

AN ACT concerning courts.

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

Section 5. The Juvenile Court Act of 1987 is amended by changing Section 5-750 as follows:

(705 ILCS 405/5-750)

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

(1) Except as provided in subsection (2) of this Section, when any delinquent has been adjudged a ward of the court under this Act, the court may commit him or her to the Department of Juvenile Justice, if it finds that (a) his or her parents, guardian or legal custodian are unfit or are unable, for some reason other than financial circumstances alone, to care for, protect, train or discipline the minor, or are unwilling to do so, and the best interests of the minor and the public will not be served by placement under Section 5-740, or it is necessary to ensure the protection of the public from the consequences of criminal activity of the delinquent; and (b) commitment to the Department of Juvenile Justice is the least restrictive alternative based on evidence that efforts were made to locate less restrictive alternatives to secure confinement and the reasons why efforts were unsuccessful in locating a less

restrictive alternative to secure confinement. Before the court commits a minor to the Department of Juvenile Justice, it shall make a finding that secure confinement is necessary, following a review of the following individualized factors:

(A) Age of the minor.

(B) Criminal background of the minor.

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

(D) Educational background of the minor, indicating whether the minor has ever been assessed for a learning disability, and if so what services were provided as well as any disciplinary incidents at school.

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

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

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

(1.5) Before the court commits a minor to the Department of Juvenile Justice, the court must find reasonable efforts have been made to prevent or eliminate the need for the minor to be removed from the home, or reasonable efforts cannot, at this time, for good cause, prevent or eliminate the need for

removal, and removal from home is in the best interests of the minor, the minor's family, and the public.

(2) When a minor of the age of at least 13 years is adjudged delinquent for the offense of first degree murder, the court shall declare the minor a ward of the court and order the minor committed to the Department of Juvenile Justice until the minor's 21st birthday, without the possibility of aftercare release, furlough, or non-emergency authorized absence for a period of 5 years from the date the minor was committed to the Department of Juvenile Justice, except that the time that a minor spent in custody for the instant offense before being committed to the Department of Juvenile Justice shall be considered as time credited towards that 5 year period. 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 in accordance with this Act or as otherwise provided for by law. Nothing in this subsection (2) shall preclude the State's Attorney from seeking to prosecute a minor as an adult as an alternative to proceeding under this Act.

(3) Except as provided in subsection (2), the commitment of a delinquent to the Department of Juvenile Justice shall be for an indeterminate term which shall automatically terminate upon the delinquent attaining the age of 21 years or upon completion of that period for which an adult could be committed for the

same act, whichever occurs sooner, unless the delinquent is sooner discharged from aftercare release or custodianship is otherwise terminated in accordance with this Act or as otherwise provided for by law.

(3.5) Every delinquent minor committed to the Department of Juvenile Justice under this Act shall be eligible for aftercare release without regard to the length of time the minor has been confined or whether the minor has served any minimum term imposed. Aftercare release shall be administered by the Department of Juvenile Justice, under the direction of the Director. Unless sooner discharged, the Department of Juvenile Justice shall discharge a minor from aftercare release upon completion of the following aftercare release terms:

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

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

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

(4) When the court commits a minor to the Department of Juvenile Justice, it shall order him or her conveyed forthwith to the appropriate reception station or other place designated by the Department of Juvenile Justice, and shall appoint the

Director of Juvenile Justice legal custodian of the minor. The clerk of the court shall issue to the Director of Juvenile Justice a certified copy of the order, which constitutes proof of the Director's authority. No other process need issue to warrant the keeping of the minor.

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

(a) the sentencing order and copies of committing petition;

(b) all reports;

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

(d) any sex offender evaluations;

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

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

(g) any medical or mental health records or summaries of the minor;

(h) the municipality where the arrest of the minor occurred, the commission of the offense occurred, and the

minor resided at the time of commission; ~~and~~

(h-5) a report detailing the minor's criminal history in a manner and form prescribed by the Department of Juvenile Justice; and

(i) all additional matters which the court directs the clerk to transmit.

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

(7) If, while on aftercare release, a minor committed to the Department of Juvenile Justice is charged under the criminal laws of this State with an offense that could result in a sentence of imprisonment within the Department of Corrections, the commitment to the Department of Juvenile Justice and all rights and duties created by that commitment are automatically suspended pending final disposition of the criminal charge. If the minor is found guilty of the criminal charge and sentenced to a term of imprisonment in the penitentiary system of the Department of Corrections, the commitment to the Department of Juvenile Justice shall be automatically terminated. If the criminal charge is dismissed, the minor is found not guilty, or the minor completes a criminal sentence other than imprisonment within the

Department of Corrections, the previously imposed commitment to the Department of Juvenile Justice and the full aftercare release term shall be automatically reinstated unless custodianship is sooner terminated. Nothing in this subsection (7) shall preclude the court from ordering another sentence under Section 5-710 of this Act or from terminating the Department's custodianship while the commitment to the Department is suspended.

(Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16.)

Section 99. Effective date. This Act takes effect upon becoming law.