

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections  
5 10-20.12a, 14-1.11, 14-1.11a, and 14-7.03 and by adding Section  
6 14-7.05 as follows:

7 (105 ILCS 5/10-20.12a) (from Ch. 122, par. 10-20.12a)  
8 Sec. 10-20.12a. Tuition for non-resident pupils.

9 (a) To charge non-resident pupils who attend the schools of  
10 the district tuition in an amount not exceeding 110% of the per  
11 capita cost of maintaining the schools of the district for the  
12 preceding school year.

13 Such per capita cost shall be computed by dividing the  
14 total cost of conducting and maintaining the schools of the  
15 district by the average daily attendance, including tuition  
16 pupils. Depreciation on the buildings and equipment of the  
17 schools of the district, and the amount of annual depreciation  
18 on such buildings and equipment shall be dependent upon the  
19 useful life of such property.

20 The tuition charged shall in no case exceed 110% of the per  
21 capita cost of conducting and maintaining the schools of the  
22 district attended, as determined with reference to the most  
23 recent audit prepared under Section 3-7 which is available at

1 the commencement of the current school year. Non-resident  
2 pupils attending the schools of the district for less than the  
3 school term shall have their tuition apportioned, however  
4 pupils who become non-resident during a school term shall not  
5 be charged tuition for the remainder of the school term in  
6 which they became non-resident pupils.

7 (b) Unless otherwise agreed to by the parties involved and  
8 where the educational services are not otherwise provided for,  
9 educational services for an Illinois student under the age of  
10 21 (and not eligible for services pursuant to Article 14 of  
11 this Code) in any ~~a~~ residential program ~~designed to correct~~  
12 ~~alcohol or other drug dependencies~~ shall be provided by the  
13 district in which the facility is located and financed as  
14 follows. The cost of educational services shall be paid by the  
15 district in which the student resides in an amount equal to the  
16 cost of providing educational services in the residential ~~a~~  
17 ~~treatment~~ facility. Payments shall be made by the district of  
18 the student's residence and shall be made to the district  
19 wherein the facility is located no less than once per month  
20 unless otherwise agreed to by the parties.

21 The funding provision of this subsection (b) applies to all  
22 Illinois students under the age of 21 (and not eligible for  
23 services pursuant to Article 14 of this Code) receiving  
24 educational services in residential facilities, irrespective  
25 of whether the student was placed therein pursuant to this Code  
26 or the Juvenile Court Act of 1987 or by an Illinois public

1 agency or a court. Nothing in this Section shall be construed  
2 to relieve the district of the student's residence of financial  
3 responsibility based on the manner in which the student was  
4 placed at the facility. The changes to this subsection (b) made  
5 by this amendatory Act of the 95th General Assembly apply to  
6 all placements in effect on July 1, 2007 and all placements  
7 thereafter. For purposes of this subsection (b), a student's  
8 district of residence shall be determined in accordance with  
9 subsection (a) of Section 10-20.12b of this Code. The placement  
10 of a student in a residential facility shall not affect the  
11 residency of the student. When a dispute arises over the  
12 determination of the district of residence under this  
13 subsection (b), any person or entity, including without  
14 limitation a school district or residential facility, may make  
15 a written request for a residency decision to the State  
16 Superintendent of Education, who, upon review of materials  
17 submitted and any other items or information he or she may  
18 request for submission, shall issue his or her decision in  
19 writing. The decision of the State Superintendent of Education  
20 is final.

21 (Source: P.A. 89-397, eff. 8-20-95; 90-649, eff. 7-24-98.)

22 (105 ILCS 5/14-1.11) (from Ch. 122, par. 14-1.11)

23 Sec. 14-1.11. Resident district; parent; legal guardian.  
24 The resident district is the school district in which the  
25 parent or guardian, or both parent and guardian, of the student

1 reside when:

2 (1) the parent has legal guardianship of the student  
3 and resides within Illinois; or

4 (2) an individual guardian has been appointed by the  
5 courts and resides within Illinois; or

6 (3) an Illinois public agency has legal guardianship  
7 and the student resides either in the home of the parent or  
8 within the same district as the parent; or

9 (4) an Illinois court orders a residential placement  
10 but the parents retain any legal rights or guardianship and  
11 have not been subject to a termination of parental rights  
12 order.

13 In cases of divorced or separated parents, when only one  
14 parent has legal guardianship or custody, the district in which  
15 the parent having legal guardianship or custody resides is the  
16 resident district. When both parents retain legal guardianship  
17 or custody, the resident district is the district in which  
18 either parent who provides the student's primary regular fixed  
19 night-time abode resides; provided, that the election of  
20 resident district may be made only one time per school year.

21 When the parent has legal guardianship and lives outside of  
22 the State of Illinois, or when the individual legal guardian  
23 other than the natural parent lives outside the State of  
24 Illinois, the parent, legal guardian, or other placing agent is  
25 responsible for making arrangements to pay the Illinois school  
26 district serving the child for the educational services

1 provided. Those service costs shall be determined in accordance  
2 with Section 14-7.01.

3 (Source: P.A. 89-698, eff. 1-14-97.)

4 (105 ILCS 5/14-1.11a) (from Ch. 122, par. 14-1.11a)

5 Sec. 14-1.11a. Resident district; student. The resident  
6 district is the school district in which the student resides  
7 when:

8 (1) the parent has legal guardianship but the location  
9 of the parent is unknown; or

10 (2) an individual guardian has been appointed but the  
11 location of the guardian is unknown; or

12 (3) the student is 18 years of age or older and no  
13 legal guardian has been appointed; or

14 (4) the student is legally an emancipated minor; or

15 (5) an Illinois public agency has legal guardianship  
16 and such agency or any court in this State has placed the  
17 student residentially outside of the school district in  
18 which the parent lives.

19 In cases where an Illinois public agency has legal  
20 guardianship and has placed the student residentially outside  
21 of Illinois, the last school district that provided at least 45  
22 days of educational service to the student shall continue to be  
23 the district of residence until the student is no longer under  
24 guardianship of an Illinois public agency or until the student  
25 is returned to Illinois.

1           The resident district of a homeless student is the Illinois  
2 district in which the student enrolls for educational services.  
3 Homeless students include individuals as defined in the Stewart  
4 B. McKinney Homeless Assistance Act.  
5 (Source: P.A. 87-1117; 88-134.)

6           (105 ILCS 5/14-7.03) (from Ch. 122, par. 14-7.03)

7           Sec. 14-7.03. Special Education Classes for Children from  
8 Orphanages, Foster Family Homes, Children's Homes, or in State  
9 Housing Units. If a school district maintains special education  
10 classes on the site of orphanages and children's homes, or if  
11 children from the orphanages, children's homes, foster family  
12 homes, other State agencies, or State residential units for  
13 children attend classes for children with disabilities in which  
14 the school district is a participating member of a joint  
15 agreement, or if the children from the orphanages, children's  
16 homes, foster family homes, other State agencies, or State  
17 residential units attend classes for the children with  
18 disabilities maintained by the school district, then  
19 reimbursement shall be paid to eligible districts in accordance  
20 with the provisions of this Section by the Comptroller as  
21 directed by the State Superintendent of Education.

22           The amount of tuition for such children shall be determined  
23 by the actual cost of maintaining such classes, using the per  
24 capita cost formula set forth in Section 14-7.01, such program  
25 and cost to be pre-approved by the State Superintendent of

1 Education.

2 On forms prepared by the State Superintendent of Education,  
3 the district shall certify to the regional superintendent the  
4 following:

5 (1) The name of the home or State residential unit with  
6 the name of the owner or proprietor and address of those  
7 maintaining it;

8 (2) That no service charges or other payments  
9 authorized by law were collected in lieu of taxes therefrom  
10 or on account thereof during either of the calendar years  
11 included in the school year for which claim is being made;

12 (3) The number of children qualifying under this Act in  
13 special education classes for instruction on the site of  
14 the orphanages and children's homes;

15 (4) The number of children attending special education  
16 classes for children with disabilities in which the  
17 district is a participating member of a special education  
18 joint agreement;

19 (5) The number of children attending special education  
20 classes for children with disabilities maintained by the  
21 district;

22 (6) The computed amount of tuition payment claimed as  
23 due, as approved by the State Superintendent of Education,  
24 for maintaining these classes.

25 If a school district makes a claim for reimbursement under  
26 Section 18-3 or 18-4 of this Act it shall not include in any

1 claim filed under this Section a claim for such children.  
2 Payments authorized by law, including State or federal grants  
3 for education of children included in this Section, shall be  
4 deducted in determining the tuition amount.

5 Nothing in this Act shall be construed so as to prohibit  
6 reimbursement for the tuition of children placed in for profit  
7 facilities. Private facilities shall provide adequate space at  
8 the facility for special education classes provided by a school  
9 district or joint agreement for children with disabilities who  
10 are residents of the facility at no cost to the school district  
11 or joint agreement upon request of the school district or joint  
12 agreement. If such a private facility provides space at no cost  
13 to the district or joint agreement for special education  
14 classes provided to children with disabilities who are  
15 residents of the facility, the district or joint agreement  
16 shall not include any costs for the use of those facilities in  
17 its claim for reimbursement.

18 Reimbursement for tuition may include the cost of providing  
19 summer school programs for children with severe and profound  
20 disabilities served under this Section. Claims for that  
21 reimbursement shall be filed by November 1 and shall be paid on  
22 or before December 15 from appropriations made for the purposes  
23 of this Section.

24 The State Board of Education shall establish such rules and  
25 regulations as may be necessary to implement the provisions of  
26 this Section.



1           Claims filed on behalf of programs operated under this  
2 Section housed in a jail, detention center, or county-owned  
3 shelter care facility shall be on an individual student basis  
4 only for eligible students with disabilities. These claims  
5 shall be in accordance with applicable rules.

6           Each district claiming reimbursement for a program  
7 operated as a group program shall have an approved budget on  
8 file with the State Board of Education prior to the initiation  
9 of the program's operation. On September 30, December 31, and  
10 March 31, the State Board of Education shall voucher payments  
11 to group programs based upon the approved budget during the  
12 year of operation. Final claims for group payments shall be  
13 filed on or before July 15. Final claims for group programs  
14 received at the State Board of Education on or before June 15  
15 shall be vouchered by June 30. Final claims received at the  
16 State Board of Education between June 16 and July 15 shall be  
17 vouchered by August 30. Claims for group programs received  
18 after July 15 shall not be honored.

19           Each district claiming reimbursement for individual  
20 students shall have the eligibility of those students verified  
21 by the State Board of Education. On September 30, December 31,  
22 and March 31, the State Board of Education shall voucher  
23 payments for individual students based upon an estimated cost  
24 calculated from the prior year's claim. Final claims for  
25 individual students for the regular school term must be  
26 received at the State Board of Education by July 15. Claims for

1 individual students received after July 15 shall not be  
2 honored. Final claims for individual students shall be  
3 vouchered by August 30.

4 Reimbursement shall be made based upon approved group  
5 programs or individual students. The State Superintendent of  
6 Education shall direct the Comptroller to pay a specified  
7 amount to the district by the 30th day of September, December,  
8 March, June, or August, respectively. However, notwithstanding  
9 any other provisions of this Section or the School Code,  
10 beginning with fiscal year 1994 and each fiscal year  
11 thereafter, if the amount appropriated for any fiscal year is  
12 less than the amount required for purposes of this Section, the  
13 amount required to eliminate any insufficient reimbursement  
14 for each district claim under this Section shall be reimbursed  
15 on August 30 of the next fiscal year. Payments required to  
16 eliminate any insufficiency for prior fiscal year claims shall  
17 be made before any claims are paid for the current fiscal year.

18 The claim of a school district otherwise eligible to be  
19 reimbursed in accordance with Section 14-12.01 for the 1976-77  
20 school year but for this amendatory Act of 1977 shall not be  
21 paid unless the district ceases to maintain such classes for  
22 one entire school year.

23 If a school district's current reimbursement payment for  
24 the 1977-78 school year only is less than the prior year's  
25 reimbursement payment owed, the district shall be paid the  
26 amount of the difference between the payments in addition to

1 the current reimbursement payment, and the amount so paid shall  
2 be subtracted from the amount of prior year's reimbursement  
3 payment owed to the district.

4 Regional superintendents may operate special education  
5 classes for children from orphanages, foster family homes,  
6 children's homes or State housing units located within the  
7 educational services region upon consent of the school board  
8 otherwise so obligated. In electing to assume the powers and  
9 duties of a school district in providing and maintaining such a  
10 special education program, the regional superintendent may  
11 enter into joint agreements with other districts and may  
12 contract with public or private schools or the orphanage,  
13 foster family home, children's home or State housing unit for  
14 provision of the special education program. The regional  
15 superintendent exercising the powers granted under this  
16 Section shall claim the reimbursement authorized by this  
17 Section directly from the State Board of Education.

18 Any child who is not a resident of Illinois who is placed  
19 in a child welfare institution, private facility, foster family  
20 home, State operated program, orphanage or children's home  
21 shall have the payment for his educational tuition and any  
22 related services assured by the placing agent.

23 ~~For Commencing July 1, 1992, for~~ each disabled student who  
24 is placed in a residential facility by an Illinois public  
25 ~~residentially by a State~~ agency or by any court in this State  
26 ~~the courts for care or custody or both care and custody,~~

1 ~~welfare, medical or mental health treatment or both medical and~~  
2 ~~mental health treatment, rehabilitation, and protection,~~  
3 ~~whether placed there on, before, or after July 1, 1992, the~~  
4 costs for educating the student are eligible for reimbursement  
5 under this Section ~~providing the placing agency or court has~~  
6 ~~notified the appropriate school district authorities of the~~  
7 ~~status of student residency where applicable prior to or upon~~  
8 ~~placement. Subject to appropriation, school districts shall be~~  
9 ~~reimbursed under this Section for the eligible costs of~~  
10 ~~educating all disabled students residentially placed by a State~~  
11 ~~agency or the courts or placed and paid for by a State agency~~  
12 ~~for any of the reasons listed in this paragraph. Reimbursements~~  
13 ~~under this paragraph shall first be provided for claims made~~  
14 ~~for the 2007-2008 school year payable in fiscal year 2008.~~

15 The district of residence of the ~~parent, guardian, or~~  
16 disabled student as defined in Section ~~Sections 14-1.11 and~~  
17 14-1.11a is responsible for the actual costs of the student's  
18 special education program and is eligible for reimbursement  
19 under this Section when placement is made by a State agency or  
20 the courts. ~~Payments shall be made by the resident district to~~  
21 ~~the district wherein the facility is located no less than once~~  
22 ~~per quarter unless otherwise agreed to in writing by the~~  
23 ~~parties.~~

24 When a dispute arises over the determination of the  
25 district of residence under this Section, the district or  
26 districts may appeal the decision in writing to the State

1 Superintendent of Education, who, upon review of materials  
2 submitted and any other items or information he or she may  
3 request for submission, shall issue a written decision on the  
4 matter. The decision of the State Superintendent of Education  
5 shall be final.

6 In the event a district does not make a tuition payment to  
7 another district that is providing the special education  
8 program and services, the State Board of Education shall  
9 immediately withhold 125% of the then remaining annual tuition  
10 cost from the State aid or categorical aid payment due to the  
11 school district that is determined to be the resident school  
12 district. All funds withheld by the State Board of Education  
13 shall immediately be forwarded to the school district where the  
14 student is being served.

15 When a child eligible for services under this Section  
16 14-7.03 must be placed in a nonpublic facility, that facility  
17 shall meet the programmatic requirements of Section 14-7.02 and  
18 its regulations, and the educational services shall be funded  
19 only in accordance with this Section 14-7.03.

20 (Source: P.A. 95-313, eff. 8-20-07.)

21 (105 ILCS 5/14-7.05 new)

22 Sec. 14-7.05. Placement in residential facility; payment  
23 of educational costs. For any student with a disability in a  
24 residential facility placement made or paid for by an Illinois  
25 public State agency or made by any court in this State, the

1 school district of residence as determined pursuant to this  
2 Article is responsible for the costs of educating the child and  
3 shall be reimbursed for those costs in accordance with this  
4 Code. Payments shall be made by the resident district to the  
5 entity providing the educational services, whether the entity  
6 is the residential facility or the school district wherein the  
7 facility is located, no less than once per quarter unless  
8 otherwise agreed to in writing by the parties.

9 When a dispute arises over the determination of the  
10 district of residence under this Section, any person or entity,  
11 including without limitation a school district or residential  
12 facility, may make a written request for a residency decision  
13 to the State Superintendent of Education, who, upon review of  
14 materials submitted and any other items of information he or  
15 she may request for submission, shall issue his or her decision  
16 in writing. The decision of the State Superintendent of  
17 Education is final.

18 Section 10. The Juvenile Court Act of 1987 is amended by  
19 changing Section 5-710 as follows:

20 (705 ILCS 405/5-710)

21 (Text of Section before amendment by P.A. 95-337 and  
22 95-642)

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

24 (1) The following kinds of sentencing orders may be made in

1 respect of wards of the court:

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

4 (i) put on probation or conditional discharge and  
5 released to his or her parents, guardian or legal  
6 custodian, provided, however, that any such minor who  
7 is not committed to the Department of Juvenile Justice  
8 under this subsection and who is found to be a  
9 delinquent for an offense which is first degree murder,  
10 a Class X felony, or a forcible felony shall be placed  
11 on probation;

12 (ii) placed in accordance with Section 5-740, with  
13 or without also being put on probation or conditional  
14 discharge;

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

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

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

1 years of age or older. However, the 30-day limitation  
2 may be extended by further order of the court for a  
3 minor under age 13 committed to the Department of  
4 Children and Family Services if the court finds that  
5 the minor is a danger to himself or others. The minor  
6 shall be given credit on the sentencing order of  
7 detention for time spent in detention under Sections  
8 5-501, 5-601, 5-710, or 5-720 of this Article as a  
9 result of the offense for which the sentencing order  
10 was imposed. The court may grant credit on a sentencing  
11 order of detention entered under a violation of  
12 probation or violation of conditional discharge under  
13 Section 5-720 of this Article for time spent in  
14 detention before the filing of the petition alleging  
15 the violation. A minor shall not be deprived of credit  
16 for time spent in detention before the filing of a  
17 violation of probation or conditional discharge  
18 alleging the same or related act or acts;

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

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

26 (viii) put on probation or conditional discharge



1           and placed in detention under Section 3-6039 of the  
2           Counties Code for a period not to exceed the period of  
3           incarceration permitted by law for adults found guilty  
4           of the same offense or offenses for which the minor was  
5           adjudicated delinquent, and in any event no longer than  
6           upon attainment of age 21; this subdivision (viii)  
7           notwithstanding any contrary provision of the law; or  
8           (ix) ordered to undergo a medical or other  
9           procedure to have a tattoo symbolizing allegiance to a  
10          street gang removed from his or her body.

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

21          (c) When a minor is found to be guilty for an offense  
22          which is a violation of the Illinois Controlled Substances  
23          Act, the Cannabis Control Act, or the Methamphetamine  
24          Control and Community Protection Act and made a ward of the  
25          court, the court may enter a disposition order requiring  
26          the minor to undergo assessment, counseling or treatment in

1 a substance abuse program approved by the Department of  
2 Human Services.

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

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

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

1 legal custodian or guardian of the person of the minor such  
2 sums as are determined by the custodian or guardian of the  
3 person of the minor as necessary for the minor's needs. The  
4 payments may not exceed the maximum amounts provided for by  
5 Section 9.1 of the Children and Family Services Act.

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

17 (7) In no event shall a guilty minor be committed to the  
18 Department of Juvenile Justice for a period of time in excess  
19 of that period for which an adult could be committed for the  
20 same act.

21 (8) A minor found to be guilty for reasons that include a  
22 violation of Section 21-1.3 of the Criminal Code of 1961 shall  
23 be ordered to perform community service for not less than 30  
24 and not more than 120 hours, if community service is available  
25 in the jurisdiction. The community service shall include, but  
26 need not be limited to, the cleanup and repair of the damage

1 that was caused by the violation or similar damage to property  
2 located in the municipality or county in which the violation  
3 occurred. The order may be in addition to any other order  
4 authorized by this Section.

5 (8.5) A minor found to be guilty for reasons that include a  
6 violation of Section 3.02 or Section 3.03 of the Humane Care  
7 for Animals Act or paragraph (d) of subsection (1) of Section  
8 21-1 of the Criminal Code of 1961 shall be ordered to undergo  
9 medical or psychiatric treatment rendered by a psychiatrist or  
10 psychological treatment rendered by a clinical psychologist.  
11 The order may be in addition to any other order authorized by  
12 this Section.

13 (9) In addition to any other sentencing order, the court  
14 shall order any minor found to be guilty for an act which would  
15 constitute, predatory criminal sexual assault of a child,  
16 aggravated criminal sexual assault, criminal sexual assault,  
17 aggravated criminal sexual abuse, or criminal sexual abuse if  
18 committed by an adult to undergo medical testing to determine  
19 whether the defendant has any sexually transmissible disease  
20 including a test for infection with human immunodeficiency  
21 virus (HIV) or any other identified causative agency of  
22 acquired immunodeficiency syndrome (AIDS). Any medical test  
23 shall be performed only by appropriately licensed medical  
24 practitioners and may include an analysis of any bodily fluids  
25 as well as an examination of the minor's person. Except as  
26 otherwise provided by law, the results of the test shall be

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

21 (10) When a court finds a minor to be guilty the court  
22 shall, before entering a sentencing order under this Section,  
23 make a finding whether the offense committed either: (a) was  
24 related to or in furtherance of the criminal activities of an  
25 organized gang or was motivated by the minor's membership in or  
26 allegiance to an organized gang, or (b) involved a violation of

1 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,  
2 a violation of any Section of Article 24 of the Criminal Code  
3 of 1961, or a violation of any statute that involved the  
4 wrongful use of a firearm. If the court determines the question  
5 in the affirmative, and the court does not commit the minor to  
6 the Department of Juvenile Justice, the court shall order the  
7 minor to perform community service for not less than 30 hours  
8 nor more than 120 hours, provided that community service is  
9 available in the jurisdiction and is funded and approved by the  
10 county board of the county where the offense was committed. The  
11 community service shall include, but need not be limited to,  
12 the cleanup and repair of any damage caused by a violation of  
13 Section 21-1.3 of the Criminal Code of 1961 and similar damage  
14 to property located in the municipality or county in which the  
15 violation occurred. When possible and reasonable, the  
16 community service shall be performed in the minor's  
17 neighborhood. This order shall be in addition to any other  
18 order authorized by this Section except for an order to place  
19 the minor in the custody of the Department of Juvenile Justice.  
20 For the purposes of this Section, "organized gang" has the  
21 meaning ascribed to it in Section 10 of the Illinois Streetgang  
22 Terrorism Omnibus Prevention Act.

23 (Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06.)

24 (Text of Section after amendment by P.A. 95-337 and 95-642)  
25 Sec. 5-710. Kinds of sentencing orders.

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

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

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

13           (ii) placed in accordance with Section 5-740, with  
14 or without also being put on probation or conditional  
15 discharge;

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

19           (iv) placed in the guardianship of the Department  
20 of Children and Family Services, but only if the  
21 delinquent minor is under 15 years of age or, pursuant  
22 to Article II of this Act, a minor for whom an  
23 independent basis of abuse, neglect, or dependency  
24 exists. An independent basis exists when the  
25 allegations or adjudication of abuse, neglect, or  
26 dependency do not arise from the same facts, incident,

1 or circumstances which give rise to a charge or  
2 adjudication of delinquency;

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



1           (vi) ordered partially or completely emancipated  
2           in accordance with the provisions of the Emancipation  
3           of Minors Act;

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

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

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

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

1 parent, guardian or legal custodian shall be considered as  
2 time spent in detention.

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

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

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

19 (4) In addition to any other sentence, the court may order  
20 any minor found to be delinquent to make restitution, in  
21 monetary or non-monetary form, under the terms and conditions  
22 of Section 5-5-6 of the Unified Code of Corrections, except  
23 that the "presentencing hearing" referred to in that Section  
24 shall be the sentencing hearing for purposes of this Section.  
25 The parent, guardian or legal custodian of the minor may be  
26 ordered by the court to pay some or all of the restitution on

1 the minor's behalf, pursuant to the Parental Responsibility  
2 Law. The State's Attorney is authorized to act on behalf of any  
3 victim in seeking restitution in proceedings under this  
4 Section, up to the maximum amount allowed in Section 5 of the  
5 Parental Responsibility Law.

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

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

25 (7) In no event shall a guilty minor be committed to the  
26 Department of Juvenile Justice for a period of time in excess

1 of that period for which an adult could be committed for the  
2 same act.

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

13 (8.5) A minor found to be guilty for reasons that include a  
14 violation of Section 3.02 or Section 3.03 of the Humane Care  
15 for Animals Act or paragraph (d) of subsection (1) of Section  
16 21-1 of the Criminal Code of 1961 shall be ordered to undergo  
17 medical or psychiatric treatment rendered by a psychiatrist or  
18 psychological treatment rendered by a clinical psychologist.  
19 The order may be in addition to any other order authorized by  
20 this Section.

21 (9) In addition to any other sentencing order, the court  
22 shall order any minor found to be guilty for an act which would  
23 constitute, predatory criminal sexual assault of a child,  
24 aggravated criminal sexual assault, criminal sexual assault,  
25 aggravated criminal sexual abuse, or criminal sexual abuse if  
26 committed by an adult to undergo medical testing to determine

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

1 shall be paid by the county and may be taxed as costs against  
2 the minor.

3 (10) When a court finds a minor to be guilty the court  
4 shall, before entering a sentencing order under this Section,  
5 make a finding whether the offense committed either: (a) was  
6 related to or in furtherance of the criminal activities of an  
7 organized gang or was motivated by the minor's membership in or  
8 allegiance to an organized gang, or (b) involved a violation of  
9 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,  
10 a violation of any Section of Article 24 of the Criminal Code  
11 of 1961, or a violation of any statute that involved the  
12 wrongful use of a firearm. If the court determines the question  
13 in the affirmative, and the court does not commit the minor to  
14 the Department of Juvenile Justice, the court shall order the  
15 minor to perform community service for not less than 30 hours  
16 nor more than 120 hours, provided that community service is  
17 available in the jurisdiction and is funded and approved by the  
18 county 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 damage  
22 to property located in the municipality or county in which the  
23 violation occurred. When possible and reasonable, the  
24 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

1 the minor in the custody of the Department of Juvenile Justice.  
2 For the purposes of this Section, "organized gang" has the  
3 meaning ascribed to it in Section 10 of the Illinois Streetgang  
4 Terrorism Omnibus Prevention Act.

5 (11) If the court determines that the offense was committed  
6 in furtherance of the criminal activities of an organized gang,  
7 as provided in subsection (10), and that the offense involved  
8 the operation or use of a motor vehicle or the use of a  
9 driver's license or permit, the court shall notify the  
10 Secretary of State of that determination and of the period for  
11 which the minor shall be denied driving privileges. If, at the  
12 time of the determination, the minor does not hold a driver's  
13 license or permit, the court shall provide that the minor shall  
14 not be issued a driver's license or permit until his or her  
15 18th birthday. If the minor holds a driver's license or permit  
16 at the time of the determination, the court shall provide that  
17 the minor's driver's license or permit shall be revoked until  
18 his or her 21st birthday, or until a later date or occurrence  
19 determined by the court. If the minor holds a driver's license  
20 at the time of the determination, the court may direct the  
21 Secretary of State to issue the minor a judicial driving  
22 permit, also known as a JDP. The JDP shall be subject to the  
23 same terms as a JDP issued under Section 6-206.1 of the  
24 Illinois Vehicle Code, except that the court may direct that  
25 the JDP be effective immediately.

26 (Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06;

1 95-337, eff. 6-1-08; 95-642, eff. 6-1-08; revised 11-19-07.)

2 Section 95. No acceleration or delay. Where this Act makes  
3 changes in a statute that is represented in this Act by text  
4 that is not yet or no longer in effect (for example, a Section  
5 represented by multiple versions), the use of that text does  
6 not accelerate or delay the taking effect of (i) the changes  
7 made by this Act or (ii) provisions derived from any other  
8 Public Act.

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