



Rep. Lou Lang

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1 AMENDMENT TO HOUSE BILL 4083

2 AMENDMENT NO. _____. Amend House Bill 4083 by replacing
3 everything after the enacting clause with the following:

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.

1 (2.5) "Community service agency" means a
2 not-for-profit organization, community organization,
3 church, charitable organization, individual, public
4 office, or other public body whose purpose is to enhance
5 the physical or mental health of a delinquent minor or to
6 rehabilitate the minor, or to improve the environmental
7 quality or social welfare of the community which agrees to
8 accept community service from juvenile delinquents and to
9 report on the progress of the community service to the
10 State's Attorney pursuant to an agreement or to the court
11 or to any agency designated by the court or to the
12 authorized diversion program that has referred the
13 delinquent minor for community service.

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

18 (4) "Department" means the Department of Human
19 Services unless specifically referenced as another
20 department.

21 (5) "Detention" means the temporary care of a minor who
22 is alleged to be or has been adjudicated delinquent and who
23 requires secure custody for the minor's own protection or
24 the community's protection in a facility designed to
25 physically restrict the minor's movements, pending
26 disposition by the court or execution of an order of the

1 court for placement or commitment. Design features that
2 physically restrict movement include, but are not limited
3 to, locked rooms and the secure handcuffing of a minor to a
4 rail or other stationary object. In addition, "detention"
5 includes the court ordered care of an alleged or
6 adjudicated delinquent minor who requires secure custody
7 pursuant to Section 5-125 of this Act.

8 (6) "Diversion" means the referral of a juvenile,
9 without court intervention, into a program that provides
10 services designed to educate the juvenile and develop a
11 productive and responsible approach to living in the
12 community.

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

17 (8) "Juvenile justice continuum" means a set of
18 delinquency prevention programs and services designed for
19 the purpose of preventing or reducing delinquent acts,
20 including criminal activity by youth gangs, as well as
21 intervention, rehabilitation, and prevention services
22 targeted at minors who have committed delinquent acts, and
23 minors who have previously been committed to residential
24 treatment programs for delinquents. The term includes
25 children-in-need-of-services and
26 families-in-need-of-services programs; aftercare and

1 reentry services; substance abuse and mental health
2 programs; community service programs; community service
3 work programs; and alternative-dispute resolution programs
4 serving youth-at-risk of delinquency and their families,
5 whether offered or delivered by State or local governmental
6 entities, public or private for-profit or not-for-profit
7 organizations, or religious or charitable organizations.
8 This term would also encompass any program or service
9 consistent with the purpose of those programs and services
10 enumerated in this subsection.

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

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

22 (11) "Non-secure custody" means confinement where the
23 minor is not physically restricted by being placed in a
24 locked cell or room, by being handcuffed to a rail or other
25 stationary object, or by other means. Non-secure custody
26 may include, but is not limited to, electronic monitoring,

1 foster home placement, home confinement, group home
2 placement, or physical restriction of movement or activity
3 solely through facility staff.

4 (12) "Public or community service" means uncompensated
5 labor for a not-for-profit organization or public body
6 whose purpose is to enhance physical or mental stability of
7 the offender, environmental quality or the social welfare
8 and which agrees to accept public or community service from
9 offenders and to report on the progress of the offender and
10 the public or community service to the court or to the
11 authorized diversion program that has referred the
12 offender for public or community service.

13 (13) "Sentencing hearing" means a hearing to determine
14 whether a minor should be adjudged a ward of the court, and
15 to determine what sentence should be imposed on the minor.
16 It is the intent of the General Assembly that the term
17 "sentencing hearing" replace the term "dispositional
18 hearing" and be synonymous with that definition as it was
19 used in the Juvenile Court Act of 1987.

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

23 (15) "Site" means a not-for-profit organization,
24 public body, church, charitable organization, or
25 individual agreeing to accept community service from
26 offenders and to report on the progress of ordered or

1 required public or community service to the court or to the
2 authorized diversion program that has referred the
3 offender for public or community service.

4 (16) "Station adjustment" means the informal or formal
5 handling of an alleged offender by a juvenile police
6 officer.

7 (17) "Trial" means a hearing to determine whether the
8 allegations of a petition under Section 5-520 that a minor
9 is delinquent are proved beyond a reasonable doubt. It is
10 the intent of the General Assembly that the term "trial"
11 replace the term "adjudicatory hearing" and be synonymous
12 with that definition as it was used in the Juvenile Court
13 Act of 1987.

14 The changes made to this Section by Public Act 98-61 ~~this~~
15 ~~amendatory Act of the 98th General Assembly~~ apply to violations
16 or attempted violations committed on or after January 1, 2014
17 (the effective date of Public Act 98-61) ~~this amendatory Act~~.

18 (Source: P.A. 98-61, eff. 1-1-14; 98-558, eff. 1-1-14; revised
19 1-21-14.)

20 (705 ILCS 405/5-410)

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

22 (1) Any minor arrested or taken into custody pursuant to
23 this Act who requires care away from his or her home but who
24 does not require physical restriction shall be given temporary
25 care in a foster family home or other shelter facility

1 designated by the court.

2 (2) (a) Any minor 10 years of age or older arrested
3 pursuant to this Act where there is probable cause to believe
4 that the minor is a delinquent minor and that (i) secured
5 custody is a matter of immediate and urgent necessity for the
6 protection of the minor or of the person or property of
7 another, (ii) the minor is likely to flee the jurisdiction of
8 the court, or (iii) the minor was taken into custody under a
9 warrant, may be kept or detained in an authorized detention
10 facility. No minor under 12 years of age shall be detained in a
11 county jail or a municipal lockup for more than 6 hours.

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

21 (b-4) The consultation required by subsection (b-5) shall
22 not be applicable if the probation officer or detention officer
23 (or other public officer designated by the court in a county
24 having 3,000,000 or more inhabitants) utilizes a scorable
25 detention screening instrument, which has been developed with
26 input by the State's Attorney, to determine whether a minor

1 should be detained, however, subsection (b-5) shall still be
2 applicable where no such screening instrument is used or where
3 the probation officer, detention officer (or other public
4 officer designated by the court in a county having 3,000,000 or
5 more inhabitants) deviates from the screening instrument.

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

22 (c) Except as otherwise provided in paragraph (a), (d), or
23 (e), no minor shall be detained in a county jail or municipal
24 lockup for more than 12 hours, unless the offense is a crime of
25 violence in which case the minor may be detained up to 24
26 hours. For the purpose of this paragraph, "crime of violence"

1 has the meaning ascribed to it in Section 1-10 of the
2 Alcoholism and Other Drug Abuse and Dependency Act.

3 (i) The period of detention is deemed to have begun
4 once the minor has been placed in a locked room or cell or
5 handcuffed to a stationary object in a building housing a
6 county jail or municipal lockup. Time spent transporting a
7 minor is not considered to be time in detention or secure
8 custody.

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

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

16 (iv) A log shall be kept which shows the offense which
17 is the basis for the detention, the reasons and
18 circumstances for the decision to detain and the length of
19 time the minor was in detention.

20 (v) Violation of the time limit on detention in a
21 county jail or municipal lockup shall not, in and of
22 itself, render inadmissible evidence obtained as a result
23 of the violation of this time limit. Minors under 18 years
24 of age shall be kept separate from confined adults and may
25 not at any time be kept in the same cell, room or yard with
26 adults confined pursuant to criminal law. Persons 18 years

1 of age and older who have a petition of delinquency filed
2 against them may be confined in an adult detention
3 facility. In making a determination whether to confine a
4 person 18 years of age or older who has a petition of
5 delinquency filed against the person, these factors, among
6 other matters, shall be considered:

7 (A) The age of the person;

8 (B) Any previous delinquent or criminal history of
9 the person;

10 (C) Any previous abuse or neglect history of the
11 person; and

12 (D) Any mental health or educational history of the
13 person, or both.

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

1 training standards approved by the Illinois Law Enforcement
2 Training Standards Board.

3 (ii) To accept or hold minors, 12 years of age or older,
4 after the time period prescribed in paragraph (d)(i) of this
5 subsection (2) of this Section but not exceeding 7 days
6 including Saturdays, Sundays and holidays pending an
7 adjudicatory hearing, county jails shall comply with all
8 temporary detention standards adopted ~~promulgated~~ by the
9 Department of Corrections and training standards approved by
10 the Illinois Law Enforcement Training Standards Board.

11 (iii) To accept or hold minors 12 years of age or older,
12 after the time period prescribed in paragraphs (d)(i) and
13 (d)(ii) of this subsection (2) of this Section, county jails
14 shall comply with all county juvenile detention standards
15 adopted ~~programmatic and training standards for juvenile~~
16 ~~detention homes promulgated~~ by the Department of Juvenile
17 Justice Corrections.

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

26 (f) For purposes of appearing in a physical lineup, the

1 minor may be taken to a county jail or municipal lockup under
2 the direct and constant supervision of a juvenile police
3 officer. During such time as is necessary to conduct a lineup,
4 and while supervised by a juvenile police officer, the sight
5 and sound separation provisions shall not apply.

6 (g) For purposes of processing a minor, the minor may be
7 taken to a County Jail or municipal lockup under the direct and
8 constant supervision of a law enforcement officer or
9 correctional officer. During such time as is necessary to
10 process the minor, and while supervised by a law enforcement
11 officer or correctional officer, the sight and sound separation
12 provisions shall not apply.

13 (3) If the probation officer or State's Attorney (or such
14 other public officer designated by the court in a county having
15 3,000,000 or more inhabitants) determines that the minor may be
16 a delinquent minor as described in subsection (3) of Section
17 5-105, and should be retained in custody but does not require
18 physical restriction, the minor may be placed in non-secure
19 custody for up to 40 hours pending a detention hearing.

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

24 (5) The changes made to this Section by Public Act 98-61
25 ~~this amendatory Act of the 98th General Assembly~~ apply to a
26 minor who has been arrested or taken into custody on or after

1 January 1, 2014 (the effective date of Public Act 98-61) ~~this~~
2 ~~amendatory Act.~~

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

4 (705 ILCS 405/5-501)

5 Sec. 5-501. Detention or shelter care hearing. At the
6 appearance of the minor before the court at the detention or
7 shelter care hearing, the court shall receive all relevant
8 information and evidence, including affidavits concerning the
9 allegations made in the petition. Evidence used by the court in
10 its findings or stated in or offered in connection with this
11 Section may be by way of proffer based on reliable information
12 offered by the State or minor. All evidence shall be admissible
13 if it is relevant and reliable regardless of whether it would
14 be admissible under the rules of evidence applicable at a
15 trial. No hearing may be held unless the minor is represented
16 by counsel and no hearing shall be held until the minor has had
17 adequate opportunity to consult with counsel.

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

21 (2) If the court finds that there is probable cause to
22 believe that the minor is a delinquent minor, the minor, his or
23 her parent, guardian, custodian and other persons able to give
24 relevant testimony may be examined before the court. The court
25 may also consider any evidence by way of proffer based upon

1 reliable information offered by the State or the minor. All
2 evidence, including affidavits, shall be admissible if it is
3 relevant and reliable regardless of whether it would be
4 admissible under the rules of evidence applicable at trial.
5 After such evidence is presented, the court may enter an order
6 that the minor shall be released upon the request of a parent,
7 guardian or legal custodian if the parent, guardian or
8 custodian appears to take custody.

9 If the court finds that it is a matter of immediate and
10 urgent necessity for the protection of the minor or of the
11 person or property of another that the minor be detained or
12 placed in a shelter care facility or that he or she is likely
13 to flee the jurisdiction of the court, the court may prescribe
14 detention or shelter care and order that the minor be kept in a
15 suitable place designated by the court or in a shelter care
16 facility designated by the Department of Children and Family
17 Services or a licensed child welfare agency; otherwise it shall
18 release the minor from custody. If the court prescribes shelter
19 care, then in placing the minor, the Department or other agency
20 shall, to the extent compatible with the court's order, comply
21 with Section 7 of the Children and Family Services Act. In
22 making the determination of the existence of immediate and
23 urgent necessity, the court shall consider among other matters:
24 (a) the nature and seriousness of the alleged offense; (b) the
25 minor's record of delinquency offenses, including whether the
26 minor has delinquency cases pending; (c) the minor's record of

1 willful failure to appear following the issuance of a summons
2 or warrant; (d) the availability of non-custodial
3 alternatives, including the presence of a parent, guardian or
4 other responsible relative able and willing to provide
5 supervision and care for the minor and to assure his or her
6 compliance with a summons. If the minor is ordered placed in a
7 shelter care facility of a licensed child welfare agency, the
8 court shall, upon request of the agency, appoint the
9 appropriate agency executive temporary custodian of the minor
10 and the court may enter such other orders related to the
11 temporary custody of the minor as it deems fit and proper.

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

14 Once the court finds that it is a matter of immediate and
15 urgent necessity for the protection of the minor that the minor
16 be placed in a shelter care facility, the minor shall not be
17 returned to the parent, custodian or guardian until the court
18 finds that the placement is no longer necessary for the
19 protection of the minor.

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

25 (4) Minors 12 years of age or older must be kept separate
26 from confined adults and may not at any time be kept in the

1 same cell, room or yard with confined adults. This paragraph
2 (4):

3 (a) shall only apply to confinement pending an
4 adjudicatory hearing and shall not exceed 40 hours,
5 excluding Saturdays, Sundays, and court designated
6 holidays. To accept or hold minors during this time period,
7 county jails shall comply with all monitoring standards
8 adopted ~~for juvenile detention homes promulgated~~ by the
9 Department of Corrections and training standards approved
10 by the Illinois Law Enforcement Training Standards Board.

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

19 (c) To accept or hold minors 12 years of age or older,
20 after the time period prescribed in clause (a) and (b), of
21 this subsection county jails shall comply with all county
22 juvenile detention standards adopted ~~programmatic and~~
23 ~~training standards for juvenile detention homes~~
24 ~~promulgated~~ by the Department of Juvenile Justice
25 Corrections.

26 (5) If the minor is not brought before a judicial officer

1 within the time period as specified in Section 5-415 the minor
2 must immediately be released from custody.

3 (6) If neither the parent, guardian or legal custodian
4 appears within 24 hours to take custody of a minor released
5 from detention or shelter care, then the clerk of the court
6 shall set the matter for rehearing not later than 7 days after
7 the original order and shall issue a summons directed to the
8 parent, guardian or legal custodian to appear. At the same time
9 the probation department shall prepare a report on the minor.
10 If a parent, guardian or legal custodian does not appear at
11 such rehearing, the judge may enter an order prescribing that
12 the minor be kept in a suitable place designated by the
13 Department of Human Services or a licensed child welfare
14 agency. The time during which a minor is in custody after being
15 released upon the request of a parent, guardian or legal
16 custodian shall be considered as time spent in detention for
17 purposes of scheduling the trial.

18 (7) Any party, including the State, the temporary
19 custodian, an agency providing services to the minor or family
20 under a service plan pursuant to Section 8.2 of the Abused and
21 Neglected Child Reporting Act, foster parent, or any of their
22 representatives, may file a motion to modify or vacate a
23 temporary custody order or vacate a detention or shelter care
24 order on any of the following grounds:

25 (a) It is no longer a matter of immediate and urgent
26 necessity that the minor remain in detention or shelter

1 care; or

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

4 (c) A person, including a parent, relative or legal
5 guardian, is capable of assuming temporary custody of the
6 minor; or

7 (d) Services provided by the Department of Children and
8 Family Services or a child welfare agency or other service
9 provider have been successful in eliminating the need for
10 temporary custody.

11 The clerk shall set the matter for hearing not later than
12 14 days after such motion is filed. In the event that the court
13 modifies or vacates a temporary order but does not vacate its
14 finding of probable cause, the court may order that appropriate
15 services be continued or initiated in behalf of the minor and
16 his or her family.

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

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

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

4 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

5 Sec. 3-1-2. Definitions.

6 (a) "Chief Administrative Officer" means the person
7 designated by the Director to exercise the powers and duties of
8 the Department of Corrections in regard to committed persons
9 within a correctional institution or facility, and includes the
10 superintendent of any juvenile institution or facility.

11 (a-3) "Aftercare release" means the conditional and
12 revocable release of a person committed to the Department of
13 Juvenile Justice under the Juvenile Court Act of 1987, under
14 the supervision of the Department of Juvenile Justice.

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

19 (i) A violation of any of the following Sections of the
20 Criminal Code of 1961 or the Criminal Code of 2012: 10-7
21 (aiding or abetting child abduction under Section
22 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent
23 solicitation of a child), 11-6.5 (indecent solicitation of
24 an adult), 11-14.4 (promoting juvenile prostitution),
25 11-15.1 (soliciting for a juvenile prostitute), 11-17.1

1 (keeping a place of juvenile prostitution), 11-18.1
2 (patronizing a juvenile prostitute), 11-19.1 (juvenile
3 pimping), 11-19.2 (exploitation of a child), 11-20.1
4 (child pornography), 11-20.1B or 11-20.3 (aggravated child
5 pornography), 11-1.40 or 12-14.1 (predatory criminal
6 sexual assault of a child), or 12-33 (ritualized abuse of a
7 child). An attempt to commit any of these offenses.

8 (ii) A violation of any of the following Sections of
9 the Criminal Code of 1961 or the Criminal Code of 2012:
10 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or
11 12-14 (aggravated criminal sexual assault), 11-1.60 or
12 12-16 (aggravated criminal sexual abuse), and subsection
13 (a) of Section 11-1.50 or subsection (a) of Section 12-15
14 (criminal sexual abuse). An attempt to commit any of these
15 offenses.

16 (iii) A violation of any of the following Sections of
17 the Criminal Code of 1961 or the Criminal Code of 2012 when
18 the defendant is not a parent of the victim:

19 10-1 (kidnapping),
20 10-2 (aggravated kidnapping),
21 10-3 (unlawful restraint),
22 10-3.1 (aggravated unlawful restraint).

23 An attempt to commit any of these offenses.

24 (iv) A violation of any former law of this State
25 substantially equivalent to any offense listed in this
26 subsection (a-5).

1 An offense violating federal law or the law of another
2 state that is substantially equivalent to any offense listed in
3 this subsection (a-5) shall constitute a sex offense for the
4 purpose of this subsection (a-5). A finding or adjudication as
5 a sexually dangerous person under any federal law or law of
6 another state that is substantially equivalent to the Sexually
7 Dangerous Persons Act shall constitute an adjudication for a
8 sex offense for the purposes of this subsection (a-5).

9 (b) "Commitment" means a judicially determined placement
10 in the custody of the Department of Corrections on the basis of
11 delinquency or conviction.

12 (c) "Committed Person" is a person committed to the
13 Department, however a committed person shall not be considered
14 to be an employee of the Department of Corrections for any
15 purpose, including eligibility for a pension, benefits, or any
16 other compensation or rights or privileges which may be
17 provided to employees of the Department.

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

26 (d) "Correctional Institution or Facility" means any

1 building or part of a building where committed persons are kept
2 in a secured manner.

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

12 ~~(f) In the case of functions performed before the effective~~
13 ~~date of this amendatory Act of the 94th General Assembly,~~
14 "Director" means both the Director of ~~the Department of~~
15 Corrections and the Director of Juvenile Justice, unless the
16 context is specific to either the Director of Corrections or
17 the Director of Juvenile Justice. ~~In the case of functions~~
18 ~~performed on or after the effective date of this amendatory Act~~
19 ~~of the 94th General Assembly, "Director" has the meaning~~
20 ~~ascribed to it in subsection (f-5).~~

21 (f-5) (Blank). ~~In the case of functions performed on or~~
22 ~~after the effective date of this amendatory Act of the 94th~~
23 ~~General Assembly, references to "Department" or "Director"~~
24 ~~refer to either the Department of Corrections or the Director~~
25 ~~of Corrections or to the Department of Juvenile Justice or the~~
26 ~~Director of Juvenile Justice unless the context is specific to~~

1 ~~the Department of Juvenile Justice or the Director of Juvenile~~
2 ~~Justice.~~

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

5 (h) "Discipline" means the rules and regulations for the
6 maintenance of order and the protection of persons and property
7 within the institutions and facilities of the Department and
8 their enforcement.

9 (i) "Escape" means the intentional and unauthorized
10 absence of a committed person from the custody of the
11 Department.

12 (j) "Furlough" means an authorized leave of absence from
13 the Department of Corrections for a designated purpose and
14 period of time.

15 (k) "Parole" means the conditional and revocable release of
16 a person committed to the Department of Corrections under the
17 supervision of a parole officer.

18 (l) "Prisoner Review Board" means the Board established in
19 Section 3-3-1(a), independent of the Department, to review
20 rules and regulations with respect to good time credits, to
21 hear charges brought by the Department against certain
22 prisoners alleged to have violated Department rules with
23 respect to good time credits, to set release dates for certain
24 prisoners sentenced under the law in effect prior to the
25 effective date of this Amendatory Act of 1977, to hear and
26 decide the time of aftercare release for persons committed to

1 the Department of Juvenile Justice under the Juvenile Court Act
2 of 1987 to hear requests and make recommendations to the
3 Governor with respect to pardon, reprieve or commutation, to
4 set conditions for parole, aftercare release, and mandatory
5 supervised release and determine whether violations of those
6 conditions justify revocation of parole or release, and to
7 assume all other functions previously exercised by the Illinois
8 Parole and Pardon Board.

9 (m) Whenever medical treatment, service, counseling, or
10 care is referred to in this Unified Code of Corrections, such
11 term may be construed by the Department or Court, within its
12 discretion, to include treatment, service or counseling by a
13 Christian Science practitioner or nursing care appropriate
14 therewith whenever request therefor is made by a person subject
15 to the provisions of this Act.

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

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

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

24 (2) a certificate of innocence from the Circuit Court
25 as provided in Section 2-702 of the Code of Civil
26 Procedure.

1 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
2 98-558, eff. 1-1-14.)

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

4 Sec. 3-2.5-75. Release from Department of Juvenile
5 Justice.

6 (a) Upon release of a youth on aftercare, the Department
7 shall return all property held for the youth, provide the youth
8 with suitable clothing, and procure necessary transportation
9 for the youth to his or her designated place of residence and
10 employment. It may provide the youth with a grant of money for
11 travel and expenses which may be paid in installments. The
12 amount of the money grant shall be determined by the
13 Department.

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

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

1 discharged prisoners.

2 (d) Upon the release of a youth on aftercare, the
3 Department shall provide that youth with information
4 concerning programs and services of the Department of Public
5 Health to ascertain whether that youth has been exposed to the
6 human immunodeficiency virus (HIV) or any identified causative
7 agent of Acquired Immunodeficiency Syndrome (AIDS).

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

22 For purposes of a youth receiving an identification card
23 issued by the Department under this subsection, the Department
24 shall establish criteria that the youth must meet before the
25 card is issued. It is the sole responsibility of the youth
26 requesting the identification card issued by the Department to

1 meet the established criteria. The youth's failure to meet the
2 criteria is sufficient reason to deny the youth the
3 identification card. An identification card issued by the
4 Department under this subsection shall be valid for a period of
5 time not to exceed 30 calendar days from the date the card is
6 issued. The Department shall not be held civilly or criminally
7 liable to anyone because of any act of any person utilizing a
8 card issued by the Department under this subsection.

9 The Department shall adopt rules governing the issuance of
10 identification cards to youth being released on aftercare or
11 pardon.

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

13 (730 ILCS 5/3-15-2) (from Ch. 38, par. 1003-15-2)

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

16 (a) The Department of Corrections shall establish for the
17 operation of county and municipal jails and houses of
18 correction, minimum standards for the physical condition of
19 such institutions and for the treatment of inmates with respect
20 to their health and safety and the security of the community.

21 The Department of Juvenile Justice shall establish for the
22 operation of county juvenile detention and shelter care
23 facilities established pursuant to the County Shelter Care and
24 Detention Home Act, minimum standards for the physical
25 condition of such institutions and for the treatment of

1 juveniles with respect to their health and safety and the
2 security of the community.

3 Such standards shall not apply to county shelter care
4 facilities which were in operation prior to January 1, 1980.
5 Such standards shall not seek to mandate minimum floor space
6 requirements for each inmate housed in cells and detention
7 rooms in county and municipal jails and houses of correction.
8 However, no more than two inmates may be housed in a single
9 cell or detention room.

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

20 (b) At least once each year, the Department of Corrections
21 may inspect each adult facility for compliance with the
22 standards established and the results of such inspection shall
23 be made available by the Department for public inspection. At
24 least once each year, the Department of Juvenile Justice shall
25 inspect each county juvenile detention and shelter care
26 facility for compliance with the standards established, and the

1 Department of Juvenile Justice shall make the results of such
2 inspections available for public inspection. If any detention,
3 shelter care or correctional facility does not comply with the
4 standards established, the Director of Corrections or the
5 Director of Juvenile Justice, as the case may be, shall give
6 notice to the county board and the sheriff or the corporate
7 authorities of the municipality, as the case may be, of such
8 noncompliance, specifying the particular standards that have
9 not been met by such facility. If the facility is not in
10 compliance with such standards when six months have elapsed
11 from the giving of such notice, the Director of Corrections or
12 the Director of Juvenile Justice, as the case may be, may
13 petition the appropriate court for an order requiring such
14 facility to comply with the standards established by the
15 Department or for other appropriate relief.

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

1 projects in the institutions.

2 (c-5) The Department of Juvenile Justice may provide
3 consultation services for the design, construction, programs,
4 and administration of detention and shelter care services for
5 children operated by counties and municipalities and may make
6 studies and surveys of the programs and the administration of
7 such facilities. Personnel of the Department of Juvenile
8 Justice shall be admitted to these facilities as required for
9 such purposes. The Department of Juvenile Justice may develop
10 and administer programs of grants-in-aid for juvenile
11 correctional services in cooperation with local agencies. The
12 Department of Juvenile Justice may provide courses of training
13 for the personnel of such institutions and conduct pilot
14 projects in the institutions.

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

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

24 (2) Grants for correctional facilities by a single
25 county, municipality or public building commission shall
26 not exceed 75% of the proposed project costs or \$4,000,000,

1 whichever is less.

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

6 Construction or renovation grants are authorized to be
7 issued by the Capital Development Board from capital
8 development bond funds after application by a county or
9 counties, municipality or municipalities or public building
10 commission or commissions and approval of a construction or
11 renovation grant by the Department for projects initiated after
12 January 1, 1987.

13 (e) The Department of Corrections ~~Juvenile Justice~~ shall
14 adopt standards for county jails to hold juveniles on a
15 temporary basis, as provided in Section 5-410 of the Juvenile
16 Court Act of 1987. These standards shall include monitoring,
17 educational, recreational, and disciplinary standards as well
18 as access to medical services, crisis intervention, mental
19 health services, suicide prevention, health care, nutritional
20 needs, and visitation rights. The Department of Corrections
21 ~~Juvenile Justice~~ shall also notify any county applying to hold
22 juveniles in a county jail of the ~~monitoring and program~~
23 standards for juvenile detention ~~facilities~~ under Section
24 5-410 of the Juvenile Court Act of 1987.

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

1 (730 ILCS 5/3-15-3) (from Ch. 38, par. 1003-15-3)

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

4 (a) The Department of Corrections must, by rule, adopt
5 ~~establish~~ standards and procedures for the provision of mental
6 health and developmental disability services to persons with
7 mental illness and persons with a developmental disability
8 confined in a county local jail ~~or juvenile detention facility~~
9 as set forth under Section 3-7-7 of this Code.

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

16 Those standards and procedures must address screening and
17 classification, the use of psychotropic medications, suicide
18 prevention, qualifications of staff, staffing levels, staff
19 training, discharge, linkage and aftercare, the
20 confidentiality of mental health records, and such other issues
21 as are necessary to ensure that inmates with mental illness
22 receive adequate and humane care and services.

23 (b) At least once each year, the Department of Corrections
24 must inspect each county local jail ~~and juvenile detention~~
25 ~~facility~~ for compliance with the standards and procedures
26 established. At least once each year, the Department of

1 Juvenile Justice must inspect each juvenile detention facility
2 for compliance with the standards and procedures established.

3 The results of the inspection must be made available by the
4 Department of Corrections or the Department of Juvenile
5 Justice, as the case may be, for public inspection. If any
6 county jail or juvenile detention facility does not comply with
7 the standards and procedures established, the Director of
8 Corrections or the Director of Juvenile Justice, as the case
9 may be, must give notice to the county board and the sheriff of
10 such noncompliance, specifying the particular standards and
11 procedures that have not been met by the county jail or
12 juvenile detention facility. If the county jail or juvenile
13 detention facility is not in compliance with the standards and
14 procedures when 6 months have elapsed from the giving of such
15 notice, the Director of Corrections or the Director of Juvenile
16 Justice, as the case may be, may petition the appropriate court
17 for an order requiring the jail or juvenile detention facility
18 to comply with the standards and procedures established by the
19 Department of Corrections or the Department of Juvenile
20 Justice, as the case may be, or for other appropriate relief.

21 (Source: P.A. 92-469, eff. 1-1-02.)".