



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1560

Introduced 2/20/2015, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

- 705 ILCS 405/5-705
- 705 ILCS 405/5-710
- 705 ILCS 405/5-750
- 730 ILCS 5/3-2.5-80
- 730 ILCS 5/3-3-5 from Ch. 38, par. 1003-3-5
- 730 ILCS 5/3-3-8 from Ch. 38, par. 1003-3-8
- 730 ILCS 5/3-3-10 from Ch. 38, par. 1003-3-10

Amends the Juvenile Court Act of 1987. Provides that when placement in detention is ordered, the court shall state the basis for selecting the particular disposition, and the court shall prepare a statement for inclusion in the record. Provides that if a minor is sentenced to be placed in detention, the period of detention shall not exceed the lesser of 6 months or the period of incarceration permitted by law for adults found guilty of the same offense or offenses for which the minor was adjudicated delinquent (currently, 30 days). Provides that a minor found to be guilty may be committed to the Department of Juvenile Justice if the minor is at least 13 years and under 20 years of age, provided that the commitment to the Department of Juvenile Justice shall be made only if a term of imprisonment in the penitentiary system of the Department of Corrections is permitted by law for adults found guilty of the offense for which the minor was adjudicated delinquent. Provides that the court shall include in the sentencing order any pre-custody credits the minor is entitled to under the Unified Code of Corrections. Provides that in no event shall a guilty minor be committed to the Department of Juvenile Justice or placed in detention when the act for which the minor was adjudicated delinquent would not be illegal if committed by an adult. Provides that upon release from a Department facility, a minor adjudged delinquent for first degree murder shall be placed on aftercare release until the age of 21, unless sooner discharged from aftercare release or custodianship is otherwise terminated under the Act or as otherwise provided for by law. Establishes the duration of aftercare release. Amends the Unified Code of Corrections. Limits circumstances in which an arrest warrant must be issued for a minor who has violated his or terms of aftercare release.

LRB099 10707 RLC 30983 b

1 AN ACT concerning criminal law.

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 5-705, 5-710, and 5-750 as follows:

6 (705 ILCS 405/5-705)

7 Sec. 5-705. Sentencing hearing; evidence; continuance.

8 (1) At the sentencing hearing, the court shall determine
9 whether it is in the best interests of the minor or the public
10 that he or she be made a ward of the court, and, if he or she is
11 to be made a ward of the court, the court shall determine the
12 proper disposition best serving the interests of the minor and
13 the public. All evidence helpful in determining these
14 questions, including oral and written reports, may be admitted
15 and may be relied upon to the extent of its probative value,
16 even though not competent for the purposes of the trial. A
17 record of a prior continuance under supervision under Section
18 5-615, whether successfully completed or not, is admissible at
19 the sentencing hearing. No order of commitment to the
20 Department of Juvenile Justice shall be entered against a minor
21 before a written report of social investigation, which has been
22 completed within the previous 60 days, is presented to and
23 considered by the court.

1 (2) Once a party has been served in compliance with Section
2 5-525, no further service or notice must be given to that party
3 prior to proceeding to a sentencing hearing. Before imposing
4 sentence the court shall advise the State's Attorney and the
5 parties who are present or their counsel of the factual
6 contents and the conclusions of the reports prepared for the
7 use of the court and considered by it, and afford fair
8 opportunity, if requested, to controvert them. Factual
9 contents, conclusions, documents and sources disclosed by the
10 court under this paragraph shall not be further disclosed
11 without the express approval of the court.

12 (3) On its own motion or that of the State's Attorney, a
13 parent, guardian, legal custodian, or counsel, the court may
14 adjourn the hearing for a reasonable period to receive reports
15 or other evidence and, in such event, shall make an appropriate
16 order for detention of the minor or his or her release from
17 detention subject to supervision by the court during the period
18 of the continuance. In the event the court shall order
19 detention hereunder, the period of the continuance shall not
20 exceed 30 court days. At the end of such time, the court shall
21 release the minor from detention unless notice is served at
22 least 3 days prior to the hearing on the continued date that
23 the State will be seeking an extension of the period of
24 detention, which notice shall state the reason for the request
25 for the extension. The extension of detention may be for a
26 maximum period of an additional 15 court days or a lesser

1 number of days at the discretion of the court. However, at the
2 expiration of the period of extension, the court shall release
3 the minor from detention if a further continuance is granted.
4 In scheduling investigations and hearings, the court shall give
5 priority to proceedings in which a minor is in detention or has
6 otherwise been removed from his or her home before a sentencing
7 order has been made.

8 (4) When commitment to the Department of Juvenile Justice
9 or placement in detention is ordered, the court shall state the
10 basis for selecting the particular disposition, and the court
11 shall prepare such a statement for inclusion in the record.

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

13 (705 ILCS 405/5-710)

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

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

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

19 (i) put on probation or conditional discharge and
20 released to his or her parents, guardian or legal
21 custodian, provided, however, that any such minor who
22 is not committed to the Department of Juvenile Justice
23 under this subsection and who is found to be a
24 delinquent for an offense which is first degree murder,
25 a Class X felony, or a forcible felony shall be placed

1 on probation;

2 (ii) placed in accordance with Section 5-740, with
3 or without also being put on probation or conditional
4 discharge;

5 (iii) required to undergo a substance abuse
6 assessment conducted by a licensed provider and
7 participate in the indicated clinical level of care;

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

25 (v) placed in detention for a period not to exceed
26 the lesser of 6 months or the period of incarceration

1 permitted by law for adults found guilty of the same
2 offense or offenses for which the minor was adjudicated
3 delinquent ~~30 days~~, either as the exclusive order of
4 disposition or, where appropriate, in conjunction with
5 any other order of disposition issued under this
6 paragraph, provided that any such detention shall be in
7 a juvenile detention home and the minor so detained
8 shall be 10 years of age or older. However, the
9 detention ~~30 day~~ limitation may be extended by further
10 order of the court for a minor under age 15 committed
11 to the Department of Children and Family Services if
12 the court finds that the minor is a danger to himself
13 or others. The minor shall be given credit on the
14 sentencing order of detention for time spent in
15 detention under Sections 5-501, 5-601, 5-710, or 5-720
16 of this Article as a result of the offense for which
17 the sentencing order was imposed. The court may grant
18 credit on a sentencing order of detention entered under
19 a violation of probation or violation of conditional
20 discharge under Section 5-720 of this Article for time
21 spent in detention before the filing of the petition
22 alleging the violation. A minor shall not be deprived
23 of credit for time spent in detention before the filing
24 of a violation of probation or conditional discharge
25 alleging the same or related act or acts. The
26 limitation that the minor shall only be placed in a

1 juvenile detention home does not apply as follows:

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

9 (A) the age of the person;

10 (B) any previous delinquent or criminal
11 history of the person;

12 (C) any previous abuse or neglect history of
13 the person;

14 (D) any mental health history of the person;

15 and

16 (E) any educational history of the person;

17 (vi) ordered partially or completely emancipated
18 in accordance with the provisions of the Emancipation
19 of Minors Act;

20 (vii) subject to having his or her driver's license
21 or driving privileges suspended for such time as
22 determined by the court but only until he or she
23 attains 18 years of age;

24 (viii) put on probation or conditional discharge
25 and placed in detention under Section 3-6039 of the
26 Counties Code for a period not to exceed the period of

1 incarceration permitted by law for adults found guilty
2 of the same offense or offenses for which the minor was
3 adjudicated delinquent, and in any event no longer than
4 upon attainment of age 21; this subdivision (viii)
5 notwithstanding any contrary provision of the law;

6 (ix) ordered to undergo a medical or other
7 procedure to have a tattoo symbolizing allegiance to a
8 street gang removed from his or her body; or

9 (x) placed in electronic home detention under Part
10 7A of this Article.

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

26 (c) When a minor is found to be guilty for an offense

1 which is a violation of the Illinois Controlled Substances
2 Act, the Cannabis Control Act, or the Methamphetamine
3 Control and Community Protection Act and made a ward of the
4 court, the court may enter a disposition order requiring
5 the minor to undergo assessment, counseling or treatment in
6 a substance abuse program approved by the Department of
7 Human Services.

8 (2) Any sentencing order other than commitment to the
9 Department of Juvenile Justice may provide for protective
10 supervision under Section 5-725 and may include an order of
11 protection under Section 5-730.

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

16 (4) In addition to any other sentence, the court may order
17 any minor found to be delinquent to make restitution, in
18 monetary or non-monetary form, under the terms and conditions
19 of Section 5-5-6 of the Unified Code of Corrections, except
20 that the "presentencing hearing" referred to in that Section
21 shall be the sentencing hearing for purposes of this Section.
22 The parent, guardian or legal custodian of the minor may be
23 ordered by the court to pay some or all of the restitution on
24 the minor's behalf, pursuant to the Parental Responsibility
25 Law. The State's Attorney is authorized to act on behalf of any
26 victim in seeking restitution in proceedings under this

1 Section, up to the maximum amount allowed in Section 5 of the
2 Parental Responsibility Law.

3 (5) Any sentencing order where the minor is committed or
4 placed in accordance with Section 5-740 shall provide for the
5 parents or guardian of the estate of the minor to pay to the
6 legal custodian or guardian of the person of the minor such
7 sums as are determined by the custodian or guardian of the
8 person of the minor as necessary for the minor's needs. The
9 payments may not exceed the maximum amounts provided for by
10 Section 9.1 of the Children and Family Services Act.

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

22 (7) In no event shall a guilty minor be committed to the
23 Department of Juvenile Justice for a period of time in excess
24 of that period for which an adult could be committed for the
25 same act. The court shall include in the sentencing order a
26 limitation on the period of confinement not to exceed the

1 maximum period of imprisonment the court could impose under
2 Article V of the Unified Code of Corrections.

3 (7.5) In no event shall a guilty minor be committed to the
4 Department of Juvenile Justice or placed in detention when the
5 act for which the minor was adjudicated delinquent would not be
6 illegal if committed by an adult.

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

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

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

1 parents or the legal guardian, of the results of the test for
2 infection with the human immunodeficiency virus (HIV). The
3 court shall provide information on the availability of HIV
4 testing and counseling at the Department of Public Health
5 facilities to all parties to whom the results of the testing
6 are revealed. The court shall order that the cost of any test
7 shall be paid by the county and may be taxed as costs against
8 the minor.

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

1 the cleanup and repair of any damage caused by a violation of
2 Section 21-1.3 of the Criminal Code of 1961 or the Criminal
3 Code of 2012 and similar damage to property located in the
4 municipality or county in which the violation occurred. When
5 possible and reasonable, the community service shall be
6 performed in the minor's neighborhood. This order shall be in
7 addition to any other order authorized by this Section except
8 for an order to place the minor in the custody of the
9 Department of Juvenile Justice. For the purposes of this
10 Section, "organized gang" has the meaning ascribed to it in
11 Section 10 of the Illinois Streetgang Terrorism Omnibus
12 Prevention Act.

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

1 determined by the court. If the minor holds a driver's license
2 at the time of the determination, the court may direct the
3 Secretary of State to issue the minor a judicial driving
4 permit, also known as a JDP. The JDP shall be subject to the
5 same terms as a JDP issued under Section 6-206.1 of the
6 Illinois Vehicle Code, except that the court may direct that
7 the JDP be effective immediately.

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

24 For purposes of this Section, "smoker's education program"
25 or "youth diversion program" includes, but is not limited to, a
26 seminar designed to educate a person on the physical and

1 psychological effects of smoking tobacco products and the
2 health consequences of smoking tobacco products that can be
3 conducted with a locality's youth diversion program.

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

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

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

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

18 (d) Any second or subsequent violation not within the
19 12-month time period after the first violation is
20 punishable as provided for a first violation.

21 (Source: P.A. 97-1150, eff. 1-25-13; 98-536, eff. 8-23-13;
22 98-803, eff. 1-1-15.)

23 (705 ILCS 405/5-750)

24 Sec. 5-750. Commitment to the Department of Juvenile
25 Justice.

1 (1) Except as provided in subsection (2) of this Section,
2 when any delinquent has been adjudged a ward of the court under
3 this Act, the court may commit him or her to the Department of
4 Juvenile Justice, if it finds that (a) his or her parents,
5 guardian or legal custodian are unfit or are unable, for some
6 reason other than financial circumstances alone, to care for,
7 protect, train or discipline the minor, or are unwilling to do
8 so, and the best interests of the minor and the public will not
9 be served by placement under Section 5-740, or it is necessary
10 to ensure the protection of the public from the consequences of
11 criminal activity of the delinquent; and (b) commitment to the
12 Department of Juvenile Justice is the least restrictive
13 alternative based on evidence that efforts were made to locate
14 less restrictive alternatives to secure confinement and the
15 reasons why efforts were unsuccessful in locating a less
16 restrictive alternative to secure confinement. Before the
17 court commits a minor to the Department of Juvenile Justice, it
18 shall make a finding that secure confinement is necessary,
19 following a review of the following individualized factors:

20 (A) Age of the minor.

21 (B) Criminal background of the minor.

22 (C) Review of results of any assessments of the minor,
23 including child centered assessments such as the CANS.

24 (D) Educational background of the minor, indicating
25 whether the minor has ever been assessed for a learning
26 disability, and if so what services were provided as well

1 as any disciplinary incidents at school.

2 (E) Physical, mental and emotional health of the minor,
3 indicating whether the minor has ever been diagnosed with a
4 health issue and if so what services were provided and
5 whether the minor was compliant with services.

6 (F) Community based services that have been provided to
7 the minor, and whether the minor was compliant with the
8 services, and the reason the services were unsuccessful.

9 (G) Services within the Department of Juvenile Justice
10 that will meet the individualized needs of the minor.

11 (1.5) Before the court commits a minor to the Department of
12 Juvenile Justice, the court must find reasonable efforts have
13 been made to prevent or eliminate the need for the minor to be
14 removed from the home, or reasonable efforts cannot, at this
15 time, for good cause, prevent or eliminate the need for
16 removal, and removal from home is in the best interests of the
17 minor, the minor's family, and the public.

18 (2) When a minor of the age of at least 13 years is
19 adjudged delinquent for the offense of first degree murder, the
20 court shall declare the minor a ward of the court and order the
21 minor committed to the Department of Juvenile Justice until the
22 minor's 21st birthday, without the possibility of aftercare
23 release, furlough, or non-emergency authorized absence for a
24 period of 5 years from the date the minor was committed to the
25 Department of Juvenile Justice, except that the time that a
26 minor spent in custody for the instant offense before being

1 committed to the Department of Juvenile Justice shall be
2 considered as time credited towards that 5 year period. Upon
3 release from a Department facility, a minor adjudged delinquent
4 for first degree murder shall be placed on aftercare release
5 until the age of 21, unless sooner discharged from aftercare
6 release or custodianship is otherwise terminated in accordance
7 with this Act or as otherwise provided for by law. Nothing in
8 this subsection (2) shall preclude the State's Attorney from
9 seeking to prosecute a minor as an adult as an alternative to
10 proceeding under this Act.

11 (3) Except as provided in subsection (2), the commitment of
12 a delinquent to the Department of Juvenile Justice shall be for
13 an indeterminate term which shall automatically terminate upon
14 the delinquent attaining the age of 21 years or upon completion
15 of that period for which an adult could be committed for the
16 same act, whichever occurs sooner, unless the delinquent is
17 sooner discharged from aftercare release or custodianship is
18 otherwise terminated in accordance with this Act or as
19 otherwise provided for by law.

20 (3.5) Every delinquent minor committed to the Department of
21 Juvenile Justice under this Act shall be eligible for aftercare
22 release without regard to the length of time the minor has been
23 confined or whether the minor has served any minimum term
24 imposed. Aftercare release shall be administered by the
25 Department of Juvenile Justice, under the direction of the
26 Director. Unless sooner discharged, the Department of Juvenile

1 Justice shall discharge a minor from aftercare release upon
2 completion of the following aftercare release terms:

3 (a) One and a half years from the date a minor is
4 released from a Department facility, if the minor was
5 committed for a Class X felony;

6 (b) One year from the date a minor is released from a
7 Department facility, if the minor was committed for a Class
8 1 or 2 felony; and

9 (c) Six months from the date a minor is released from a
10 Department facility, if the minor was committed for a Class
11 3 felony or lesser offense.

12 (4) When the court commits a minor to the Department of
13 Juvenile Justice, it shall order him or her conveyed forthwith
14 to the appropriate reception station or other place designated
15 by the Department of Juvenile Justice, and shall appoint the
16 Director of Juvenile Justice legal custodian of the minor. The
17 clerk of the court shall issue to the Director of Juvenile
18 Justice a certified copy of the order, which constitutes proof
19 of the Director's authority. No other process need issue to
20 warrant the keeping of the minor.

21 (5) If a minor is committed to the Department of Juvenile
22 Justice, the clerk of the court shall forward to the
23 Department:

24 (a) the sentencing disposition ~~disposition~~ ordered;

25 (b) all reports;

26 (c) the court's statement of the basis for ordering the

1 disposition; and

2 (d) any sex offender evaluations;

3 (e) any risk assessment or substance abuse treatment
4 eligibility screening and assessment of the minor by an
5 agent designated by the State to provide assessment
6 services for the courts;

7 (f) the number of days, if any, which the minor has
8 been in custody and for which he or she is entitled to
9 credit against the sentence, which information shall be
10 provided to the clerk by the sheriff;

11 (g) all statements filed under subsection (4) of
12 Section 5-705 of this Act;

13 (h) any medical or mental health records or summaries
14 of the minor;

15 (i) the municipality where the arrest of the minor
16 occurred, the commission of the offense occurred, and the
17 minor resided at the time of commission; and

18 (j) all additional matters which the court directs the
19 clerk to transmit.

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

26 (7) If, while on aftercare release, a minor committed to

1 the Department of Juvenile Justice is charged under the
2 criminal laws of this State with an offense that could result
3 in a sentence of imprisonment within the Department of
4 Corrections, the commitment to the Department of Juvenile
5 Justice and all rights and duties created by that commitment
6 are automatically suspended pending final disposition of the
7 criminal charge. If the minor is found guilty of the criminal
8 charge and sentenced to a term of imprisonment in the
9 penitentiary system of the Department of Corrections, the
10 commitment to the Department of Juvenile Justice shall be
11 automatically terminated. If the criminal charge is dismissed,
12 the minor is found not guilty, or the minor completes a
13 criminal sentence other than imprisonment within the
14 Department of Corrections, the previously imposed commitment
15 to the Department of Juvenile Justice and the full aftercare
16 release term shall be automatically reinstated unless
17 custodianship is sooner terminated. Nothing in this subsection
18 (7) shall preclude the court from ordering another sentence
19 under Section 5-710 of this Act or from terminating the
20 Department's custodianship while the commitment to the
21 Department is suspended.

22 (Source: P.A. 97-362, eff. 1-1-12; 98-558, eff. 1-1-14.)

23 Section 10. The Unified Code of Corrections is amended by
24 changing Sections 3-2.5-80, 3-3-5, 3-3-8, and 3-3-10 as
25 follows:

1 (730 ILCS 5/3-2.5-80)

2 Sec. 3-2.5-80. Supervision on Aftercare Release.

3 (a) The Department shall retain custody of all youth placed
4 on aftercare release or released under Section 3-3-10 of this
5 Code. The Department shall supervise those youth during their
6 aftercare release period in accordance with the conditions set
7 by the Prisoner Review Board.

8 (b) A copy of youth's conditions of aftercare release shall
9 be signed by the youth and given to the youth and to his or her
10 aftercare specialist who shall report on the youth's progress
11 under the rules of the Prisoner Review Board. Aftercare
12 specialists and supervisors shall have the full power of peace
13 officers in the retaking of any releasee who has allegedly
14 violated his or her aftercare release conditions. The aftercare
15 specialist ~~may shall~~ request the Department of Juvenile Justice
16 to issue a warrant for the arrest of any releasee who has
17 allegedly violated his or her aftercare release conditions.

18 (c) The aftercare supervisor shall request the Department
19 of Juvenile Justice to issue an aftercare release violation
20 warrant, and the Department of Juvenile Justice shall issue an
21 aftercare release violation warrant, under the following
22 circumstances:

23 (1) (blank); ~~if the releasee commits an act that~~
24 ~~constitutes a felony using a firearm or knife;~~

25 (2) if the releasee is required to and fails to comply

1 with the requirements of the Sex Offender Registration Act;

2 (3) (blank); ~~or if the releasee is charged with:~~

3 ~~(A) a felony offense of domestic battery under~~
4 ~~Section 12-3.2 of the Criminal Code of 2012;~~

5 ~~(B) aggravated domestic battery under Section~~
6 ~~12-3.3 of the Criminal Code of 2012;~~

7 ~~(C) stalking under Section 12-7.3 of the Criminal~~
8 ~~Code of 2012;~~

9 ~~(D) aggravated stalking under Section 12-7.4 of~~
10 ~~the Criminal Code of 2012;~~

11 ~~(E) violation of an order of protection under~~
12 ~~Section 12-3.4 of the Criminal Code of 2012; or~~

13 ~~(F) any offense that would require registration as~~
14 ~~a sex offender under the Sex Offender Registration Act;~~

15 ~~or~~

16 (4) if the releasee is on aftercare release for a
17 murder, a Class X felony or a Class 1 felony violation of
18 the Criminal Code of 2012, or any felony that requires
19 registration as a sex offender under the Sex Offender
20 Registration Act and a subsequent delinquency petition is
21 filed based on ~~commits~~ an act that constitutes first degree
22 murder, a Class X felony, a Class 1 felony, a Class 2
23 felony, or a Class 3 felony.

24 Personnel designated by the Department of Juvenile
25 Justice or another peace officer may detain an alleged
26 aftercare release violator until a warrant for his or her

1 return to the Department of Juvenile Justice can be issued.
2 The releasee may be delivered to any secure place until he
3 or she can be transported to the Department of Juvenile
4 Justice. The aftercare specialist or the Department of
5 Juvenile Justice shall file a violation report with notice
6 of charges with the Prisoner Review Board.

7 (d) The aftercare specialist shall regularly advise and
8 consult with the releasee and assist the youth in adjusting to
9 community life in accord with this Section.

10 (e) If the aftercare releasee has been convicted of a sex
11 offense as defined in the Sex Offender Management Board Act,
12 the aftercare specialist shall periodically, but not less than
13 once a month, verify that the releasee is in compliance with
14 paragraph (7.6) of subsection (a) of Section 3-3-7.

15 (f) The aftercare specialist shall keep those records as
16 the Prisoner Review Board or Department may require. All
17 records shall be entered in the master file of the youth.

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

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

20 Sec. 3-3-5. Hearing and Determination.

21 (a) The Prisoner Review Board shall meet as often as need
22 requires to consider the cases of persons eligible for parole
23 and aftercare release. Except as otherwise provided in
24 paragraph (2) of subsection (a) of Section 3-3-2 of this Act,
25 the Prisoner Review Board may meet and order its actions in

1 panels of 3 or more members. The action of a majority of the
2 panel shall be the action of the Board. In consideration of
3 persons committed to the Department of Juvenile Justice, the
4 panel shall have at least a majority of members experienced in
5 juvenile matters.

6 (b) If the person under consideration for parole or
7 aftercare release is in the custody of the Department, at least
8 one member of the Board shall interview him or her, and a
9 report of that interview shall be available for the Board's
10 consideration. However, in the discretion of the Board, the
11 interview need not be conducted if a psychiatric examination
12 determines that the person could not meaningfully contribute to
13 the Board's consideration. The Board may in its discretion
14 parole or release on aftercare a person who is then outside the
15 jurisdiction on his or her record without an interview. The
16 Board need not hold a hearing or interview a person who is
17 paroled or released on aftercare under paragraphs (d) or (e) of
18 this Section or released on Mandatory release under Section
19 3-3-10.

20 (c) The Board shall not parole or release a person eligible
21 for parole or aftercare release if it determines that:

22 (1) there is a substantial risk that he or she will not
23 conform to reasonable conditions of parole or aftercare
24 release; or

25 (2) his or her release at that time would deprecate the
26 seriousness of his or her offense or promote disrespect for

1 the law; or

2 (3) his or her release would have a substantially
3 adverse effect on institutional discipline.

4 (d) A person committed under the Juvenile Court Act or the
5 Juvenile Court Act of 1987 who has not been sooner released
6 shall be released on aftercare on or before his or her 20th
7 birthday or upon completion of the maximum term of confinement
8 ordered by the court under Section 5-710 of the Juvenile Court
9 Act of 1987, whichever is sooner, to begin serving a period of
10 aftercare release under Section 3-3-8.

11 (e) A person who has served the maximum term of
12 imprisonment imposed at the time of sentencing less time credit
13 for good behavior shall be released on parole to serve a period
14 of parole under Section 5-8-1.

15 (f) The Board shall render its decision within a reasonable
16 time after hearing and shall state the basis therefor both in
17 the records of the Board and in written notice to the person on
18 whose application it has acted. In its decision, the Board
19 shall set the person's time for parole or aftercare release, or
20 if it denies parole or aftercare release it shall provide for a
21 rehearing not less frequently than once every year, except that
22 the Board may, after denying parole, schedule a rehearing no
23 later than 5 years from the date of the parole denial, if the
24 Board finds that it is not reasonable to expect that parole
25 would be granted at a hearing prior to the scheduled rehearing
26 date. If the Board shall parole or release a person, and, if he

1 or she is not released within 90 days from the effective date
2 of the order granting parole or aftercare release, the matter
3 shall be returned to the Board for review.

4 (f-1) If the Board paroles or releases a person who is
5 eligible for commitment as a sexually violent person, the
6 effective date of the Board's order shall be stayed for 90 days
7 for the purpose of evaluation and proceedings under the
8 Sexually Violent Persons Commitment Act.

9 (g) The Board shall maintain a registry of decisions in
10 which parole has been granted, which shall include the name and
11 case number of the prisoner, the highest charge for which the
12 prisoner was sentenced, the length of sentence imposed, the
13 date of the sentence, the date of the parole, and the basis for
14 the decision of the Board to grant parole and the vote of the
15 Board on any such decisions. The registry shall be made
16 available for public inspection and copying during business
17 hours and shall be a public record pursuant to the provisions
18 of the Freedom of Information Act.

19 (h) The Board shall promulgate rules regarding the exercise
20 of its discretion under this Section.

21 (Source: P.A. 97-522, eff. 1-1-12; 97-1075, eff. 8-24-12;
22 98-558, eff. 1-1-14.)

23 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

24 Sec. 3-3-8. Length of parole, aftercare release, and
25 mandatory supervised release; discharge.)

1 (a) The length of parole for a person sentenced under the
2 law in effect prior to the effective date of this amendatory
3 Act of 1977 and the length of mandatory supervised release for
4 those sentenced under the law in effect on and after such
5 effective date shall be as set out in Section 5-8-1 unless
6 sooner terminated under paragraph (b) of this Section. The
7 aftercare release period of a juvenile committed to the
8 Department under the Juvenile Court Act or the Juvenile Court
9 Act of 1987 shall be as set out in Section 5-750 of the
10 Juvenile Court Act of 1987 ~~extend until he or she is 21 years~~
11 ~~of age~~ unless sooner terminated under paragraph (b) of this
12 Section or under the Juvenile Court Act of 1987.

13 (b) The Prisoner Review Board may enter an order releasing
14 and discharging one from parole, aftercare release, or
15 mandatory supervised release, and his or her commitment to the
16 Department, when it determines that he or she is likely to
17 remain at liberty without committing another offense.

18 (b-1) Provided that the subject is in compliance with the
19 terms and conditions of his or her parole, aftercare release,
20 or mandatory supervised release, the Prisoner Review Board may
21 reduce the period of a parolee or releasee's parole, aftercare
22 release, or mandatory supervised release by 90 days upon the
23 parolee or releasee receiving a high school diploma or upon
24 passage of high school equivalency testing during the period of
25 his or her parole, aftercare release, or mandatory supervised
26 release. This reduction in the period of a subject's term of

1 parole, aftercare release, or mandatory supervised release
2 shall be available only to subjects who have not previously
3 earned a high school diploma or who have not previously passed
4 high school equivalency testing.

5 (c) The order of discharge shall become effective upon
6 entry of the order of the Board. The Board shall notify the
7 clerk of the committing court of the order. Upon receipt of
8 such copy, the clerk shall make an entry on the record judgment
9 that the sentence or commitment has been satisfied pursuant to
10 the order.

11 (d) Rights of the person discharged under this Section
12 shall be restored under Section 5-5-5. This Section is subject
13 to Section 5-750 of the Juvenile Court Act of 1987.

14 (Source: P.A. 97-531, eff. 1-1-12; 98-558, eff. 1-1-14; 98-718,
15 eff. 1-1-15.)

16 (730 ILCS 5/3-3-10) (from Ch. 38, par. 1003-3-10)

17 Sec. 3-3-10. Eligibility after Revocation; Release under
18 Supervision.

19 (a) A person whose parole, aftercare release, or mandatory
20 supervised release has been revoked may be reparaoled or
21 rereleased by the Board at any time to the full parole,
22 aftercare release, or mandatory supervised release term under
23 Section 3-3-8, except that the time which the person shall
24 remain subject to the Board shall not exceed (1) the imposed
25 maximum term of imprisonment or confinement and the parole term

1 for those sentenced under the law in effect prior to the
2 effective date of this amendatory Act of 1977 or (2) the term
3 of imprisonment imposed by the court and the mandatory
4 supervised release term for those sentenced under the law in
5 effect on and after such effective date.

6 (b) If the Board sets no earlier release date:

7 (1) A person sentenced for any violation of law which
8 occurred before January 1, 1973, shall be released under
9 supervision 6 months prior to the expiration of his or her
10 maximum sentence of imprisonment less good time credit
11 under Section 3-6-3.

12 (2) Any person who has violated the conditions of his
13 or her parole ~~or aftercare release~~ and been reconfined
14 under Section 3-3-9 shall be released under supervision 6
15 months prior to the expiration of the term of his or her
16 reconfinement under paragraph (a) of Section 3-3-9 less
17 good time credit under Section 3-6-3. This paragraph shall
18 not apply to persons serving terms of mandatory supervised
19 release or aftercare release.

20 (3) Nothing herein shall require the release of a
21 person who has violated his or her parole within 6 months
22 of the date when his or her release under this Section
23 would otherwise be mandatory.

24 (c) Persons released under this Section shall be subject to
25 Sections 3-3-6, 3-3-7, 3-3-9, 3-14-1, 3-14-2, 3-14-2.5,
26 3-14-3, and 3-14-4.

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