

1 AMENDMENT TO SENATE BILL 629

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 629, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

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

7 (510 ILCS 70/2.07) (from Ch. 8, par. 702.07)

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

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

14 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

15 Sec. 4.01. Prohibitions.

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

1 entertainment.

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

8 (c) No person shall sell or offer for sale, ship,  
9 transport, or otherwise move, or deliver or receive any  
10 animal which he or she knows or should know has been  
11 captured, bred, or trained, or will be used, to fight another  
12 animal or human or be intentionally killed, for the purpose  
13 of sport, wagering, or entertainment.

14 (d) No person shall manufacture for sale, shipment,  
15 transportation or delivery any device or equipment which that  
16 person knows or should know is intended for use in any show,  
17 exhibition, program, or other activity featuring or otherwise  
18 involving a fight between 2 or more animals, or any human and  
19 animal, or the intentional killing of any animal for purposes  
20 of sport, wagering or entertainment.

21 (e) No person shall own, possess, sell or offer for  
22 sale, ship, transport, or otherwise move any equipment or  
23 device which such person knows or should know is intended for  
24 use in connection with any show, exhibition, program, or  
25 activity featuring or otherwise involving a fight between 2  
26 or more animals, or any animal and human, or the intentional  
27 killing of any animal for purposes of sport, wagering or  
28 entertainment.

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

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

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

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

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

22 (k) Any veterinarian in this State who is presented with  
23 an animal for treatment of injuries or wounds resulting from  
24 fighting where there is a reasonable possibility that the  
25 animal was engaged in or utilized for a fighting event shall  
26 file a report with the Department and cooperate by furnishing  
27 the owners' names, dates, and descriptions of the animal or  
28 animals involved. Any veterinarian who in good faith complies  
29 with the requirements of this subsection has immunity from  
30 any liability, civil, criminal, or otherwise, that may result  
31 from his or her actions. For the purposes of any  
32 proceedings, civil or criminal, the good faith of the  
33 veterinarian shall be rebuttably presumed.

34 (l) No person shall conspire or solicit a minor to

1 violate this Section. A violation of this subsection is a  
2 Class A misdemeanor.

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

4 (510 ILCS 70/16) (from Ch. 8, par. 716)

5 Sec. 16. Violations; punishment; injunctions.

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

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

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

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

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

24 (5) Any person convicted of violating subsection  
25 (g) of Section 4.01 of this Act or any rule, regulation,  
26 or order of the Department pursuant thereto is guilty of  
27 a Class C misdemeanor.

28 (c)(1) This subsection (c) applies exclusively  
29 where the only animals involved in the violation are  
30 dogs.

31 (2) Any person convicted of violating subsection  
32 (a), (b) or (c) of Section 4.01 of this Act or any rule,  
33 regulation or order of the Department pursuant thereto is

1 guilty of a Class 4 felony and may be fined an amount not  
2 to exceed \$50,000.

3 (3) Any person convicted of violating subsection  
4 (d), (e) or (f) of Section 4.01 of this Act or any rule,  
5 regulation or order of the Department pursuant thereto is  
6 guilty of Class A misdemeanor, if such person knew or  
7 should have known that the device or equipment under  
8 subsection (d) or (e) of that Section or the site,  
9 structure or facility under subsection (f) of that  
10 Section was to be used to carry out a violation where the  
11 only animals involved were dogs. Where such person did  
12 not know or should not reasonably have been expected to  
13 know that the only animals involved in the violation were  
14 dogs, the penalty shall be same as that provided for in  
15 paragraph (4) of subsection (b).

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

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

1 subsequent violation of subsection (d), (e) or (f) of  
2 Section 4.01 of this Act or any rule, regulation or order  
3 of the Department adopted pursuant thereto is a Class A  
4 misdemeanor. A second or subsequent violation of  
5 subsection (g) is a Class B misdemeanor.

6 (6) Any person convicted of violating Section 3.01  
7 of this Act is guilty of a Class C misdemeanor. A second  
8 conviction for a violation of Section 3.01 is a Class B  
9 misdemeanor. A third or subsequent conviction for a  
10 violation of Section 3.01 is a Class A misdemeanor.

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

13 (8) Any person convicted of violating Section 4.04  
14 is guilty of a Class A misdemeanor where the animal is  
15 not killed or totally disabled, but if the animal is  
16 killed or totally disabled such person shall be guilty of  
17 a Class 4 felony.

18 (8.5) A person convicted of violating subsection  
19 (a) of Section 7.15 is guilty of a Class B misdemeanor.  
20 A person convicted of violating subsection (b) or (c) of  
21 Section 7.15 is (i) guilty of a Class A misdemeanor if  
22 the dog is not killed or totally disabled and (ii) if the  
23 dog is killed or totally disabled, guilty of a Class 4  
24 felony and may be ordered by the court to make  
25 restitution to the disabled person having custody or  
26 ownership of the dog for veterinary bills and replacement  
27 costs of the dog.

28 (9) Any person convicted of violating any other  
29 provision of this Act, or any rule, regulation, or order  
30 of the Department pursuant thereto, is guilty of a Class  
31 C misdemeanor with every day that a violation continues  
32 constituting a separate offense.

33 (d) Any person convicted of violating Section 7.1 is  
34 guilty of a petty offense. A second or subsequent conviction

1 for a violation of Section 7.1 is a Class C misdemeanor.

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

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

7 (g) Any person convicted of violating Section 3.03 is  
8 guilty of a Class 4 felony. A second or subsequent offense  
9 is a Class 3 felony. As a condition of the sentence imposed  
10 under this Section, the court shall order the offender to  
11 undergo a psychological or psychiatric evaluation and to  
12 undergo treatment that the court determines to be appropriate  
13 after due consideration of the evaluation.

14 (Source: P.A. 90-14, eff. 7-1-97; 90-80, eff. 7-10-97;  
15 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff.  
16 7-29-99; revised 8-30-99.)

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

19 (705 ILCS 405/5-615)

20 Sec. 5-615. Continuance under supervision.

21 (1) The court may enter an order of continuance under  
22 supervision for an offense other than first degree murder, a  
23 Class X felony or a forcible felony (a) upon an admission or  
24 stipulation by the appropriate respondent or minor respondent  
25 of the facts supporting the petition and before proceeding to  
26 adjudication, or after hearing the evidence at the trial, and  
27 (b) in the absence of objection made in open court by the  
28 minor, his or her parent, guardian, or legal custodian, the  
29 minor's attorney or the State's Attorney.

30 (2) If the minor, his or her parent, guardian, or legal  
31 custodian, the minor's attorney or State's Attorney objects  
32 in open court to any continuance and insists upon proceeding

1 to findings and adjudication, the court shall so proceed.

2 (3) Nothing in this Section limits the power of the  
3 court to order a continuance of the hearing for the  
4 production of additional evidence or for any other proper  
5 reason.

6 (4) When a hearing where a minor is alleged to be a  
7 delinquent is continued pursuant to this Section, the period  
8 of continuance under supervision may not exceed 24 months.  
9 The court may terminate a continuance under supervision at  
10 any time if warranted by the conduct of the minor and the  
11 ends of justice.

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

16 (a) not violate any criminal statute of any  
17 jurisdiction;

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

20 (c) work or pursue a course of study or vocational  
21 training;

22 (d) undergo medical or psychotherapeutic treatment  
23 rendered by a therapist licensed under the provisions of  
24 the Medical Practice Act of 1987, the Clinical  
25 Psychologist Licensing Act, or the Clinical Social Work  
26 and Social Work Practice Act, or an entity licensed by  
27 the Department of Human Services as a successor to the  
28 Department of Alcoholism and Substance Abuse, for the  
29 provision of drug addiction and alcoholism treatment;

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

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

33 (g) pay costs;

34 (h) refrain from possessing a firearm or other



1 dangerous weapon, or an automobile;

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

4 (j) reside with his or her parents or in a foster  
5 home;

6 (k) attend school;

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

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

10 (n) perform some reasonable public or community  
11 service;

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

17 (p) comply with curfew requirements as designated  
18 by the court;

19 (q) 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;

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

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

32 (s) refrain from having in his or her body the  
33 presence of any illicit drug prohibited by the Cannabis  
34 Control Act or the Illinois Controlled Substances Act,

1 unless prescribed by a physician, and submit samples of  
2 his or her blood or urine or both for tests to determine  
3 the presence of any illicit drug; or

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

6 (6) A minor whose case is continued under supervision  
7 under subsection (5) shall be given a certificate setting  
8 forth the conditions imposed by the court. Those conditions  
9 may be reduced, enlarged, or modified by the court on motion  
10 of the probation officer or on its own motion, or that of the  
11 State's Attorney, or, at the request of the minor after  
12 notice and hearing.

13 (7) If a petition is filed charging a violation of a  
14 condition of the continuance under supervision, the court  
15 shall conduct a hearing. If the court finds that a condition  
16 of supervision has not been fulfilled, the court may proceed  
17 to findings and adjudication and disposition. The filing of  
18 a petition for violation of a condition of the continuance  
19 under supervision shall toll the period of continuance under  
20 supervision until the final determination of the charge, and  
21 the term of the continuance under supervision shall not run  
22 until the hearing and disposition of the petition for  
23 violation; provided where the petition alleges conduct that  
24 does not constitute a criminal offense, the hearing must be  
25 held within 30 days of the filing of the petition unless a  
26 delay shall continue the tolling of the period of continuance  
27 under supervision for the period of the delay.

28 (8) When a hearing in which a minor is alleged to be a  
29 delinquent for reasons that include a violation of Section  
30 21-1.3 of the Criminal Code of 1961 is continued under this  
31 Section, the court shall, as a condition of the continuance  
32 under supervision, require the minor to perform community  
33 service for not less than 30 and not more than 120 hours, if  
34 community service is available in the jurisdiction. The

1 community service shall include, but need not be limited to,  
2 the cleanup and repair of the damage that was caused by the  
3 alleged violation or similar damage to property located in  
4 the municipality or county in which the alleged violation  
5 occurred. The condition may be in addition to any other  
6 condition.

7 (8.5) When a hearing in which a minor is alleged to be a  
8 delinquent for reasons that include a violation of Section  
9 3.02 of the Humane Care for Animals Act or subsection (d) of  
10 Section 21-1 of the Criminal Code of 1961 is continued under  
11 this Section, the court shall, as a condition of the  
12 continuance under supervision, require the minor to undergo  
13 medical or psychiatric treatment, rendered by a psychiatrist  
14 or psychological treatment rendered by a clinical  
15 psychologist. The condition may be in addition to any other  
16 condition.

17 (9) When a hearing in which a minor is alleged to be a  
18 delinquent is continued under this Section, the court, before  
19 continuing the case, shall make a finding whether the offense  
20 alleged to have been committed either: (i) was related to or  
21 in furtherance of the activities of an organized gang or was  
22 motivated by the minor's membership in or allegiance to an  
23 organized gang, or (ii) is a violation of paragraph (13) of  
24 subsection (a) of Section 12-2 of the Criminal Code of 1961,  
25 a violation of any Section of Article 24 of the Criminal Code  
26 of 1961, or a violation of any statute that involved the  
27 unlawful use of a firearm. If the court determines the  
28 question in the affirmative the court shall, as a condition  
29 of the continuance under supervision and as part of or in  
30 addition to any other condition of the supervision, require  
31 the minor to perform community service for not less than 30  
32 hours, provided that community service is available in the  
33 jurisdiction and is funded and approved by the county board  
34 of the county where the offense was committed. The community

1 service shall include, but need not be limited to, the  
2 cleanup and repair of any damage caused by an alleged  
3 violation of Section 21-1.3 of the Criminal Code of 1961 and  
4 similar damage to property located in the municipality or  
5 county in which the alleged violation occurred. When  
6 possible and reasonable, the community service shall be  
7 performed in the minor's neighborhood. For the purposes of  
8 this Section, "organized gang" has the meaning ascribed to it  
9 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
10 Prevention Act.

11 (10) The court shall impose upon a minor placed on  
12 supervision, as a condition of the supervision, a fee of \$25  
13 for each month of supervision ordered by the court, unless  
14 after determining the inability of the minor placed on  
15 supervision to pay the fee, the court assesses a lesser  
16 amount. The court may not impose the fee on a minor who is  
17 made a ward of the State under this Act while the minor is in  
18 placement. The fee shall be imposed only upon a minor who is  
19 actively supervised by the probation and court services  
20 department. A court may order the parent, guardian, or legal  
21 custodian of the minor to pay some or all of the fee on the  
22 minor's behalf.

23 (Source: P.A. 90-590, eff. 1-1-99; 91-98; eff. 1-1-00;  
24 91-332, eff. 7-29-99; revised 10-7-99.)

25 (705 ILCS 405/5-710)

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

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

29 (a) Except as provided in Sections 5-805, 5-810,  
30 5-815, a minor who is found guilty under Section 5-620  
31 may be:

32 (i) put on probation or conditional discharge  
33 and released to his or her parents, guardian or

1 legal custodian, provided, however, that any such  
2 minor who is not committed to the Department of  
3 Corrections, Juvenile Division under this subsection  
4 and who is found to be a delinquent for an offense  
5 which is first degree murder, a Class X felony, or a  
6 forcible felony shall be placed on probation;

7 (ii) placed in accordance with Section 5-740,  
8 with or without also being put on probation or  
9 conditional discharge;

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

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

16 (v) placed in detention for a period not to  
17 exceed 30 days, either as the exclusive order of  
18 disposition or, where appropriate, in conjunction  
19 with any other order of disposition issued under  
20 this paragraph, provided that any such detention  
21 shall be in a juvenile detention home and the minor  
22 so detained shall be 10 years of age or older.  
23 However, the 30-day limitation may be extended by  
24 further order of the court for a minor under age 13  
25 committed to the Department of Children and Family  
26 Services if the court finds that the minor is a  
27 danger to himself or others. The minor shall be  
28 given credit on the sentencing order of detention  
29 for time spent in detention under Sections 5-501,  
30 5-601, 5-710, or 5-720 of this Article as a result  
31 of the offense for which the sentencing order was  
32 imposed. The court may grant credit on a sentencing  
33 order of detention entered under a violation of  
34 probation or violation of conditional discharge

1 under Section 5-720 of this Article for time spent  
2 in detention before the filing of the petition  
3 alleging the violation. A minor shall not be  
4 deprived of credit for time spent in detention  
5 before the filing of a violation of probation or  
6 conditional discharge alleging the same or related  
7 act or acts;

8 (vi) ordered partially or completely  
9 emancipated in accordance with the provisions of the  
10 Emancipation of Mature Minors Act;

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

15 (viii) put on probation or conditional  
16 discharge and placed in detention under Section  
17 3-6039 of the Counties Code for a period not to  
18 exceed the period of incarceration permitted by law  
19 for adults found guilty of the same offense or  
20 offenses for which the minor was adjudicated  
21 delinquent, and in any event no longer than upon  
22 attainment of age 21; this subdivision (viii)  
23 notwithstanding any contrary provision of the law;  
24 or

25 (ix) ordered to undergo a medical or other  
26 procedure to have a tattoo symbolizing allegiance to  
27 a street gang removed from his or her body.

28 (b) A minor found to be guilty may be committed to  
29 the Department of Corrections, Juvenile Division, under  
30 Section 5-750 if the minor is 13 years of age or older,  
31 provided that the commitment to the Department of  
32 Corrections, Juvenile Division, shall be made only if a  
33 term of incarceration is permitted by law for adults  
34 found guilty of the offense for which the minor was

1 adjudicated delinquent. The time during which a minor is  
2 in custody before being released upon the request of a  
3 parent, guardian or legal custodian shall be considered  
4 as time spent in detention.

5 (c) When a minor is found to be guilty for an  
6 offense which is a violation of the Illinois Controlled  
7 Substances Act or the Cannabis Control Act and made a  
8 ward of the court, the court may enter a disposition  
9 order requiring the minor to undergo assessment,  
10 counseling or treatment in a substance abuse program  
11 approved by the Department of Human Services.

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

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

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

34 (5) Any sentencing order where the minor is committed or

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

8 (6) Whenever the sentencing order requires the minor to  
9 attend school or participate in a program of training, the  
10 truant officer or designated school official shall regularly  
11 report to the court if the minor is a chronic or habitual  
12 truant under Section 26-2a of the School Code.

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

17 (8) A minor found to be guilty for reasons that include  
18 a violation of Section 21-1.3 of the Criminal Code of 1961  
19 shall be ordered to perform community service for not less  
20 than 30 and not more than 120 hours, if community service is  
21 available in the jurisdiction. The community service shall  
22 include, but need not be limited to, the cleanup and repair  
23 of the damage that was caused by the violation or similar  
24 damage to property located in the municipality or county in  
25 which the violation occurred. The order may be in addition  
26 to any other order authorized by this Section.

27 (8.5) A minor found to be guilty for reasons that  
28 include a violation of Section 3.02 of the Humane Care for  
29 Animals Act or subsection (d) of Section 21-1 of the Criminal  
30 Code of 1961 shall be ordered to undergo medical or  
31 psychiatric treatment, rendered by a psychiatrist or  
32 psychological treatment rendered by a clinical psychologist.  
33 The order may be in addition to any other order authorized by  
34 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  
3 would constitute, predatory criminal sexual assault of a  
4 child, aggravated criminal sexual assault, criminal sexual  
5 assault, aggravated criminal sexual abuse, or criminal sexual  
6 abuse if committed by an adult to undergo medical testing to  
7 determine whether the defendant has any sexually  
8 transmissible disease including a test for infection with  
9 human immunodeficiency virus (HIV) or any other identified  
10 causative agency of acquired immunodeficiency syndrome  
11 (AIDS). Any medical test shall be performed only by  
12 appropriately licensed medical practitioners and may include  
13 an analysis of any bodily fluids as well as an examination of  
14 the minor's person. Except as otherwise provided by law, the  
15 results of the test shall be kept strictly confidential by  
16 all medical personnel involved in the testing and must be  
17 personally delivered in a sealed envelope to the judge of the  
18 court in which the sentencing order was entered for the  
19 judge's inspection in camera. Acting in accordance with the  
20 best interests of the victim and the public, the judge shall  
21 have the discretion to determine to whom the results of the  
22 testing may be revealed. The court shall notify the minor of  
23 the results of the test for infection with the human  
24 immunodeficiency virus (HIV). The court shall also notify  
25 the victim if requested by the victim, and if the victim is  
26 under the age of 15 and if requested by the victim's parents  
27 or legal guardian, the court shall notify the victim's  
28 parents or the legal guardian, of the results of the test for  
29 infection with the human immunodeficiency virus (HIV). The  
30 court shall provide information on the availability of HIV  
31 testing and counseling at the Department of Public Health  
32 facilities to all parties to whom the results of the testing  
33 are revealed. The court shall order that the cost of any  
34 test shall be paid by the county and may be taxed as costs

1 against the minor.

2 (10) When a court finds a minor to be guilty the court  
3 shall, before entering a sentencing order under this Section,  
4 make a finding whether the offense committed either: (a) was  
5 related to or in furtherance of the criminal activities of an  
6 organized gang or was motivated by the minor's membership in  
7 or allegiance to an organized gang, or (b) involved a  
8 violation of subsection (a) of Section 12-7.1 of the Criminal  
9 Code of 1961, a violation of any Section of Article 24 of the  
10 Criminal Code of 1961, or a violation of any statute that  
11 involved the wrongful use of a firearm. If the court  
12 determines the question in the affirmative, and the court  
13 does not commit the minor to the Department of Corrections,  
14 Juvenile Division, the court shall order the minor to perform  
15 community service for not less than 30 hours nor more than  
16 120 hours, provided that community service is available in  
17 the jurisdiction and is funded and approved by the county  
18 board of the county where the offense was committed. The  
19 community service shall include, but need not be limited to,  
20 the cleanup and repair of any damage caused by a violation of  
21 Section 21-1.3 of the Criminal Code of 1961 and similar  
22 damage to property located in the municipality or county in  
23 which the violation occurred. When possible and reasonable,  
24 the community service shall be performed in the minor's  
25 neighborhood. This order shall be in addition to any other  
26 order authorized by this Section except for an order to place  
27 the minor in the custody of the Department of Corrections,  
28 Juvenile Division. For the purposes of this Section,  
29 "organized gang" has the meaning ascribed to it in Section 10  
30 of the Illinois Streetgang Terrorism Omnibus Prevention Act.  
31 (Source: P.A. 90-590, eff. 1-1-99; 91-98, eff. 1-1-00.)

32 (705 ILCS 405/5-715)  
33 Sec. 5-715. Probation.

1           (1) The period of probation or conditional discharge  
2 shall not exceed 5 years or until the minor has attained the  
3 age of 21 years, whichever is less, except as provided in  
4 this Section for a minor who is found to be guilty for an  
5 offense which is first degree murder, a Class X felony or a  
6 forcible felony. The juvenile court may terminate probation  
7 or conditional discharge and discharge the minor at any time  
8 if warranted by the conduct of the minor and the ends of  
9 justice; provided, however, that the period of probation for  
10 a minor who is found to be guilty for an offense which is  
11 first degree murder, a Class X felony, or a forcible felony  
12 shall be at least 5 years.

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

15                 (a) not violate any criminal statute of any  
16 jurisdiction;

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

19                 (c) work or pursue a course of study or vocational  
20 training;

21                 (d) undergo medical or psychiatric treatment,  
22 rendered by a psychiatrist or psychological treatment  
23 rendered by a clinical psychologist or social work  
24 services rendered by a clinical social worker, or  
25 treatment for drug addiction or alcoholism;

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

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

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

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

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

- 1 (j) attend school;
- 2 (k) attend a non-residential program for youth;
- 3 (l) make restitution under the terms of subsection
- 4 (4) of Section 5-710;
- 5 (m) contribute to his or her own support at home or
- 6 in a foster home;
- 7 (n) perform some reasonable public or community
- 8 service;
- 9 (o) participate with community corrections programs
- 10 including unified delinquency intervention services
- 11 administered by the Department of Human Services subject
- 12 to Section 5 of the Children and Family Services Act;
- 13 (p) pay costs;
- 14 (q) serve a term of home confinement. In addition
- 15 to any other applicable condition of probation or
- 16 conditional discharge, the conditions of home confinement
- 17 shall be that the minor:
  - 18 (i) remain within the interior premises of the
  - 19 place designated for his or her confinement during
  - 20 the hours designated by the court;
  - 21 (ii) admit any person or agent designated by
  - 22 the court into the minor's place of confinement at
  - 23 any time for purposes of verifying the minor's
  - 24 compliance with the conditions of his or her
  - 25 confinement; and
  - 26 (iii) use an approved electronic monitoring
  - 27 device if ordered by the court subject to Article 8A
  - 28 of Chapter V of the Unified Code of Corrections;
  - 29 (r) refrain from entering into a designated
  - 30 geographic area except upon terms as the court finds
  - 31 appropriate. The terms may include consideration of the
  - 32 purpose of the entry, the time of day, other persons
  - 33 accompanying the minor, and advance approval by a
  - 34 probation officer, if the minor has been placed on

1           probation, or advance approval by the court, if the minor  
2           has been placed on conditional discharge;

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

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

10          (t) refrain from having in his or her body the  
11          presence of any illicit drug prohibited by the Cannabis  
12          Control Act or the Illinois Controlled Substances Act,  
13          unless prescribed by a physician, and shall submit  
14          samples of his or her blood or urine or both for tests to  
15          determine the presence of any illicit drug; or

16          (u) comply with other conditions as may be ordered  
17          by the court.

18          (3) The court may as a condition of probation or of  
19          conditional discharge require that a minor found guilty on  
20          any alcohol, cannabis, or controlled substance violation,  
21          refrain from acquiring a driver's license during the period  
22          of probation or conditional discharge. If the minor is in  
23          possession of a permit or license, the court may require that  
24          the minor refrain from driving or operating any motor vehicle  
25          during the period of probation or conditional discharge,  
26          except as may be necessary in the course of the minor's  
27          lawful employment.

28          (3.5) The court shall, as a condition of probation or of  
29          conditional discharge, require that a minor found to be  
30          guilty and placed on probation for reasons that include a  
31          violation of Section 3.02 of the Humane Care for Animals Act  
32          or or subsection (d) of Section 21-1 of the Criminal Code of  
33          1961 undergo medical or psychiatric treatment, rendered by a  
34          psychiatrist or psychological treatment rendered by a

1 clinical psychologist. The condition may be in addition to  
2 any other condition.

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

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

20 (6) The General Assembly finds that in order to protect  
21 the public, the juvenile justice system must compel  
22 compliance with the conditions of probation by responding to  
23 violations with swift, certain, and fair punishments and  
24 intermediate sanctions. The Chief Judge of each circuit  
25 shall adopt a system of structured, intermediate sanctions  
26 for violations of the terms and conditions of a sentence of  
27 supervision, probation or conditional discharge, under this  
28 Act.

29 The court shall provide as a condition of a disposition  
30 of probation, conditional discharge, or supervision, that the  
31 probation agency may invoke any sanction from the list of  
32 intermediate sanctions adopted by the chief judge of the  
33 circuit court for violations of the terms and conditions of  
34 the sentence of probation, conditional discharge, or

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

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

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

6 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

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

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

9 (a) knowingly damages any property of another  
10 without his consent; or

11 (b) recklessly by means of fire or explosive  
12 damages property of another; or

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

15 (d) knowingly injures a domestic animal of another  
16 without his consent; or

17 (e) knowingly deposits on the land or in the  
18 building of another, without his consent, any stink bomb  
19 or any offensive smelling compound and thereby intends to  
20 interfere with the use by another of the land or  
21 building; or

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

25 (g) knowingly shoots a firearm at any portion of a  
26 railroad train.

27 When the charge of criminal damage to property exceeding  
28 a specified value is brought, the extent of the damage is an  
29 element of the offense to be resolved by the trier of fact as  
30 either exceeding or not exceeding the specified value.

31 (2) The acts described in items (a), (b), (c), (e), and  
32 through (f) are Class A misdemeanors if the damage to

1 property does not exceed \$300. The act described in item (d)  
2 is a Class 4 felony if the damage to property does not exceed  
3 \$300. The acts described in items (a) through (f) are Class  
4 4 felonies if the damage to property does not exceed \$300 if  
5 the damage occurs to property of a school or place of  
6 worship. The act described in item (g) is a Class 4 felony.  
7 The acts described in items (a) through (f) are Class 4  
8 felonies if the damage to property exceeds \$300 but does not  
9 exceed \$10,000. The acts described in items (a) through (f)  
10 are Class 3 felonies if the damage to property exceeds \$300  
11 but does not exceed \$10,000 if the damage occurs to property  
12 of a school or place of worship. The acts described in items  
13 (a) through (f) are Class 3 felonies if the damage to  
14 property exceeds \$10,000 but does not exceed \$100,000. The  
15 acts described in items (a) through (f) are Class 2 felonies  
16 if the damage to property exceeds \$10,000 but does not exceed  
17 \$100,000 if the damage occurs to property of a school or  
18 place of worship. The acts described in items (a) through  
19 (f) are Class 2 felonies if the damage to property exceeds  
20 \$100,000. The acts described in items (a) through (f) are  
21 Class 1 felonies if the damage to property exceeds \$100,000  
22 and the damage occurs to property of a school or place of  
23 worship. If the damage to property exceeds \$10,000, the  
24 court shall impose upon the offender a fine equal to the  
25 value of the damages to the property.

26 (3) In addition to any other sentence that may be  
27 imposed, a court shall order any person convicted of criminal  
28 damage to property to perform community service for not less  
29 than 30 and not more than 120 hours, if community service is  
30 available in the jurisdiction and is funded and approved by  
31 the county board of the county where the offense was  
32 committed. In addition, whenever any person is placed on  
33 supervision for an alleged offense under this Section, the  
34 supervision shall be conditioned upon the performance of the



1 community service.

2 This subsection does not apply when the court imposes a  
3 sentence of incarceration.

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