

1 AN ACT concerning animals.

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

4 Section 5. The Humane Care for Animals Act is amended by
5 changing Sections 2.07, 4.01, and 16 as follows:

6 (510 ILCS 70/2.07) (from Ch. 8, par. 702.07)

7 Sec. 2.07. Person. "Person" means any individual,
8 minor, firm, corporation, partnership, other business unit,
9 society, association, or other legal entity, any public or
10 private institution, the State of Illinois, or any municipal
11 corporation or political subdivision of the State.

12 (Source: P.A. 78-905.)

13 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

14 Sec. 4.01. Prohibitions.

15 (a) No person may own, capture, breed, train, or lease
16 any animal which he or she knows or should know is intended
17 for use in any show, exhibition, program, or other activity
18 featuring or otherwise involving a fight between such animal
19 and any other animal or human, or the intentional killing of
20 any animal for the purpose of sport, wagering, or
21 entertainment.

22 (b) No person shall promote, conduct, carry on,
23 advertise, collect money for or in any other manner assist
24 or aid in the presentation for purposes of sport, wagering,
25 or entertainment, any show, exhibition, program, or other
26 activity involving a fight between 2 or more animals or any
27 animal and human, or the intentional killing of any animal.

28 (c) No person shall sell or offer for sale, ship,
29 transport, or otherwise move, or deliver or receive any
30 animal which he or she knows or should know has been

1 captured, bred, or trained, or will be used, to fight another
2 animal or human or be intentionally killed, for the purpose
3 of sport, wagering, or entertainment.

4 (d) No person shall manufacture for sale, shipment,
5 transportation or delivery any device or equipment which that
6 person knows or should know is intended for use in any show,
7 exhibition, program, or other activity featuring or otherwise
8 involving a fight between 2 or more animals, or any human and
9 animal, or the intentional killing of any animal for purposes
10 of sport, wagering or entertainment.

11 (e) No person shall own, possess, sell or offer for
12 sale, ship, transport, or otherwise move any equipment or
13 device which such person knows or should know is intended for
14 use in connection with any show, exhibition, program, or
15 activity featuring or otherwise involving a fight between 2
16 or more animals, or any animal and human, or the intentional
17 killing of any animal for purposes of sport, wagering or
18 entertainment.

19 (f) No person shall make available any site, structure,
20 or facility, whether enclosed or not, which he or she knows
21 or should know is intended to be used for the purpose of
22 conducting any show, exhibition, program, or other activity
23 involving a fight between 2 or more animals, or any animal
24 and human, or the intentional killing of any animal.

25 (g) No person shall attend or otherwise patronize any
26 show, exhibition, program, or other activity featuring or
27 otherwise involving a fight between 2 or more animals, or any
28 animal and human, or the intentional killing of any animal
29 for the purposes of sport, wagering or entertainment.

30 (h) No person shall tie or attach or fasten any live
31 animal to any machine or device propelled by any power for
32 the purpose of causing such animal to be pursued by a dog or
33 dogs. This subsection (h) shall apply only when such dog is
34 intended to be used in a dog fight.

1 (i) Any animals or equipment involved in a violation of
 2 this Section shall be immediately seized and impounded under
 3 Section 12 by the Department when located at any show,
 4 exhibition, program, or other activity featuring or otherwise
 5 involving an animal fight.

6 (j) Any vehicle or conveyance other than a common
 7 carrier that is used in violation of this Section shall be
 8 seized, held, and offered for sale at public auction by the
 9 sheriff's department of the proper jurisdiction, and the
 10 proceeds from the sale shall be remitted to the general fund
 11 of the the county where the violation took place.

12 (k) Any veterinarian in this State who is presented with
 13 an animal for treatment of injuries or wounds resulting from
 14 fighting where there is a reasonable possibility that the
 15 animal was engaged in or utilized for a fighting event shall
 16 file a report with the Department and cooperate by furnishing
 17 the owners' names, dates, and descriptions of the animal or
 18 animals involved. Any veterinarian who in good faith complies
 19 with the requirements of this subsection has immunity from
 20 any liability, civil, criminal, or otherwise, that may result
 21 from his or her actions. For the purposes of any
 22 proceedings, civil or criminal, the good faith of the
 23 veterinarian shall be rebuttably presumed.

24 (l) No person shall conspire or solicit a minor to
 25 violate this Section. A violation of this subsection is a
 26 Class A misdemeanor.

27 (Source: P.A. 87-819.)

28 (510 ILCS 70/16) (from Ch. 8, par. 716)

29 Sec. 16. Violations; punishment; injunctions.

30 (a) Any person convicted of violating Sections 5, 5.01,
 31 or 6 of this Act or any rule, regulation, or order of the
 32 Department pursuant thereto, is guilty of a Class C
 33 misdemeanor.

1 (b)(1) This subsection (b) does not apply where the
2 only animals involved in the violation are dogs.

3 (2) Any person convicted of violating subsection
4 (a), (b), (c) or (h) of Section 4.01 of this Act or any
5 rule, regulation, or order of the Department pursuant
6 thereto, is guilty of a Class A misdemeanor.

7 (3) A second or subsequent offense involving the
8 violation of subsection (a), (b) or (c) of Section 4.01
9 of this Act or any rule, regulation, or order of the
10 Department pursuant thereto is a Class 4 felony.

11 (4) Any person convicted of violating subsection
12 (d), (e) or (f) of Section 4.01 of this Act or any rule,
13 regulation, or order of the Department pursuant thereto,
14 is guilty of a Class B misdemeanor.

15 (5) Any person convicted of violating subsection
16 (g) of Section 4.01 of this Act or any rule, regulation,
17 or order of the Department pursuant thereto is guilty of
18 a Class C misdemeanor.

19 (c)(1) This subsection (c) applies exclusively
20 where the only animals involved in the violation are
21 dogs.

22 (2) Any person convicted of violating subsection
23 (a), (b) or (c) of Section 4.01 of this Act or any rule,
24 regulation or order of the Department pursuant thereto is
25 guilty of a Class 4 felony and may be fined an amount not
26 to exceed \$50,000.

27 (3) Any person convicted of violating subsection
28 (d), (e) or (f) of Section 4.01 of this Act or any rule,
29 regulation or order of the Department pursuant thereto is
30 guilty of Class A misdemeanor, if such person knew or
31 should have known that the device or equipment under
32 subsection (d) or (e) of that Section or the site,
33 structure or facility under subsection (f) of that
34 Section was to be used to carry out a violation where the

1 only animals involved were dogs. Where such person did
2 not know or should not reasonably have been expected to
3 know that the only animals involved in the violation were
4 dogs, the penalty shall be same as that provided for in
5 paragraph (4) of subsection (b).

6 (4) Any person convicted of violating subsection
7 (g) of Section 4.01 of this Act or any rule, regulation
8 or order of the Department pursuant thereto is guilty of
9 a Class C misdemeanor.

10 (5) A second or subsequent violation of subsection
11 (a), (b) or (c) of Section 4.01 of this Act or any rule,
12 regulation or order of the Department pursuant thereto is
13 a Class 3 felony. A second or subsequent violation of
14 subsection (d), (e) or (f) of Section 4.01 of this Act or
15 any rule, regulation or order of the Department adopted
16 pursuant thereto is a Class 3 felony, if in each
17 violation the person knew or should have known that the
18 device or equipment under subsection (d) or (e) of that
19 Section or the site, structure or facility under
20 subsection (f) of that Section was to be used to carry
21 out a violation where the only animals involved were
22 dogs. Where such person did not know or should not
23 reasonably have been expected to know that the only
24 animals involved in the violation were dogs, a second or
25 subsequent violation of subsection (d), (e) or (f) of
26 Section 4.01 of this Act or any rule, regulation or order
27 of the Department adopted pursuant thereto is a Class A
28 misdemeanor. A second or subsequent violation of
29 subsection (g) is a Class B misdemeanor.

30 (6) Any person convicted of violating Section 3.01
31 of this Act is guilty of a Class C misdemeanor. A second
32 conviction for a violation of Section 3.01 is a Class B
33 misdemeanor. A third or subsequent conviction for a
34 violation of Section 3.01 is a Class A misdemeanor.

1 (7) Any person convicted of violating Section 4.03
2 is guilty of a Class B misdemeanor.

3 (8) Any person convicted of violating Section 4.04
4 is guilty of a Class A misdemeanor where the animal is
5 not killed or totally disabled, but if the animal is
6 killed or totally disabled such person shall be guilty of
7 a Class 4 felony.

8 (8.5) A person convicted of violating subsection
9 (a) of Section 7.15 is guilty of a Class B misdemeanor.
10 A person convicted of violating subsection (b) or (c) of
11 Section 7.15 is (i) guilty of a Class A misdemeanor if
12 the dog is not killed or totally disabled and (ii) if the
13 dog is killed or totally disabled, guilty of a Class 4
14 felony and may be ordered by the court to make
15 restitution to the disabled person having custody or
16 ownership of the dog for veterinary bills and replacement
17 costs of the dog.

18 (9) Any person convicted of violating any other
19 provision of this Act, or any rule, regulation, or order
20 of the Department pursuant thereto, is guilty of a Class
21 C misdemeanor with every day that a violation continues
22 constituting a separate offense.

23 (d) Any person convicted of violating Section 7.1 is
24 guilty of a petty offense. A second or subsequent conviction
25 for a violation of Section 7.1 is a Class C misdemeanor.

26 (e) Any person convicted of violating Section 3.02 is
27 guilty of a Class 4 felony ~~A--misdemeanor~~. A second or
28 subsequent violation is a Class 3 4 felony.

29 (f) The Department may enjoin a person from a continuing
30 violation of this Act.

31 (g) Any person convicted of violating Section 3.03 is
32 guilty of a Class 4 felony. A second or subsequent offense
33 is a Class 3 felony. As a condition of the sentence imposed
34 under this Section, the court shall order the offender to

1 undergo a psychological or psychiatric evaluation and to
2 undergo treatment that the court determines to be appropriate
3 after due consideration of the evaluation.

4 (Source: P.A. 90-14, eff. 7-1-97; 90-80, eff. 7-10-97;
5 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff.
6 7-29-99; revised 8-30-99.)

7 Section 10. The Juvenile Court Act of 1987 is amended by
8 changing Sections 5-615, 5-710, and 5-715 as follows:

9 (705 ILCS 405/5-615)

10 Sec. 5-615. Continuance under supervision.

11 (1) The court may enter an order of continuance under
12 supervision for an offense other than first degree murder, a
13 Class X felony or a forcible felony (a) upon an admission or
14 stipulation by the appropriate respondent or minor respondent
15 of the facts supporting the petition and before proceeding to
16 adjudication, or after hearing the evidence at the trial, and
17 (b) in the absence of objection made in open court by the
18 minor, his or her parent, guardian, or legal custodian, the
19 minor's attorney or the State's Attorney.

20 (2) If the minor, his or her parent, guardian, or legal
21 custodian, the minor's attorney or State's Attorney objects
22 in open court to any continuance and insists upon proceeding
23 to findings and adjudication, the court shall so proceed.

24 (3) Nothing in this Section limits the power of the
25 court to order a continuance of the hearing for the
26 production of additional evidence or for any other proper
27 reason.

28 (4) When a hearing where a minor is alleged to be a
29 delinquent is continued pursuant to this Section, the period
30 of continuance under supervision may not exceed 24 months.
31 The court may terminate a continuance under supervision at
32 any time if warranted by the conduct of the minor and the

1 ends of justice.

2 (5) When a hearing where a minor is alleged to be
3 delinquent is continued pursuant to this Section, the court
4 may, as conditions of the continuance under supervision,
5 require the minor to do any of the following:

6 (a) not violate any criminal statute of any
7 jurisdiction;

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

10 (c) work or pursue a course of study or vocational
11 training;

12 (d) undergo medical or psychotherapeutic treatment
13 rendered by a therapist licensed under the provisions of
14 the Medical Practice Act of 1987, the Clinical
15 Psychologist Licensing Act, or the Clinical Social Work
16 and Social Work Practice Act, or an entity licensed by
17 the Department of Human Services as a successor to the
18 Department of Alcoholism and Substance Abuse, for the
19 provision of drug addiction and alcoholism treatment;

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

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

23 (g) pay costs;

24 (h) refrain from possessing a firearm or other
25 dangerous weapon, or an automobile;

26 (i) permit the probation officer to visit him or
27 her at his or her home or elsewhere;

28 (j) reside with his or her parents or in a foster
29 home;

30 (k) attend school;

31 (l) attend a non-residential program for youth;

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

34 (n) perform some reasonable public or community

1 service;

2 (o) make restitution to the victim, in the same
3 manner and under the same conditions as provided in
4 subsection (4) of Section 5-710, except that the
5 "sentencing hearing" referred to in that Section shall be
6 the adjudicatory hearing for purposes of this Section;

7 (p) comply with curfew requirements as designated
8 by the court;

9 (q) refrain from entering into a designated
10 geographic area except upon terms as the court finds
11 appropriate. The terms may include consideration of the
12 purpose of the entry, the time of day, other persons
13 accompanying the minor, and advance approval by a
14 probation officer;

15 (r) refrain from having any contact, directly or
16 indirectly, with certain specified persons or particular
17 types of persons, including but not limited to members of
18 street gangs and drug users or dealers;

19 (r-5) undergo a medical or other procedure to have
20 a tattoo symbolizing allegiance to a street gang removed
21 from his or her body;

22 (s) refrain from having in his or her body the
23 presence of any illicit drug prohibited by the Cannabis
24 Control Act or the Illinois Controlled Substances Act,
25 unless prescribed by a physician, and submit samples of
26 his or her blood or urine or both for tests to determine
27 the presence of any illicit drug; or

28 (t) comply with any other conditions as may be
29 ordered by the court.

30 (6) A minor whose case is continued under supervision
31 under subsection (5) shall be given a certificate setting
32 forth the conditions imposed by the court. Those conditions
33 may be reduced, enlarged, or modified by the court on motion
34 of the probation officer or on its own motion, or that of the

1 State's Attorney, or, at the request of the minor after
2 notice and hearing.

3 (7) If a petition is filed charging a violation of a
4 condition of the continuance under supervision, the court
5 shall conduct a hearing. If the court finds that a condition
6 of supervision has not been fulfilled, the court may proceed
7 to findings and adjudication and disposition. The filing of
8 a petition for violation of a condition of the continuance
9 under supervision shall toll the period of continuance under
10 supervision until the final determination of the charge, and
11 the term of the continuance under supervision shall not run
12 until the hearing and disposition of the petition for
13 violation; provided where the petition alleges conduct that
14 does not constitute a criminal offense, the hearing must be
15 held within 30 days of the filing of the petition unless a
16 delay shall continue the tolling of the period of continuance
17 under supervision for the period of the delay.

18 (8) When a hearing in which a minor is alleged to be a
19 delinquent for reasons that include a violation of Section
20 21-1.3 of the Criminal Code of 1961 is continued under this
21 Section, the court shall, as a condition of the continuance
22 under supervision, require the minor to perform community
23 service for not less than 30 and not more than 120 hours, if
24 community service is available in the jurisdiction. The
25 community service shall include, but need not be limited to,
26 the cleanup and repair of the damage that was caused by the
27 alleged violation or similar damage to property located in
28 the municipality or county in which the alleged violation
29 occurred. The condition may be in addition to any other
30 condition.

31 (8.5) When a hearing in which a minor is alleged to be a
32 delinquent for reasons that include a violation of Section
33 3.02 of the Humane Care for Animals Act or subsection (d) of
34 Section 21-1 of the Criminal Code of 1961 is continued under

1 this Section, the court shall, as a condition of the
2 continuance under supervision, require the minor to undergo
3 medical or psychiatric treatment, rendered by a psychiatrist
4 or psychological treatment rendered by a clinical
5 psychologist. The condition may be in addition to any other
6 condition.

7 (9) When a hearing in which a minor is alleged to be a
8 delinquent is continued under this Section, the court, before
9 continuing the case, shall make a finding whether the offense
10 alleged to have been committed either: (i) was related to or
11 in furtherance of the activities of an organized gang or was
12 motivated by the minor's membership in or allegiance to an
13 organized gang, or (ii) is a violation of paragraph (13) of
14 subsection (a) of Section 12-2 of the Criminal Code of 1961,
15 a violation of any Section of Article 24 of the Criminal Code
16 of 1961, or a violation of any statute that involved the
17 unlawful use of a firearm. If the court determines the
18 question in the affirmative the court shall, as a condition
19 of the continuance under supervision and as part of or in
20 addition to any other condition of the supervision, require
21 the minor to perform community service for not less than 30
22 hours, provided that community service is available in the
23 jurisdiction and is funded and approved by the county board
24 of the county where the offense was committed. The community
25 service shall include, but need not be limited to, the
26 cleanup and repair of any damage caused by an alleged
27 violation of Section 21-1.3 of the Criminal Code of 1961 and
28 similar damage to property located in the municipality or
29 county in which the alleged violation occurred. When
30 possible and reasonable, the community service shall be
31 performed in the minor's neighborhood. For the purposes of
32 this Section, "organized gang" has the meaning ascribed to it
33 in Section 10 of the Illinois Streetgang Terrorism Omnibus
34 Prevention Act.

1 (10) The court shall impose upon a minor placed on
2 supervision, as a condition of the supervision, a fee of \$25
3 for each month of supervision ordered by the court, unless
4 after determining the inability of the minor placed on
5 supervision to pay the fee, the court assesses a lesser
6 amount. The court may not impose the fee on a minor who is
7 made a ward of the State under this Act while the minor is in
8 placement. The fee shall be imposed only upon a minor who is
9 actively supervised by the probation and court services
10 department. A court may order the parent, guardian, or legal
11 custodian of the minor to pay some or all of the fee on the
12 minor's behalf.

13 (Source: P.A. 90-590, eff. 1-1-99; 91-98; eff. 1-1-00;
14 91-332, eff. 7-29-99; revised 10-7-99.)

15 (705 ILCS 405/5-710)

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

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

19 (a) Except as provided in Sections 5-805, 5-810,
20 5-815, a minor who is found guilty under Section 5-620
21 may be:

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

30 (ii) placed in accordance with Section 5-740,
31 with or without also being put on probation or
32 conditional discharge;

33 (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) placed in the guardianship of the
4 Department of Children and Family Services, but only
5 if the delinquent minor is under 13 years of age;

6 (v) placed in detention for a period not to
7 exceed 30 days, either as the exclusive order of
8 disposition or, where appropriate, in conjunction
9 with any other order of disposition issued under
10 this paragraph, provided that any such detention
11 shall be in a juvenile detention home and the minor
12 so detained shall be 10 years of age or older.

13 However, the 30-day limitation may be extended by
14 further order of the court for a minor under age 13
15 committed to the Department of Children and Family
16 Services if the court finds that the minor is a
17 danger to himself or others. The minor shall be
18 given credit on the sentencing order of detention
19 for time spent in detention under Sections 5-501,
20 5-601, 5-710, or 5-720 of this Article as a result
21 of the offense for which the sentencing order was
22 imposed. The court may grant credit on a sentencing
23 order of detention entered under a violation of
24 probation or violation of conditional discharge
25 under Section 5-720 of this Article for time spent
26 in detention before the filing of the petition
27 alleging the violation. A minor shall not be
28 deprived of credit for time spent in detention
29 before the filing of a violation of probation or
30 conditional discharge alleging the same or related
31 act or acts;

32 (vi) ordered partially or completely
33 emancipated in accordance with the provisions of the
34 Emancipation of Mature Minors Act;

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

5 (viii) put on probation or conditional
6 discharge and placed in detention under Section
7 3-6039 of the Counties Code for a period not to
8 exceed the period of incarceration permitted by law
9 for adults found guilty of the same offense or
10 offenses for which the minor was adjudicated
11 delinquent, and in any event no longer than upon
12 attainment of age 21; this subdivision (viii)
13 notwithstanding any contrary provision of the law;
14 or

15 (ix) ordered to undergo a medical or other
16 procedure to have a tattoo symbolizing allegiance to
17 a street gang removed from his or her body.

18 (b) A minor found to be guilty may be committed to
19 the Department of Corrections, Juvenile Division, under
20 Section 5-750 if the minor is 13 years of age or older,
21 provided that the commitment to the Department of
22 Corrections, Juvenile Division, shall be made only if a
23 term of incarceration is permitted by law for adults
24 found guilty of the offense for which the minor was
25 adjudicated delinquent. The time during which a minor is
26 in custody before being released upon the request of a
27 parent, guardian or legal custodian shall be considered
28 as time spent in detention.

29 (c) When a minor is found to be guilty for an
30 offense which is a violation of the Illinois Controlled
31 Substances Act or the Cannabis Control Act and made a
32 ward of the court, the court may enter a disposition
33 order requiring the minor to undergo assessment,
34 counseling or treatment in a substance abuse program

1 approved by the Department of Human Services.

2 (2) Any sentencing order other than commitment to the
3 Department of Corrections, Juvenile Division, may provide for
4 protective supervision under Section 5-725 and may include an
5 order of protection under Section 5-730.

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

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

24 (5) Any sentencing order where the minor is committed or
25 placed in accordance with Section 5-740 shall provide for the
26 parents or guardian of the estate of the minor to pay to the
27 legal custodian or guardian of the person of the minor such
28 sums as are determined by the custodian or guardian of the
29 person of the minor as necessary for the minor's needs. The
30 payments may not exceed the maximum amounts provided for by
31 Section 9.1 of the Children and Family Services Act.

32 (6) Whenever the sentencing order requires the minor to
33 attend school or participate in a program of training, the
34 truant officer or designated school official shall regularly

1 report to the court if the minor is a chronic or habitual
2 truant under Section 26-2a of the School Code.

3 (7) In no event shall a guilty minor be committed to the
4 Department of Corrections, Juvenile Division for a period of
5 time in excess of that period for which an adult could be
6 committed for the same act.

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

17 (8.5) A minor found to be guilty for reasons that
18 include a violation of Section 3.02 of the Humane Care for
19 Animals Act or subsection (d) of Section 21-1 of the Criminal
20 Code of 1961 shall be ordered to undergo medical or
21 psychiatric treatment, rendered by a psychiatrist or
22 psychological treatment rendered by a clinical psychologist.
23 The order may be in addition to any other order authorized by
24 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
27 would constitute, predatory criminal sexual assault of a
28 child, aggravated criminal sexual assault, criminal sexual
29 assault, aggravated criminal sexual abuse, or criminal sexual
30 abuse if committed by an adult to undergo medical testing to
31 determine whether the defendant has any sexually
32 transmissible disease including a test for infection with
33 human immunodeficiency virus (HIV) or any other identified
34 causative agency of acquired immunodeficiency syndrome

1 (AIDS). Any medical test shall be performed only by
2 appropriately licensed medical practitioners and may include
3 an analysis of any bodily fluids as well as an examination of
4 the minor's person. Except as otherwise provided by law, the
5 results of the test shall be kept strictly confidential by
6 all medical personnel involved in the testing and must be
7 personally delivered in a sealed envelope to the judge of the
8 court in which the sentencing order was entered for the
9 judge's inspection in camera. Acting in accordance with the
10 best interests of the victim and the public, the judge shall
11 have the discretion to determine to whom the results of the
12 testing may be revealed. The court shall notify the minor of
13 the results of the test for infection with the human
14 immunodeficiency virus (HIV). The court shall also notify
15 the victim if requested by the victim, and if the victim is
16 under the age of 15 and if requested by the victim's parents
17 or legal guardian, the court shall notify the victim's
18 parents or the legal guardian, of the results of the test for
19 infection with the human immunodeficiency virus (HIV). The
20 court shall provide information on the availability of HIV
21 testing and counseling at the Department of Public Health
22 facilities to all parties to whom the results of the testing
23 are revealed. The court shall order that the cost of any
24 test shall be paid by the county and may be taxed as costs
25 against the minor.

26 (10) When a court finds a minor to be guilty the court
27 shall, before entering a sentencing order under this Section,
28 make a finding whether the offense committed either: (a) was
29 related to or in furtherance of the criminal activities of an
30 organized gang or was motivated by the minor's membership in
31 or allegiance to an organized gang, or (b) involved a
32 violation of subsection (a) of Section 12-7.1 of the Criminal
33 Code of 1961, a violation of any Section of Article 24 of the
34 Criminal Code of 1961, or a violation of any statute that

1 involved the wrongful use of a firearm. If the court
2 determines the question in the affirmative, and the court
3 does not commit the minor to the Department of Corrections,
4 Juvenile Division, the court shall order the minor to perform
5 community service for not less than 30 hours nor more than
6 120 hours, provided that community service is available in
7 the jurisdiction and is funded and approved by the county
8 board of the county where the offense was committed. The
9 community service shall include, but need not be limited to,
10 the cleanup and repair of any damage caused by a violation of
11 Section 21-1.3 of the Criminal Code of 1961 and similar
12 damage to property located in the municipality or county in
13 which the violation occurred. When possible and reasonable,
14 the community service shall be performed in the minor's
15 neighborhood. This order shall be in addition to any other
16 order authorized by this Section except for an order to place
17 the minor in the custody of the Department of Corrections,
18 Juvenile Division. For the purposes of this Section,
19 "organized gang" has the meaning ascribed to it in Section 10
20 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
21 (Source: P.A. 90-590, eff. 1-1-99; 91-98, eff. 1-1-00.)

22 (705 ILCS 405/5-715)

23 Sec. 5-715. Probation.

24 (1) The period of probation or conditional discharge
25 shall not exceed 5 years or until the minor has attained the
26 age of 21 years, whichever is less, except as provided in
27 this Section for a minor who is found to be guilty for an
28 offense which is first degree murder, a Class X felony or a
29 forcible felony. The juvenile court may terminate probation
30 or conditional discharge and discharge the minor at any time
31 if warranted by the conduct of the minor and the ends of
32 justice; provided, however, that the period of probation for
33 a minor who is found to be guilty for an offense which is

1 first degree murder, a Class X felony, or a forcible felony
2 shall be at least 5 years.

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

5 (a) not violate any criminal statute of any
6 jurisdiction;

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

9 (c) work or pursue a course of study or vocational
10 training;

11 (d) undergo medical or psychiatric treatment,
12 rendered by a psychiatrist or psychological treatment
13 rendered by a clinical psychologist or social work
14 services rendered by a clinical social worker, or
15 treatment for drug addiction or alcoholism;

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

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

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

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

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

25 (j) attend school;

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

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

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

31 (n) perform some reasonable public or community
32 service;

33 (o) participate with community corrections programs
34 including unified delinquency intervention services

1 administered by the Department of Human Services subject
2 to Section 5 of the Children and Family Services Act;

3 (p) pay costs;

4 (q) serve a term of home confinement. In addition
5 to any other applicable condition of probation or
6 conditional discharge, the conditions of home confinement
7 shall be that the minor:

8 (i) remain within the interior premises of the
9 place designated for his or her confinement during
10 the hours designated by the court;

11 (ii) admit any person or agent designated by
12 the court into the minor's place of confinement at
13 any time for purposes of verifying the minor's
14 compliance with the conditions of his or her
15 confinement; and

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

19 (r) refrain from entering into a designated
20 geographic area except upon terms as the court finds
21 appropriate. The terms may include consideration of the
22 purpose of the entry, the time of day, other persons
23 accompanying the minor, and advance approval by a
24 probation officer, if the minor has been placed on
25 probation, or advance approval by the court, if the minor
26 has been placed on conditional discharge;

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

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

34 (t) refrain from having in his or her body the

1 presence of any illicit drug prohibited by the Cannabis
2 Control Act or the Illinois Controlled Substances Act,
3 unless prescribed by a physician, and shall submit
4 samples of his or her blood or urine or both for tests to
5 determine the presence of any illicit drug; or

6 (u) comply with other conditions as may be ordered
7 by the court.

8 (3) The court may as a condition of probation or of
9 conditional discharge require that a minor found guilty on
10 any alcohol, cannabis, or controlled substance violation,
11 refrain from acquiring a driver's license during the period
12 of probation or conditional discharge. If the minor is in
13 possession of a permit or license, the court may require that
14 the minor refrain from driving or operating any motor vehicle
15 during the period of probation or conditional discharge,
16 except as may be necessary in the course of the minor's
17 lawful employment.

18 (3.5) The court shall, as a condition of probation or of
19 conditional discharge, require that a minor found to be
20 guilty and placed on probation for reasons that include a
21 violation of Section 3.02 of the Humane Care for Animals Act
22 or subsection (d) of Section 21-1 of the Criminal Code of
23 1961 undergo medical or psychiatric treatment, rendered by a
24 psychiatrist or psychological treatment rendered by a
25 clinical psychologist. The condition may be in addition to
26 any other condition.

27 (4) A minor on probation or conditional discharge shall
28 be given a certificate setting forth the conditions upon
29 which he or she is being released.

30 (5) The court shall impose upon a minor placed on
31 probation or conditional discharge, as a condition of the
32 probation or conditional discharge, a fee of \$25 for each
33 month of probation or conditional discharge supervision
34 ordered by the court, unless after determining the inability

1 of the minor placed on probation or conditional discharge to
2 pay the fee, the court assesses a lesser amount. The court
3 may not impose the fee on a minor who is made a ward of the
4 State under this Act while the minor is in placement. The
5 fee shall be imposed only upon a minor who is actively
6 supervised by the probation and court services department.
7 The court may order the parent, guardian, or legal custodian
8 of the minor to pay some or all of the fee on the minor's
9 behalf.

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

19 The court shall provide as a condition of a disposition
20 of probation, conditional discharge, or supervision, that the
21 probation agency may invoke any sanction from the list of
22 intermediate sanctions adopted by the chief judge of the
23 circuit court for violations of the terms and conditions of
24 the sentence of probation, conditional discharge, or
25 supervision, subject to the provisions of Section 5-720 of
26 this Act.

27 (Source: P.A. 90-590, eff. 1-1-99; 91-98, eff. 1-1-00.)

28 Section 15. The Criminal Code of 1961 is amended by
29 changing Section 21-1 as follows:

30 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

31 Sec. 21-1. Criminal damage to property.

32 (1) A person commits an illegal act when he:

1 (a) knowingly damages any property of another
2 without his consent; or

3 (b) recklessly by means of fire or explosive
4 damages property of another; or

5 (c) knowingly starts a fire on the land of another
6 without his consent; or

7 (d) knowingly injures a domestic animal of another
8 without his consent; or

9 (e) knowingly deposits on the land or in the
10 building of another, without his consent, any stink bomb
11 or any offensive smelling compound and thereby intends to
12 interfere with the use by another of the land or
13 building; or

14 (f) damages any property, other than as described
15 in subsection (b) of Section 20-1, with intent to defraud
16 an insurer; or

17 (g) knowingly shoots a firearm at any portion of a
18 railroad train.

19 When the charge of criminal damage to property exceeding
20 a specified value is brought, the extent of the damage is an
21 element of the offense to be resolved by the trier of fact as
22 either exceeding or not exceeding the specified value.

23 (2) The acts described in items (a), (b), (c), (e), and
24 through (f) are Class A misdemeanors if the damage to
25 property does not exceed \$300. The act described in item (d)
26 is a Class 4 felony if the damage to property does not exceed
27 \$300. The acts described in items (a) through (f) are Class
28 4 felonies if the damage to property does not exceed \$300 if
29 the damage occurs to property of a school or place of
30 worship. The act described in item (g) is a Class 4 felony.
31 The acts described in items (a) through (f) are Class 4
32 felonies if the damage to property exceeds \$300 but does not
33 exceed \$10,000. The acts described in items (a) through (f)
34 are Class 3 felonies if the damage to property exceeds \$300

1 but does not exceed \$10,000 if the damage occurs to property
2 of a school or place of worship. The acts described in items
3 (a) through (f) are Class 3 felonies if the damage to
4 property exceeds \$10,000 but does not exceed \$100,000. The
5 acts described in items (a) through (f) are Class 2 felonies
6 if the damage to property exceeds \$10,000 but does not exceed
7 \$100,000 if the damage occurs to property of a school or
8 place of worship. The acts described in items (a) through
9 (f) are Class 2 felonies if the damage to property exceeds
10 \$100,000. The acts described in items (a) through (f) are
11 Class 1 felonies if the damage to property exceeds \$100,000
12 and the damage occurs to property of a school or place of
13 worship. If the damage to property exceeds \$10,000, the
14 court shall impose upon the offender a fine equal to the
15 value of the damages to the property.

16 (3) In addition to any other sentence that may be
17 imposed, a court shall order any person convicted of criminal
18 damage to property to perform community service for not less
19 than 30 and not more than 120 hours, if community service is
20 available in the jurisdiction and is funded and approved by
21 the county board of the county where the offense was
22 committed. In addition, whenever any person is placed on
23 supervision for an alleged offense under this Section, the
24 supervision shall be conditioned upon the performance of the
25 community service.

26 This subsection does not apply when the court imposes a
27 sentence of incarceration.

28 (Source: P.A. 91-360, eff. 7-29-99.)