

1 AN ACT concerning corrections.

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

4 Section 3. The School Code is amended by changing Section
5 13-45 as follows:

6 (105 ILCS 5/13-45) (from Ch. 122, par. 13-45)

7 Sec. 13-45. Other provisions of this Code shall not apply
8 to the Department of Juvenile Justice School District being all
9 of the following Articles and Sections: Articles 3, 3A, 4, 5,
10 6, 7, 8, and 9, those Sections ~~sections~~ of Article 10 in
11 conflict with any provisions of Sections 13-40 through 13-45,
12 and Articles 11, 12, 15, 17, 18, 19, 19A, 20, 22, 24, 24A, 26,
13 31, 32, 33, and 34. Also Article 28 shall not apply except that
14 this School District may use any funds available from State,
15 Federal and other funds for the purchase of textbooks,
16 apparatus and equipment.

17 (Source: P.A. 96-328, eff. 8-11-09.)

18 Section 5. The Unified Code of Corrections is amended by
19 changing Sections 3-2.5-15 and 3-10-2 as follows:

20 (730 ILCS 5/3-2.5-15)

21 (Text of Section after amendment by P.A. 98-528)

1 Sec. 3-2.5-15. Department of Juvenile Justice; assumption
2 of duties of the Juvenile Division.

3 (a) The Department of Juvenile Justice shall assume the
4 rights, powers, duties, and responsibilities of the Juvenile
5 Division of the Department of Corrections. Personnel, books,
6 records, property, and unencumbered appropriations pertaining
7 to the Juvenile Division of the Department of Corrections shall
8 be transferred to the Department of Juvenile Justice on the
9 effective date of this amendatory Act of the 94th General
10 Assembly. Any rights of employees or the State under the
11 Personnel Code or any other contract or plan shall be
12 unaffected by this transfer.

13 (b) Department of Juvenile Justice personnel who are hired
14 by the Department on or after the effective date of this
15 amendatory Act of the 94th General Assembly and who participate
16 or assist in the rehabilitative and vocational training of
17 delinquent youths, supervise the daily activities involving
18 direct and continuing responsibility for the youth's security,
19 welfare and development, or participate in the personal
20 rehabilitation of delinquent youth by training, supervising,
21 and assisting lower level personnel who perform these duties
22 must be over the age of 21 and have a bachelor's or advanced
23 degree from an accredited college or university with a
24 specialization in criminal justice, education, psychology,
25 social work, or a closely related social science or other
26 bachelor's or advanced degree with at least 2 years experience

1 in the field of juvenile matters. This requirement shall not
2 apply to security, clerical, food service, and maintenance
3 staff that do not have direct and regular contact with youth.
4 The degree requirements specified in this subsection (b) are
5 not required of persons who provide vocational training and who
6 have adequate knowledge in the skill for which they are
7 providing the vocational training.

8 (c) Subsection (b) of this Section does not apply to
9 personnel transferred to the Department of Juvenile Justice on
10 the effective date of this amendatory Act of the 94th General
11 Assembly.

12 (d) The Department shall be under the direction of the
13 Director of Juvenile Justice as provided in this Code.

14 (e) The Director shall organize divisions within the
15 Department and shall assign functions, powers, duties, and
16 personnel as required by law. The Director may create other
17 divisions and may assign other functions, powers, duties, and
18 personnel as may be necessary or desirable to carry out the
19 functions and responsibilities vested by law in the Department.
20 The Director may, with the approval of the Office of the
21 Governor, assign to and share functions, powers, duties, and
22 personnel with other State agencies such that administrative
23 services and administrative facilities are provided by a shared
24 administrative service center. Where possible, shared services
25 which impact youth should be done with child-serving agencies.
26 These administrative services may include, but are not limited

1 to, all of the following functions: budgeting, accounting
2 related functions, auditing, human resources, legal,
3 procurement, training, data collection and analysis,
4 information technology, internal investigations, intelligence,
5 legislative services, emergency response capability, statewide
6 transportation services, and general office support.

7 (f) The Department of Juvenile Justice may enter into
8 intergovernmental cooperation agreements under which minors
9 adjudicated delinquent and committed to the Department of
10 Juvenile Justice may participate in county juvenile impact
11 incarceration programs established under Section 3-6039 of the
12 Counties Code.

13 (g) The Department of Juvenile Justice must comply with the
14 ethnic and racial background data collection procedures
15 provided in Section 4.5 of the Criminal Identification Act.

16 (Source: P.A. 98-528, eff. 1-1-15.)

17 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

18 Sec. 3-10-2. Examination of Persons Committed to the
19 Department of Juvenile Justice.

20 (a) A person committed to the Department of Juvenile
21 Justice shall be examined in regard to his medical,
22 psychological, social, educational and vocational condition
23 and history, including the use of alcohol and other drugs, the
24 circumstances of his offense and any other information as the
25 Department of Juvenile Justice may determine.

1 (a-5) Upon admission of a person committed to the
2 Department of Juvenile Justice, the Department of Juvenile
3 Justice must provide the person with appropriate information
4 concerning HIV and AIDS in writing, verbally, or by video or
5 other electronic means. The Department of Juvenile Justice
6 shall develop the informational materials in consultation with
7 the Department of Public Health. At the same time, the
8 Department of Juvenile Justice also must offer the person the
9 option of being tested, at no charge to the person, for
10 infection with human immunodeficiency virus (HIV). Pre-test
11 information shall be provided to the committed person and
12 informed consent obtained as required in subsection (d) of
13 Section 3 and Section 5 of the AIDS Confidentiality Act. The
14 Department of Juvenile Justice may conduct opt-out HIV testing
15 as defined in Section 4 of the AIDS Confidentiality Act. If the
16 Department conducts opt-out HIV testing, the Department shall
17 place signs in English, Spanish and other languages as needed
18 in multiple, highly visible locations in the area where HIV
19 testing is conducted informing inmates that they will be tested
20 for HIV unless they refuse, and refusal or acceptance of
21 testing shall be documented in the inmate's medical record. The
22 Department shall follow procedures established by the
23 Department of Public Health to conduct HIV testing and testing
24 to confirm positive HIV test results. All testing must be
25 conducted by medical personnel, but pre-test and other
26 information may be provided by committed persons who have

1 received appropriate training. The Department, in conjunction
2 with the Department of Public Health, shall develop a plan that
3 complies with the AIDS Confidentiality Act to deliver
4 confidentially all positive or negative HIV test results to
5 inmates or former inmates. Nothing in this Section shall
6 require the Department to offer HIV testing to an inmate who is
7 known to be infected with HIV, or who has been tested for HIV
8 within the previous 180 days and whose documented HIV test
9 result is available to the Department electronically. The
10 testing provided under this subsection (a-5) shall consist of a
11 test approved by the Illinois Department of Public Health to
12 determine the presence of HIV infection, based upon
13 recommendations of the United States Centers for Disease
14 Control and Prevention. If the test result is positive, a
15 reliable supplemental test based upon recommendations of the
16 United States Centers for Disease Control and Prevention shall
17 be administered.

18 Also upon admission of a person committed to the Department
19 of Juvenile Justice, the Department of Juvenile Justice must
20 inform the person of the Department's obligation to provide the
21 person with medical care.

22 (b) Based on its examination, the Department of Juvenile
23 Justice may exercise the following powers in developing a
24 treatment program of any person committed to the Department of
25 Juvenile Justice:

26 (1) Require participation by him in vocational,

1 physical, educational and corrective training and
2 activities to return him to the community.

3 (2) Place him in any institution or facility of the
4 Department of Juvenile Justice.

5 (3) Order replacement or referral to the Parole and
6 Pardon Board as often as it deems desirable. The Department
7 of Juvenile Justice shall refer the person to the Parole
8 and Pardon Board as required under Section 3-3-4.

9 (4) Enter into agreements with the Secretary of Human
10 Services and the Director of Children and Family Services,
11 with courts having probation officers, and with private
12 agencies or institutions for separate care or special
13 treatment of persons subject to the control of the
14 Department of Juvenile Justice.

15 (c) The Department of Juvenile Justice shall make periodic
16 reexamination of all persons under the control of the
17 Department of Juvenile Justice to determine whether existing
18 orders in individual cases should be modified or continued.
19 This examination shall be made with respect to every person at
20 least once annually.

21 (d) A record of the treatment decision including any
22 modification thereof and the reason therefor, shall be part of
23 the committed person's master record file.

24 (e) The Department of Juvenile Justice shall by certified
25 mail and telephone or electronic message ~~return receipt~~
26 ~~requested~~, notify the parent, guardian or nearest relative of

1 any person committed to the Department of Juvenile Justice of
2 his or her physical location and any change thereof.

3 (Source: P.A. 97-244, eff. 8-4-11; 97-323, eff. 8-12-11;
4 97-813, eff. 7-13-12.)