.

10 (8) Whenever a petition has been filed under Section 5-520
11 the court can, at any time prior to trial or sentencing, order
12 that the minor be placed in detention or a shelter care
13 facility after the court conducts a hearing and finds that the
14 conduct and behavior of the minor may endanger the health,
15 person, welfare, or property of himself or others or that the
16 circumstances of his or her home environment may endanger his
17 or her health, person, welfare or property.

18 (Source: P.A. 95-846, eff. 1-1-09.)

19 Section 10. The Unified Code of Corrections is amended by
20 changing Sections 3-1-2, 3-2.5-75, 3-15-2, and 3-15-3 as
21 follows:

22 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

23 Sec. 3-1-2. Definitions.

24 (a) "Chief Administrative Officer" means the person

1 designated by the Director to exercise the powers and duties of
2 the Department of Corrections in regard to committed persons
3 within a correctional institution or facility, and includes the
4 superintendent of any juvenile institution or facility.

5 (a-3) "Aftercare release" means the conditional and
6 revocable release of a person committed to the Department of
7 Juvenile Justice under the Juvenile Court Act of 1987, under
8 the supervision of the Department of Juvenile Justice.

9 (a-5) "Sex offense" for the purposes of paragraph (16) of
10 subsection (a) of Section 3-3-7, paragraph (10) of subsection
11 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
12 Section 5-6-3.1 only means:

13 (i) A violation of any of the following Sections of the
14 Criminal Code of 1961 or the Criminal Code of 2012: 10-7
15 (aiding or abetting child abduction under Section
16 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent
17 solicitation of a child), 11-6.5 (indecent solicitation of
18 an adult), 11-14.4 (promoting juvenile prostitution),
19 11-15.1 (soliciting for a juvenile prostitute), 11-17.1
20 (keeping a place of juvenile prostitution), 11-18.1
21 (patronizing a juvenile prostitute), 11-19.1 (juvenile
22 pimping), 11-19.2 (exploitation of a child), 11-20.1
23 (child pornography), 11-20.1B or 11-20.3 (aggravated child
24 pornography), 11-1.40 or 12-14.1 (predatory criminal
25 sexual assault of a child), or 12-33 (ritualized abuse of a
26 child). An attempt to commit any of these offenses.

1 (ii) A violation of any of the following Sections of
2 the Criminal Code of 1961 or the Criminal Code of 2012:
3 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or
4 12-14 (aggravated criminal sexual assault), 11-1.60 or
5 12-16 (aggravated criminal sexual abuse), and subsection
6 (a) of Section 11-1.50 or subsection (a) of Section 12-15
7 (criminal sexual abuse). An attempt to commit any of these
8 offenses.

9 (iii) A violation of any of the following Sections of
10 the Criminal Code of 1961 or the Criminal Code of 2012 when
11 the defendant is not a parent of the victim:

12 10-1 (kidnapping),

13 10-2 (aggravated kidnapping),

14 10-3 (unlawful restraint),

15 10-3.1 (aggravated unlawful restraint).

16 An attempt to commit any of these offenses.

17 (iv) A violation of any former law of this State
18 substantially equivalent to any offense listed in this
19 subsection (a-5).

20 An offense violating federal law or the law of another
21 state that is substantially equivalent to any offense listed in
22 this subsection (a-5) shall constitute a sex offense for the
23 purpose of this subsection (a-5). A finding or adjudication as
24 a sexually dangerous person under any federal law or law of
25 another state that is substantially equivalent to the Sexually
26 Dangerous Persons Act shall constitute an adjudication for a

1 sex offense for the purposes of this subsection (a-5).

2 (b) "Commitment" means a judicially determined placement
3 in the custody of the Department of Corrections on the basis of
4 delinquency or conviction.

5 (c) "Committed Person" is a person committed to the
6 Department, however a committed person shall not be considered
7 to be an employee of the Department of Corrections for any
8 purpose, including eligibility for a pension, benefits, or any
9 other compensation or rights or privileges which may be
10 provided to employees of the Department.

11 (c-5) "Computer scrub software" means any third-party
12 added software, designed to delete information from the
13 computer unit, the hard drive, or other software, which would
14 eliminate and prevent discovery of browser activity, including
15 but not limited to Internet history, address bar or bars, cache
16 or caches, and/or cookies, and which would over-write files in
17 a way so as to make previous computer activity, including but
18 not limited to website access, more difficult to discover.

19 (d) "Correctional Institution or Facility" means any
20 building or part of a building where committed persons are kept
21 in a secured manner.

22 (e) ~~In the case of functions performed before the effective~~
23 ~~date of this amendatory Act of the 94th General Assembly,~~
24 "Department" means both the Department of Corrections and the
25 Department of Juvenile Justice of this State, unless the
26 context is specific to either the Department of Corrections or

1 ~~the Department of Juvenile Justice. In the case of functions~~
2 ~~performed on or after the effective date of this amendatory Act~~
3 ~~of the 94th General Assembly, "Department" has the meaning~~
4 ~~ascribed to it in subsection (f-5).~~

5 (f) ~~In the case of functions performed before the effective~~
6 ~~date of this amendatory Act of the 94th General Assembly,~~
7 "Director" means both the Director of ~~the Department of~~
8 Corrections and the Director of Juvenile Justice, unless the
9 context is specific to either the Director of Corrections or
10 the Director of Juvenile Justice. ~~In the case of functions~~
11 ~~performed on or after the effective date of this amendatory Act~~
12 ~~of the 94th General Assembly, "Director" has the meaning~~
13 ~~ascribed to it in subsection (f-5).~~

14 (f-5) (Blank). ~~In the case of functions performed on or~~
15 ~~after the effective date of this amendatory Act of the 94th~~
16 ~~General Assembly, references to "Department" or "Director"~~
17 ~~refer to either the Department of Corrections or the Director~~
18 ~~of Corrections or to the Department of Juvenile Justice or the~~
19 ~~Director of Juvenile Justice unless the context is specific to~~
20 ~~the Department of Juvenile Justice or the Director of Juvenile~~
21 ~~Justice.~~

22 (g) "Discharge" means the final termination of a commitment
23 to the Department of Corrections.

24 (h) "Discipline" means the rules and regulations for the
25 maintenance of order and the protection of persons and property
26 within the institutions and facilities of the Department and

1 their enforcement.

2 (i) "Escape" means the intentional and unauthorized
3 absence of a committed person from the custody of the
4 Department.

5 (j) "Furlough" means an authorized leave of absence from
6 the Department of Corrections for a designated purpose and
7 period of time.

8 (k) "Parole" means the conditional and revocable release of
9 a person committed to the Department of Corrections under the
10 supervision of a parole officer.

11 (l) "Prisoner Review Board" means the Board established in
12 Section 3-3-1(a), independent of the Department, to review
13 rules and regulations with respect to good time credits, to
14 hear charges brought by the Department against certain
15 prisoners alleged to have violated Department rules with
16 respect to good time credits, to set release dates for certain
17 prisoners sentenced under the law in effect prior to the
18 effective date of this Amendatory Act of 1977, to hear and
19 decide the time of aftercare release for persons committed to
20 the Department of Juvenile Justice under the Juvenile Court Act
21 of 1987 to hear requests and make recommendations to the
22 Governor with respect to pardon, reprieve or commutation, to
23 set conditions for parole, aftercare release, and mandatory
24 supervised release and determine whether violations of those
25 conditions justify revocation of parole or release, and to
26 assume all other functions previously exercised by the Illinois

1 Parole and Pardon Board.

2 (m) Whenever medical treatment, service, counseling, or
3 care is referred to in this Unified Code of Corrections, such
4 term may be construed by the Department or Court, within its
5 discretion, to include treatment, service or counseling by a
6 Christian Science practitioner or nursing care appropriate
7 therewith whenever request therefor is made by a person subject
8 to the provisions of this Act.

9 (n) "Victim" shall have the meaning ascribed to it in
10 subsection (a) of Section 3 of the Bill of Rights for Victims
11 and Witnesses of Violent Crime Act.

12 (o) "Wrongfully imprisoned person" means a person who has
13 been discharged from a prison of this State and has received:

14 (1) a pardon from the Governor stating that such pardon
15 is issued on the ground of innocence of the crime for which
16 he or she was imprisoned; or

17 (2) a certificate of innocence from the Circuit Court
18 as provided in Section 2-702 of the Code of Civil
19 Procedure.

20 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
21 98-558, eff. 1-1-14.)

22 (730 ILCS 5/3-2.5-75)

23 Sec. 3-2.5-75. Release from Department of Juvenile
24 Justice.

25 (a) Upon release of a youth on aftercare, the Department

1 shall return all property held for the youth, provide the youth
2 with suitable clothing, and procure necessary transportation
3 for the youth to his or her designated place of residence and
4 employment. It may provide the youth with a grant of money for
5 travel and expenses which may be paid in installments. The
6 amount of the money grant shall be determined by the
7 Department.

8 (b) Before a wrongfully imprisoned person, as defined in
9 Section 3-1-2 of this Code, is discharged from the Department,
10 the Department shall provide him or her with any documents
11 necessary after discharge, including an identification card
12 under subsection (e) of this Section.

13 (c) The Department of Juvenile Justice may establish and
14 maintain, in any institution it administers, revolving funds to
15 be known as "Travel and Allowances Revolving Funds". These
16 revolving funds shall be used for advancing travel and expense
17 allowances to committed, released, and discharged youth. The
18 moneys paid into these revolving funds shall be from
19 appropriations to the Department for committed, released, and
20 discharged prisoners.

21 (d) Upon the release of a youth on aftercare, the
22 Department shall provide that youth with information
23 concerning programs and services of the Department of Public
24 Health to ascertain whether that youth has been exposed to the
25 human immunodeficiency virus (HIV) or any identified causative
26 agent of Acquired Immunodeficiency Syndrome (AIDS).

1 (e) Upon the release of a youth on aftercare or who has
2 been wrongfully imprisoned, the Department shall provide the
3 youth who has met the criteria established by the Department
4 with an identification card identifying the youth as being on
5 aftercare or wrongfully imprisoned, as the case may be. The
6 Department, in consultation with the Office of the Secretary of
7 State, shall prescribe the form of the identification card,
8 which may be similar to the form of the standard Illinois
9 Identification Card. The Department shall inform the youth that
10 he or she may present the identification card to the Office of
11 the Secretary of State upon application for a standard Illinois
12 Identification Card in accordance with the Illinois
13 Identification Card Act. The Department shall require the youth
14 to pay a \$1 fee for the identification card.

15 For purposes of a youth receiving an identification card
16 issued by the Department under this subsection, the Department
17 shall establish criteria that the youth must meet before the
18 card is issued. It is the sole responsibility of the youth
19 requesting the identification card issued by the Department to
20 meet the established criteria. The youth's failure to meet the
21 criteria is sufficient reason to deny the youth the
22 identification card. An identification card issued by the
23 Department under this subsection shall be valid for a period of
24 time not to exceed 30 calendar days from the date the card is
25 issued. The Department shall not be held civilly or criminally
26 liable to anyone because of any act of any person utilizing a

1 card issued by the Department under this subsection.

2 The Department shall adopt rules governing the issuance of
3 identification cards to youth being released on aftercare or
4 pardon.

5 (Source: P.A. 98-558, eff. 1-1-14.)

6 (730 ILCS 5/3-15-2) (from Ch. 38, par. 1003-15-2)

7 Sec. 3-15-2. Standards and Assistance to Local Jails and
8 Detention and Shelter Care Facilities.

9 (a) The Department of Corrections shall establish for the
10 operation of county and municipal jails and houses of
11 correction, minimum standards for the physical condition of
12 such institutions and for the treatment of inmates with respect
13 to their health and safety and the security of the community.

14 The Department of Juvenile Justice shall establish for the
15 operation of county juvenile detention and shelter care
16 facilities established pursuant to the County Shelter Care and
17 Detention Home Act, minimum standards for the physical
18 condition of such institutions and for the treatment of
19 juveniles with respect to their health and safety and the
20 security of the community.

21 Such standards shall not apply to county shelter care
22 facilities which were in operation prior to January 1, 1980.
23 Such standards shall not seek to mandate minimum floor space
24 requirements for each inmate housed in cells and detention
25 rooms in county and municipal jails and houses of correction.

1 However, no more than two inmates may be housed in a single
2 cell or detention room.

3 When an inmate is tested for an airborne communicable
4 disease, as determined by the Illinois Department of Public
5 Health including but not limited to tuberculosis, the results
6 of the test shall be personally delivered by the warden or his
7 or her designee in a sealed envelope to the judge of the court
8 in which the inmate must appear for the judge's inspection in
9 camera if requested by the judge. Acting in accordance with the
10 best interests of those in the courtroom, the judge shall have
11 the discretion to determine what if any precautions need to be
12 taken to prevent transmission of the disease in the courtroom.

13 (b) At least once each year, the Department of Corrections
14 may inspect each adult facility for compliance with the
15 standards established and the results of such inspection shall
16 be made available by the Department for public inspection. At
17 least once each year, the Department of Juvenile Justice shall
18 inspect each county juvenile detention and shelter care
19 facility for compliance with the standards established, and the
20 Department of Juvenile Justice shall make the results of such
21 inspections available for public inspection. If any detention,
22 shelter care or correctional facility does not comply with the
23 standards established, the Director of Corrections or the
24 Director of Juvenile Justice, as the case may be, shall give
25 notice to the county board and the sheriff or the corporate
26 authorities of the municipality, as the case may be, of such

1 noncompliance, specifying the particular standards that have
2 not been met by such facility. If the facility is not in
3 compliance with such standards when six months have elapsed
4 from the giving of such notice, the Director of Corrections or
5 the Director of Juvenile Justice, as the case may be, may
6 petition the appropriate court for an order requiring such
7 facility to comply with the standards established by the
8 Department or for other appropriate relief.

9 (c) The Department of Corrections may provide consultation
10 services for the design, construction, programs and
11 administration of correctional facilities and services for
12 adults operated by counties and municipalities and may make
13 studies and surveys of the programs and the administration of
14 such facilities. Personnel of the Department shall be admitted
15 to these facilities as required for such purposes. The
16 Department may develop and administer programs of
17 grants-in-aid for correctional services in cooperation with
18 local agencies. The Department may provide courses of training
19 for the personnel of such institutions and conduct pilot
20 projects in the institutions.

21 (c-5) The Department of Juvenile Justice may provide
22 consultation services for the design, construction, programs,
23 and administration of detention and shelter care services for
24 children operated by counties and municipalities and may make
25 studies and surveys of the programs and the administration of
26 such facilities. Personnel of the Department of Juvenile

1 Justice shall be admitted to these facilities as required for
2 such purposes. The Department of Juvenile Justice may develop
3 and administer programs of grants-in-aid for juvenile
4 correctional services in cooperation with local agencies. The
5 Department of Juvenile Justice may provide courses of training
6 for the personnel of such institutions and conduct pilot
7 projects in the institutions.

8 (d) The Department is authorized to issue reimbursement
9 grants for counties, municipalities or public building
10 commissions for the purpose of meeting minimum correctional
11 facilities standards set by the Department under this Section.
12 Grants may be issued only for projects that were completed
13 after July 1, 1980 and initiated prior to January 1, 1987.

14 (1) Grants for regional correctional facilities shall
15 not exceed 90% of the project costs or \$7,000,000,
16 whichever is less.

17 (2) Grants for correctional facilities by a single
18 county, municipality or public building commission shall
19 not exceed 75% of the proposed project costs or \$4,000,000,
20 whichever is less.

21 (3) As used in this subsection (d), "project" means
22 only that part of a facility that is constructed for jail,
23 correctional or detention purposes and does not include
24 other areas of multi-purpose buildings.

25 Construction or renovation grants are authorized to be
26 issued by the Capital Development Board from capital

1 development bond funds after application by a county or
2 counties, municipality or municipalities or public building
3 commission or commissions and approval of a construction or
4 renovation grant by the Department for projects initiated after
5 January 1, 1987.

6 (e) The Department of Corrections ~~Juvenile Justice~~ shall
7 adopt standards for county jails to hold juveniles on a
8 temporary basis, as provided in Section 5-410 of the Juvenile
9 Court Act of 1987. These standards shall include monitoring,
10 educational, recreational, and disciplinary standards as well
11 as access to medical services, crisis intervention, mental
12 health services, suicide prevention, health care, nutritional
13 needs, and visitation rights. The Department of Corrections
14 ~~Juvenile Justice~~ shall also notify any county applying to hold
15 juveniles in a county jail of the ~~monitoring and program~~
16 standards for juvenile detention ~~facilities~~ under Section
17 5-410 of the Juvenile Court Act of 1987.

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

19 (730 ILCS 5/3-15-3) (from Ch. 38, par. 1003-15-3)

20 Sec. 3-15-3. Persons with mental illness and developmental
21 disabilities.

22 (a) The Department of Corrections must, by rule, adopt
23 ~~establish~~ standards and procedures for the provision of mental
24 health and developmental disability services to persons with
25 mental illness and persons with a developmental disability

1 confined in a county ~~local~~ jail ~~or juvenile detention facility~~
2 as set forth under Section 3-7-7 of this Code.

3 The Department of Juvenile Justice must, by rule, adopt
4 standards and procedures for the provision of mental health and
5 developmental disability services to persons with mental
6 illness and persons with a developmental disability confined in
7 a juvenile detention facility as set forth under Section 3-7-7
8 of this Code.

9 Those standards and procedures must address screening and
10 classification, the use of psychotropic medications, suicide
11 prevention, qualifications of staff, staffing levels, staff
12 training, discharge, linkage and aftercare, the
13 confidentiality of mental health records, and such other issues
14 as are necessary to ensure that inmates with mental illness
15 receive adequate and humane care and services.

16 (b) At least once each year, the Department of Corrections
17 must inspect each county ~~local~~ jail ~~and juvenile detention~~
18 ~~facility~~ for compliance with the standards and procedures
19 established. At least once each year, the Department of
20 Juvenile Justice must inspect each juvenile detention facility
21 for compliance with the standards and procedures established.
22 The results of the inspection must be made available by the
23 Department of Corrections or the Department of Juvenile
24 Justice, as the case may be, for public inspection. If any
25 county jail or juvenile detention facility does not comply with
26 the standards and procedures established, the Director of

1 Corrections or the Director of Juvenile Justice, as the case
2 may be, must give notice to the county board and the sheriff of
3 such noncompliance, specifying the particular standards and
4 procedures that have not been met by the county jail or
5 juvenile detention facility. If the county jail or juvenile
6 detention facility is not in compliance with the standards and
7 procedures when 6 months have elapsed from the giving of such
8 notice, the Director of Corrections or the Director of Juvenile
9 Justice, as the case may be, may petition the appropriate court
10 for an order requiring the jail or juvenile detention facility
11 to comply with the standards and procedures established by the
12 Department of Corrections or the Department of Juvenile
13 Justice, as the case may be, or for other appropriate relief.
14 (Source: P.A. 92-469, eff. 1-1-02.)