

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 5-710 and 5-715 as follows:

6 (705 ILCS 405/5-710)

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

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

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

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

20 (ii) placed in accordance with Section 5-740, with
21 or without also being put on probation or conditional
22 discharge;

23 (iii) required to undergo a substance abuse

1 assessment conducted by a licensed provider and
2 participate in the indicated clinical level of care;

3 (iv) on and after the effective date of this
4 amendatory Act of the 98th General Assembly and before
5 January 1, 2017, placed in the guardianship of the
6 Department of Children and Family Services, but only if
7 the delinquent minor is under 16 years of age or,
8 pursuant to Article II of this Act, a minor for whom an
9 independent basis of abuse, neglect, or dependency
10 exists. On and after January 1, 2017, placed in the
11 guardianship of the Department of Children and Family
12 Services, but only if the delinquent minor is under 15
13 years of age or, pursuant to Article II of this Act, a
14 minor for whom an independent basis of abuse, neglect,
15 or dependency exists. An independent basis exists when
16 the allegations or adjudication of abuse, neglect, or
17 dependency do not arise from the same facts, incident,
18 or circumstances which give rise to a charge or
19 adjudication of delinquency;

20 (v) placed in detention for a period not to exceed
21 30 days, either as the exclusive order of disposition
22 or, where appropriate, in conjunction with any other
23 order of disposition issued under this paragraph,
24 provided that any such detention shall be in a juvenile
25 detention home and the minor so detained shall be 10
26 years of age or older. However, the 30-day limitation

1 may be extended by further order of the court for a
2 minor under age 15 committed to the Department of
3 Children and Family Services if the court finds that
4 the minor is a danger to himself or others. The minor
5 shall be given credit on the sentencing order of
6 detention for time spent in detention under Sections
7 5-501, 5-601, 5-710, or 5-720 of this Article as a
8 result of the offense for which the sentencing order
9 was imposed. The court may grant credit on a sentencing
10 order of detention entered under a violation of
11 probation or violation of conditional discharge under
12 Section 5-720 of this Article for time spent in
13 detention before the filing of the petition alleging
14 the violation. A minor shall not be deprived of credit
15 for time spent in detention before the filing of a
16 violation of probation or conditional discharge
17 alleging the same or related act or acts. The
18 limitation that the minor shall only be placed in a
19 juvenile detention home does not apply as follows:

20 Persons 18 years of age and older who have a
21 petition of delinquency filed against them may be
22 confined in an adult detention facility. In making a
23 determination whether to confine a person 18 years of
24 age or older who has a petition of delinquency filed
25 against the person, these factors, among other
26 matters, shall be considered:

- 1 (A) the age of the person;
- 2 (B) any previous delinquent or criminal
3 history of the person;
- 4 (C) any previous abuse or neglect history of
5 the person;
- 6 (D) any mental health history of the person;
7 and
- 8 (E) any educational history of the person;
- 9 (vi) ordered partially or completely emancipated
10 in accordance with the provisions of the Emancipation
11 of Minors Act;
- 12 (vii) subject to having his or her driver's license
13 or driving privileges suspended for such time as
14 determined by the court but only until he or she
15 attains 18 years of age;
- 16 (viii) put on probation or conditional discharge
17 and placed in detention under Section 3-6039 of the
18 Counties Code for a period not to exceed the period of
19 incarceration permitted by law for adults found guilty
20 of the same offense or offenses for which the minor was
21 adjudicated delinquent, and in any event no longer than
22 upon attainment of age 21; this subdivision (viii)
23 notwithstanding any contrary provision of the law;
- 24 (ix) ordered to undergo a medical or other
25 procedure to have a tattoo symbolizing allegiance to a
26 street gang removed from his or her body; or

1 (x) placed in electronic home detention under Part
2 7A of this Article.

3 (b) A minor found to be guilty may be committed to the
4 Department of Juvenile Justice under Section 5-750 if the
5 minor is at least 13 years and under 20 years of age,
6 provided that the commitment to the Department of Juvenile
7 Justice shall be made only if a term of imprisonment in the
8 penitentiary system of the Department of Corrections is
9 permitted by law for adults found guilty of the offense for
10 which the minor was adjudicated delinquent. The court shall
11 include in the sentencing order any pre-custody credits the
12 minor is entitled to under Section 5-4.5-100 of the Unified
13 Code of Corrections. The time during which a minor is in
14 custody before being released upon the request of a parent,
15 guardian or legal custodian shall also be considered as
16 time spent in custody.

17 (c) When a minor is found to be guilty for an offense
18 which is a violation of the Illinois Controlled Substances
19 Act, the Cannabis Control Act, or the Methamphetamine
20 Control and Community Protection Act and made a ward of the
21 court, the court may enter a disposition order requiring
22 the minor to undergo assessment, counseling or treatment in
23 a substance abuse program approved by the Department of
24 Human Services.

25 (2) Any sentencing order other than commitment to the
26 Department of Juvenile Justice may provide for protective

1 supervision under Section 5-725 and may include an order of
2 protection under Section 5-730.

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

7 (4) In addition to any other sentence, the court may order
8 any minor found to be delinquent to make restitution, in
9 monetary or non-monetary form, under the terms and conditions
10 of Section 5-5-6 of the Unified Code of Corrections, except
11 that the "presentencing hearing" referred to in that Section
12 shall be the sentencing hearing for purposes of this Section.
13 The parent, guardian or legal custodian of the minor may be
14 ordered by the court to pay some or all of the restitution on
15 the minor's behalf, pursuant to the Parental Responsibility
16 Law. The State's Attorney is authorized to act on behalf of any
17 victim in seeking restitution in proceedings under this
18 Section, up to the maximum amount allowed in Section 5 of the
19 Parental Responsibility Law.

20 (5) Any sentencing order where the minor is committed or
21 placed in accordance with Section 5-740 shall provide for the
22 parents or guardian of the estate of the minor to pay to the
23 legal custodian or guardian of the person of the minor such
24 sums as are determined by the custodian or guardian of the
25 person of the minor as necessary for the minor's needs. The
26 payments may not exceed the maximum amounts provided for by

1 Section 9.1 of the Children and Family Services Act.

2 (6) Whenever the sentencing order requires the minor to
3 attend school or participate in a program of training, the
4 truant officer or designated school official shall regularly
5 report to the court if the minor is a chronic or habitual
6 truant under Section 26-2a of the School Code. Notwithstanding
7 any other provision of this Act, in instances in which
8 educational services are to be provided to a minor in a
9 residential facility where the minor has been placed by the
10 court, costs incurred in the provision of those educational
11 services must be allocated based on the requirements of the
12 School Code.

13 (7) In no event shall a guilty minor be committed to the
14 Department of Juvenile Justice for a period of time in excess
15 of that period for which an adult could be committed for the
16 same act. The court shall include in the sentencing order a
17 limitation on the period of confinement not to exceed the
18 maximum period of imprisonment the court could impose under
19 Article V of the Unified Code of Corrections.

20 (7.5) In no event shall a guilty minor be committed to the
21 Department of Juvenile Justice or placed in detention when the
22 act for which the minor was adjudicated delinquent would not be
23 illegal if committed by an adult.

24 (7.75) In no event shall a guilty minor be committed to the
25 Department of Juvenile Justice for an offense that is a Class 3
26 or Class 4 felony violation of the Illinois Controlled

1 Substances Act unless the commitment occurs upon a third or
2 subsequent judicial finding of a violation of probation for
3 substantial noncompliance with court ordered treatment or
4 programming.

5 (8) A minor found to be guilty for reasons that include a
6 violation of Section 21-1.3 of the Criminal Code of 1961 or the
7 Criminal Code of 2012 shall be ordered to perform community
8 service for not less than 30 and not more than 120 hours, if
9 community service is available in the jurisdiction. The
10 community service shall include, but need not be limited to,
11 the cleanup and repair of the damage that was caused by the
12 violation or similar damage to property located in the
13 municipality or county in which the violation occurred. The
14 order may be in addition to any other order authorized by this
15 Section.

16 (8.5) A minor found to be guilty for reasons that include a
17 violation of Section 3.02 or Section 3.03 of the Humane Care
18 for Animals Act or paragraph (d) of subsection (1) of Section
19 21-1 of the Criminal Code of 1961 or paragraph (4) of
20 subsection (a) of Section 21-1 of the Criminal Code of 2012
21 shall be ordered to undergo medical or psychiatric treatment
22 rendered by a psychiatrist or psychological treatment rendered
23 by a clinical psychologist. The order may be in addition to any
24 other order authorized by this Section.

25 (9) In addition to any other sentencing order, the court
26 shall order any minor found to be guilty for an act which would

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

1 court shall provide information on the availability of HIV
2 testing and counseling at the Department of Public Health
3 facilities to all parties to whom the results of the testing
4 are revealed. The court shall order that the cost of any test
5 shall be paid by the county and may be taxed as costs against
6 the minor.

7 (10) When a court finds a minor to be guilty the court
8 shall, before entering a sentencing order under this Section,
9 make a finding whether the offense committed either: (a) was
10 related to or in furtherance of the criminal activities of an
11 organized gang or was motivated by the minor's membership in or
12 allegiance to an organized gang, or (b) involved a violation of
13 subsection (a) of Section 12-7.1 of the Criminal Code of 1961
14 or the Criminal Code of 2012, a violation of any Section of
15 Article 24 of the Criminal Code of 1961 or the Criminal Code of
16 2012, or a violation of any statute that involved the wrongful
17 use of a firearm. If the court determines the question in the
18 affirmative, and the court does not commit the minor to the
19 Department of Juvenile Justice, the court shall order the minor
20 to perform community service for not less than 30 hours nor
21 more than 120 hours, provided that community service is
22 available in the jurisdiction and is funded and approved by the
23 county board of the county where the offense was committed. The
24 community service shall include, but need not be limited to,
25 the cleanup and repair of any damage caused by a violation of
26 Section 21-1.3 of the Criminal Code of 1961 or the Criminal

1 Code of 2012 and similar damage to property located in the
2 municipality or county in which the violation occurred. When
3 possible and reasonable, the community service shall be
4 performed in the minor's neighborhood. This order shall be in
5 addition to any other order authorized by this Section except
6 for an order to place the minor in the custody of the
7 Department of Juvenile Justice. For the purposes of this
8 Section, "organized gang" has the meaning ascribed to it in
9 Section 10 of the Illinois Streetgang Terrorism Omnibus
10 Prevention Act.

11 (11) If the court determines that the offense was committed
12 in furtherance of the criminal activities of an organized gang,
13 as provided in subsection (10), and that the offense involved
14 the operation or use of a motor vehicle or the use of a
15 driver's license or permit, the court shall notify the
16 Secretary of State of that determination and of the period for
17 which the minor shall be denied driving privileges. If, at the
18 time of the determination, the minor does not hold a driver's
19 license or permit, the court shall provide that the minor shall
20 not be issued a driver's license or permit until his or her
21 18th birthday. If the minor holds a driver's license or permit
22 at the time of the determination, the court shall provide that
23 the minor's driver's license or permit shall be revoked until
24 his or her 21st birthday, or until a later date or occurrence
25 determined by the court. If the minor holds a driver's license
26 at the time of the determination, the court may direct the

1 Secretary of State to issue the minor a judicial driving
2 permit, also known as a JDP. The JDP shall be subject to the
3 same terms as a JDP issued under Section 6-206.1 of the
4 Illinois Vehicle Code, except that the court may direct that
5 the JDP be effective immediately.

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

22 For purposes of this Section, "smoker's education program"
23 or "youth diversion program" includes, but is not limited to, a
24 seminar designed to educate a person on the physical and
25 psychological effects of smoking tobacco products and the
26 health consequences of smoking tobacco products that can be

1 conducted with a locality's youth diversion program.

2 In addition to any other penalty that the court may impose
3 under this subsection (12):

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

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

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

16 (d) Any second or subsequent violation not within the
17 12-month time period after the first violation is
18 punishable as provided for a first violation.

19 (Source: P.A. 98-536, eff. 8-23-13; 98-803, eff. 1-1-15;
20 99-268, eff. 1-1-16.)

21 (705 ILCS 405/5-715)

22 Sec. 5-715. Probation.

23 (1) The period of probation or conditional discharge shall
24 not exceed 5 years or until the minor has attained the age of
25 21 years, whichever is less, except as provided in this Section

1 for a minor who is found to be guilty for an offense which is
2 first degree murder, ~~a Class X felony or a forcible felony~~. The
3 juvenile court may terminate probation or conditional
4 discharge and discharge the minor at any time if warranted by
5 the conduct of the minor and the ends of justice; provided,
6 however, that the period of probation for a minor who is found
7 to be guilty for an offense which is first degree murder, ~~a~~
8 ~~Class X felony, or a forcible felony~~ shall be at least 5 years.

9 (1.5) The period of probation for a minor who is found
10 guilty of aggravated criminal sexual assault, criminal sexual
11 assault, or aggravated battery with a firearm shall be at least
12 36 months. The period of probation for a minor who is found to
13 be guilty of any other Class X felony shall be at least 24
14 months. The period of probation for a Class 1 or Class 2
15 forcible felony shall be at least 18 months. Regardless of the
16 length of probation ordered by the court, for all offenses
17 under this paragraph (1.5), the court shall schedule hearings
18 to determine whether it is in the best interest of the minor
19 and public safety to terminate probation after the minimum
20 period of probation has been served. In such a hearing, there
21 shall be a rebuttable presumption that it is in the best
22 interest of the minor and public safety to terminate probation.

23 (2) The court may as a condition of probation or of
24 conditional discharge require that the minor:

25 (a) not violate any criminal statute of any
26 jurisdiction;

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

3 (c) work or pursue a course of study or vocational
4 training;

5 (d) undergo medical or psychiatric treatment, rendered
6 by a psychiatrist or psychological treatment rendered by a
7 clinical psychologist or social work services rendered by a
8 clinical social worker, or treatment for drug addiction or
9 alcoholism;

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

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

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

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

17 (i) reside with his or her parents or in a foster home;

18 (j) attend school;

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

26 (k) attend a non-residential program for youth;

1 (l) make restitution under the terms of subsection (4)
2 of Section 5-710;

3 (m) contribute to his or her own support at home or in
4 a foster home;

5 (n) perform some reasonable public or community
6 service;

7 (o) participate with community corrections programs
8 including unified delinquency intervention services
9 administered by the Department of Human Services subject to
10 Section 5 of the Children and Family Services Act;

11 (p) pay costs;

12 (q) serve a term of home confinement. In addition to
13 any other applicable condition of probation or conditional
14 discharge, the conditions of home confinement shall be that
15 the minor:

16 (i) remain within the interior premises of the
17 place designated for his or her confinement during the
18 hours designated by the court;

19 (ii) admit any person or agent designated by the
20 court into the minor's place of confinement at any time
21 for purposes of verifying the minor's compliance with
22 the conditions of his or her confinement; and

23 (iii) use an approved electronic monitoring device
24 if ordered by the court subject to Article 8A of
25 Chapter V of the Unified Code of Corrections;

26 (r) refrain from entering into a designated geographic

1 area except upon terms as the court finds appropriate. The
2 terms may include consideration of the purpose of the
3 entry, the time of day, other persons accompanying the
4 minor, and advance approval by a probation officer, if the
5 minor has been placed on probation, or advance approval by
6 the court, if the minor has been placed on conditional
7 discharge;

8 (s) refrain from having any contact, directly or
9 indirectly, with certain specified persons or particular
10 types of persons, including but not limited to members of
11 street gangs and drug users or dealers;

12 (s-5) undergo a medical or other procedure to have a
13 tattoo symbolizing allegiance to a street gang removed from
14 his or her body;

15 (t) refrain from having in his or her body the presence
16 of any illicit drug prohibited by the Cannabis Control Act,
17 the Illinois Controlled Substances Act, or the
18 Methamphetamine Control and Community Protection Act,
19 unless prescribed by a physician, and shall submit samples
20 of his or her blood or urine or both for tests to determine
21 the presence of any illicit drug; or

22 (u) comply with other conditions as may be ordered by
23 the court.

24 (3) The court may as a condition of probation or of
25 conditional discharge require that a minor found guilty on any
26 alcohol, cannabis, methamphetamine, or controlled substance

1 violation, refrain from acquiring a driver's license during the
2 period of probation or conditional discharge. If the minor is
3 in possession of a permit or license, the court may require
4 that the minor refrain from driving or operating any motor
5 vehicle during the period of probation or conditional
6 discharge, except as may be necessary in the course of the
7 minor's lawful employment.

8 (3.5) The court shall, as a condition of probation or of
9 conditional discharge, require that a minor found to be guilty
10 and placed on probation for reasons that include a violation of
11 Section 3.02 or Section 3.03 of the Humane Care for Animals Act
12 or paragraph (4) of subsection (a) of Section 21-1 of the
13 Criminal Code of 2012 undergo medical or psychiatric treatment
14 rendered by a psychiatrist or psychological treatment rendered
15 by a clinical psychologist. The condition may be in addition to
16 any other condition.

17 (3.10) The court shall order that a minor placed on
18 probation or conditional discharge for a sex offense as defined
19 in the Sex Offender Management Board Act undergo and
20 successfully complete sex offender treatment. The treatment
21 shall be in conformance with the standards developed under the
22 Sex Offender Management Board Act and conducted by a treatment
23 provider approved by the Board. The treatment shall be at the
24 expense of the person evaluated based upon that person's
25 ability to pay for the treatment.

26 (4) A minor on probation or conditional discharge shall be

1 given a certificate setting forth the conditions upon which he
2 or she is being released.

3 (5) The court shall impose upon a minor placed on probation
4 or conditional discharge, as a condition of the probation or
5 conditional discharge, a fee of \$50 for each month of probation
6 or conditional discharge supervision ordered by the court,
7 unless after determining the inability of the minor placed on
8 probation or conditional discharge to pay the fee, the court
9 assesses a lesser amount. The court may not impose the fee on a
10 minor who is made a ward of the State under this Act while the
11 minor is in placement. The fee shall be imposed only upon a
12 minor who is actively supervised by the probation and court
13 services department. The court may order the parent, guardian,
14 or legal custodian of the minor to pay some or all of the fee on
15 the minor's behalf.

16 (5.5) Jurisdiction over an offender may be transferred from
17 the sentencing court to the court of another circuit with the
18 concurrence of both courts. Further transfers or retransfers of
19 jurisdiction are also authorized in the same manner. The court
20 to which jurisdiction has been transferred shall have the same
21 powers as the sentencing court. The probation department within
22 the circuit to which jurisdiction has been transferred, or
23 which has agreed to provide supervision, may impose probation
24 fees upon receiving the transferred offender, as provided in
25 subsection (i) of Section 5-6-3 of the Unified Code of
26 Corrections. For all transfer cases, as defined in Section 9b

1 of the Probation and Probation Officers Act, the probation
2 department from the original sentencing court shall retain all
3 probation fees collected prior to the transfer. After the
4 transfer, all probation fees shall be paid to the probation
5 department within the circuit to which jurisdiction has been
6 transferred.

7 If the transfer case originated in another state and has
8 been transferred under the Interstate Compact for Juveniles to
9 the jurisdiction of an Illinois circuit court for supervision
10 by an Illinois probation department, probation fees may be
11 imposed only if permitted by the Interstate Commission for
12 Juveniles.

13 (6) The General Assembly finds that in order to protect the
14 public, the juvenile justice system must compel compliance with
15 the conditions of probation by responding to violations with
16 swift, certain, and fair punishments and intermediate
17 sanctions. The Chief Judge of each circuit shall adopt a system
18 of structured, intermediate sanctions for violations of the
19 terms and conditions of a sentence of supervision, probation or
20 conditional discharge, under this Act.

21 The court shall provide as a condition of a disposition of
22 probation, conditional discharge, or supervision, that the
23 probation agency may invoke any sanction from the list of
24 intermediate sanctions adopted by the chief judge of the
25 circuit court for violations of the terms and conditions of the
26 sentence of probation, conditional discharge, or supervision,

1 subject to the provisions of Section 5-720 of this Act.

2 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13;

3 98-575, eff. 1-1-14.)

4 Section 99. Effective date. This Act take shall take effect

5 on January 1, 2017.