



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2232

Introduced 2/15/2013, by Sen. John M. Sullivan

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-720

Amends the Juvenile Court Act of 1987. Provides that when a petition is filed charging a violation of a condition of probation or of conditional discharge by the minor and the minor is 17 years of age or older and the court orders the minor's detention, the minor may be confined in a county jail. Provides that in making a determination whether to confine a minor 17 years of age or older who has a petition filed against the minor charging a violation of a condition of probation or of conditional discharge, these factors, among other matters, shall be considered: (1) the age of the minor; (2) any previous delinquent or criminal history of the minor; (3) any previous abuse or neglect history of the minor; and (4) any mental health or educational history of the minor, or both.

LRB098 10311 RLC 40638 b

1 AN ACT concerning courts.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-720 as follows:

6 (705 ILCS 405/5-720)

7 Sec. 5-720. Probation revocation.

8 (1) If a petition is filed charging a violation of a
9 condition of probation or of conditional discharge, the court
10 shall:

11 (a) order the minor to appear; or

12 (b) order the minor's detention if the court finds that
13 the detention is a matter of immediate and urgent necessity
14 for the protection of the minor or of the person or
15 property of another or that the minor is likely to flee the
16 jurisdiction of the court, provided that any such detention
17 shall be in a juvenile detention home and the minor so
18 detained shall be 10 years of age or older; and

19 (c) notify the persons named in the petition under
20 Section 5-520, in accordance with the provisions of Section
21 5-530.

22 A minor 17 years of age or older ordered to be placed in
23 detention under paragraph (b) of subsection (1) may be confined

1 in a county jail. In making a determination whether to confine
2 a minor 17 years of age or older who has a petition filed under
3 this Section against the minor, these factors, among other
4 matters, shall be considered:

5 (i) the age of the minor;

6 (ii) any previous delinquent or criminal history of the
7 minor;

8 (iii) any previous abuse or neglect history of the
9 minor; and

10 (iv) any mental health or educational history of the
11 minor, or both.

12 In making its detention determination under paragraph (b)
13 of this subsection (1) of this Section, the court may use
14 information in its findings offered at such a hearing by way of
15 proffer based upon reliable information presented by the State,
16 probation officer, or the minor. The filing of a petition for
17 violation of a condition of probation or of conditional
18 discharge shall toll the period of probation or of conditional
19 discharge until the final determination of the charge, and the
20 term of probation or conditional discharge shall not run until
21 the hearing and disposition of the petition for violation.

22 (2) The court shall conduct a hearing of the alleged
23 violation of probation or of conditional discharge. The minor
24 shall not be held in detention longer than 15 days pending the
25 determination of the alleged violation.

26 (3) At the hearing, the State shall have the burden of

1 going forward with the evidence and proving the violation by a
2 preponderance of the evidence. The evidence shall be presented
3 in court with the right of confrontation, cross-examination,
4 and representation by counsel.

5 (4) If the court finds that the minor has violated a
6 condition at any time prior to the expiration or termination of
7 the period of probation or conditional discharge, it may
8 continue him or her on the existing sentence, with or without
9 modifying or enlarging the conditions, or may revoke probation
10 or conditional discharge and impose any other sentence that was
11 available under Section 5-710 at the time of the initial
12 sentence.

13 (5) The conditions of probation and of conditional
14 discharge may be reduced or enlarged by the court on motion of
15 the probation officer or on its own motion or at the request of
16 the minor after notice and hearing under this Section.

17 (6) Sentencing after revocation of probation or of
18 conditional discharge shall be under Section 5-705.

19 (7) Instead of filing a violation of probation or of
20 conditional discharge, the probation officer, with the
21 concurrence of his or her supervisor, may serve on the minor a
22 notice of intermediate sanctions. The notice shall contain the
23 technical violation or violations involved, the date or dates
24 of the violation or violations, and the intermediate sanctions
25 to be imposed. Upon receipt of the notice, the minor shall
26 immediately accept or reject the intermediate sanctions. If the

1 sanctions are accepted, they shall be imposed immediately. If
2 the intermediate sanctions are rejected or the minor does not
3 respond to the notice, a violation of probation or of
4 conditional discharge shall be immediately filed with the
5 court. The State's Attorney and the sentencing court shall be
6 notified of the notice of sanctions. Upon successful completion
7 of the intermediate sanctions, a court may not revoke probation
8 or conditional discharge or impose additional sanctions for the
9 same violation. A notice of intermediate sanctions may not be
10 issued for any violation of probation or conditional discharge
11 which could warrant an additional, separate felony charge.
12 (Source: P.A. 90-590, eff. 1-1-99.)