



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB2405

Introduced 2/4/2025, by Rep. Anthony DeLuca

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-715  
705 ILCS 405/5-750

Amends the Juvenile Court Act of 1987. Provides that if a minor (1) has previously been placed on probation for an offense that involves the possession or discharge of a firearm not causing any injury; and (2) is convicted of a subsequent offense involving the possession or discharge of a firearm not causing any injury, then the court shall require the minor to participate in social service programs offered through juvenile probation and comply with referral recommendations for no less than 3 months. Provides that if the minor does not complete the referral recommendations, the court shall commit the minor to the Department of Juvenile Justice to complete the recommended services. Provides that a minor convicted of a subsequent offense involving the use of a firearm causing serious injury, great bodily harm, or death shall be committed to the Department of Juvenile Justice with the Department providing services, including, but not limited to, education, mental health services, drug treatment, and mentoring.

LRB104 07319 RLC 17358 b

1 AN ACT concerning courts.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by  
5 changing Sections 5-715 and 5-750 as follows:

6 (705 ILCS 405/5-715)

7 Sec. 5-715. Probation.

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

18 (1.5) The period of probation for a minor who is found  
19 guilty of aggravated criminal sexual assault, criminal sexual  
20 assault, or aggravated battery with a firearm shall be at  
21 least 36 months. The period of probation for a minor who is  
22 found to be guilty of any other Class X felony shall be at  
23 least 24 months. The period of probation for a Class 1 or Class

1 2 forcible felony shall be at least 18 months. Regardless of  
2 the length of probation ordered by the court, for all offenses  
3 under this subsection (1.5), the court shall schedule hearings  
4 to determine whether it is in the best interest of the minor  
5 and public safety to terminate probation after the minimum  
6 period of probation has been served. In such a hearing, there  
7 shall be a rebuttable presumption that it is in the best  
8 interest of the minor and public safety to terminate  
9 probation.

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

12 (a) not violate any criminal statute of any  
13 jurisdiction;

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

16 (c) work or pursue a course of study or vocational  
17 training;

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

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

25 (f) support the minor's dependents, if any;

26 (g) refrain from possessing a firearm or other

1 dangerous weapon, or an automobile;

2 (h) permit the probation officer to visit the minor at  
3 the minor's home or elsewhere;

4 (i) reside with the minor's parents or in a foster  
5 home;

6 (j) attend school;

7 (j-5) with the consent of the superintendent of the  
8 facility, attend an educational program at a facility  
9 other than the school in which the offense was committed  
10 if the minor committed a crime of violence as defined in  
11 Section 2 of the Crime Victims Compensation Act in a  
12 school, on the real property comprising a school, or  
13 within 1,000 feet of the real property comprising a  
14 school;

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

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

18 (m) provide nonfinancial contributions to the minor's  
19 own support at home or in a foster home;

20 (n) perform some reasonable public or community  
21 service that does not interfere with school hours,  
22 school-related activities, or work commitments of the  
23 minor or the minor's parent, guardian, or legal custodian;

24 (o) participate with community corrections programs  
25 including unified delinquency intervention services  
26 administered by the Department of Human Services subject

1 to Section 5 of the Children and Family Services Act;

2 (p) (blank);

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

7 (i) remain within the interior premises of the  
8 place designated for the minor's confinement during  
9 the hours designated by the court;

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

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

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

25 (s) refrain from having any contact, directly or  
26 indirectly, with certain specified persons or particular

1 types of persons, including, but not limited to, members  
2 of street gangs and drug users or dealers;

3 (s-5) undergo a medical or other procedure to have a  
4 tattoo symbolizing allegiance to a street gang removed  
5 from the minor's body;

6 (t) refrain from having in the minor's body the  
7 presence of any illicit drug prohibited by the Cannabis  
8 Control Act, the Illinois Controlled Substances Act, or  
9 the Methamphetamine Control and Community Protection Act,  
10 unless prescribed by a physician, and shall submit samples  
11 of the minor's blood or urine or both for tests to  
12 determine the presence of any illicit drug; or

13 (u) comply with other conditions as may be ordered by  
14 the court.

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

25 (3.5) The court shall, as a condition of probation or of  
26 conditional discharge, require that a minor found to be guilty

1 and placed on probation for reasons that include a violation  
2 of Section 3.02 or Section 3.03 of the Humane Care for Animals  
3 Act or paragraph (4) of subsection (a) of Section 21-1 of the  
4 Criminal Code of 2012 undergo medical or psychiatric treatment  
5 rendered by a psychiatrist or psychological treatment rendered  
6 by a clinical psychologist. The condition may be in addition  
7 to any other condition.

8 (3.10) The court shall order that a minor placed on  
9 probation or conditional discharge for a sex offense as  
10 defined in the Sex Offender Management Board Act undergo and  
11 successfully complete sex offender treatment. The treatment  
12 shall be in conformance with the standards developed under the  
13 Sex Offender Management Board Act and conducted by a treatment  
14 provider approved by the Board.

15 (4) A minor on probation or conditional discharge shall be  
16 given a certificate setting forth the conditions upon which  
17 the minor is being released.

18 (5) (Blank).

19 (5.5) Jurisdiction over an offender may be transferred  
20 from the sentencing court to the court of another circuit with  
21 the concurrence of both courts. Further transfers or  
22 retransfers of jurisdiction are also authorized in the same  
23 manner. The court to which jurisdiction has been transferred  
24 shall have the same powers as the sentencing court.

25 If the transfer case originated in another state and has  
26 been transferred under the Interstate Compact for Juveniles to

1 the jurisdiction of an Illinois circuit court for supervision  
2 by an Illinois probation department, probation fees may be  
3 imposed only if permitted by the Interstate Commission for  
4 Juveniles.

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

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

21 (7) Fines and assessments, including any fee or  
22 administrative cost authorized under Section 5-4.5-105,  
23 5-5-10, 5-6-3, 5-6-3.1, 5-7-6, 5-9-1.4, or 5-9-1.9 of the  
24 Unified Code of Corrections, shall not be ordered or imposed  
25 on a minor or the minor's parent, guardian, or legal custodian  
26 as a condition of probation, conditional discharge, or

1 supervision. If the minor or the minor's parent, guardian, or  
2 legal custodian is unable to cover the cost of a condition  
3 under this subsection, the court shall not preclude the minor  
4 from receiving probation, conditional discharge, or  
5 supervision based on the inability to pay. Inability to pay  
6 shall not be grounds to object to the minor's placement on  
7 probation, conditional discharge, or supervision.

8 (8) The court shall require a minor to participate in  
9 social service programs offered through juvenile probation and  
10 comply with referral recommendations for no less than 3 months  
11 if the minor:

12 (i) has previously been placed on probation for an  
13 offense that involves the possession or discharge of a  
14 firearm not causing any injury; and

15 (ii) is convicted of a subsequent offense involving  
16 the possession or discharge of a firearm not causing any  
17 injury.

18 If the minor does not complete the referral  
19 recommendations, the court shall commit the minor to the  
20 Department of Juvenile Justice to complete the recommended  
21 services.

22 (Source: P.A. 103-22, eff. 8-8-23; 103-379, eff. 7-28-23;  
23 103-605, eff. 7-1-24.)

24 (705 ILCS 405/5-750)

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

1 Justice.

2 (1) Except as provided in subsection (2) of this Section,  
3 when any delinquent has been adjudged a ward of the court under  
4 this Act, the court may commit the minor to the Department of  
5 Juvenile Justice, if it finds that (a) the minor's parents,  
6 guardian or legal custodian are unfit or are unable, for some  
7 reason other than financial circumstances alone, to care for,  
8 protect, train or discipline the minor, or are unwilling to do  
9 so, and the best interests of the minor and the public will not  
10 be served by placement under Section 5-740, or it is necessary  
11 to ensure the protection of the public from the consequences  
12 of criminal activity of the delinquent; and (b) commitment to  
13 the Department of Juvenile Justice is the least restrictive  
14 alternative based on evidence that efforts were made to locate  
15 less restrictive alternatives to secure confinement and the  
16 reasons why efforts were unsuccessful in locating a less  
17 restrictive alternative to secure confinement. Before the  
18 court commits a minor to the Department of Juvenile Justice,  
19 it shall make a finding that secure confinement is necessary,  
20 following a review of the following individualized factors:

21 (A) Age of the minor.

22 (B) Criminal background of the minor.

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

25 (D) Educational background of the minor, indicating  
26 whether the minor has ever been assessed for a learning

1           disability, and if so what services were provided as well  
2           as any disciplinary incidents at school.

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

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

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

13          (1.5) Before the court commits a minor to the Department  
14          of Juvenile Justice, the court must find reasonable efforts  
15          have been made to prevent or eliminate the need for the minor  
16          to be removed from the home, or reasonable efforts cannot, at  
17          this time, for good cause, prevent or eliminate the need for  
18          removal, and removal from home is in the best interests of the  
19          minor, the minor's family, and the public.

20          (2) When a minor of the age of at least 13 years is  
21          adjudged delinquent for the offense of first degree murder,  
22          the court shall declare the minor a ward of the court and order  
23          the minor committed to the Department of Juvenile Justice  
24          until the minor's 21st birthday, without the possibility of  
25          aftercare release, furlough, or non-emergency authorized  
26          absence for a period of 5 years from the date the minor was

1 committed to the Department of Juvenile Justice, except that  
2 the time that a minor spent in custody for the instant offense  
3 before being committed to the Department of Juvenile Justice  
4 shall be considered as time credited towards that 5 year  
5 period. Upon release from a Department facility, a minor  
6 adjudged delinquent for first degree murder shall be placed on  
7 aftercare release until the age of 21, unless sooner  
8 discharged from aftercare release or custodianship is  
9 otherwise terminated in accordance with this Act or as  
10 otherwise provided for by law. Nothing in this subsection (2)  
11 shall preclude the State's Attorney from seeking to prosecute  
12 a minor as an adult as an alternative to proceeding under this  
13 Act.

14 (2.5) A minor convicted of a subsequent offense involving  
15 the use or possession of a firearm causing serious injury,  
16 great bodily harm, or death shall be confined to the  
17 Department of Juvenile Justice with the Department providing  
18 services, including, but not limited to, education, mental  
19 health services, drug treatment, and mentoring.

20 (3) Except as provided in subsections ~~subsection~~ (2) and  
21 (2.5), the commitment of a delinquent to the Department of  
22 Juvenile Justice shall be for an indeterminate term which  
23 shall automatically terminate upon the delinquent attaining  
24 the age of 21 years or upon completion of that period for which  
25 an adult could be committed for the same act, whichever occurs  
26 sooner, unless the delinquent is sooner discharged from

1 aftercare release or custodianship is otherwise terminated in  
2 accordance with this Act or as otherwise provided for by law.

3 (3.5) Every delinquent minor committed to the Department  
4 of Juvenile Justice under this Act shall be eligible for  
5 aftercare release without regard to the length of time the  
6 minor has been confined or whether the minor has served any  
7 minimum term imposed. Aftercare release shall be administered  
8 by the Department of Juvenile Justice, under the direction of  
9 the Director. Unless sooner discharged, the Department of  
10 Juvenile Justice shall discharge a minor from aftercare  
11 release upon completion of the following aftercare release  
12 terms:

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

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

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

22 (4) When the court commits a minor to the Department of  
23 Juvenile Justice, it shall order the minor conveyed forthwith  
24 to the appropriate reception station or other place designated  
25 by the Department of Juvenile Justice, and shall appoint the  
26 Director of Juvenile Justice legal custodian of the minor. The

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

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

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

10 (b) all reports;

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

13 (d) any sex offender evaluations;

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

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

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

24 (h) the municipality where the arrest of the minor  
25 occurred, the commission of the offense occurred, and the  
26 minor resided at the time of commission;

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

4           (i) all additional matters which the court directs the  
5           clerk to transmit; and

6           (j) all police reports for sex offenses as defined by  
7           the Sex Offender Management Board Act.

8           (6) Whenever the Department of Juvenile Justice lawfully  
9           discharges from its custody and control a minor committed to  
10          it, the Director of Juvenile Justice shall petition the court  
11          for an order terminating the minor's custodianship. The  
12          custodianship shall terminate automatically 30 days after  
13          receipt of the petition unless the court orders otherwise.

14          (7) If, while on aftercare release, a minor committed to  
15          the Department of Juvenile Justice who resides in this State  
16          is charged under the criminal laws of this State, the criminal  
17          laws of any other state, or federal law with an offense that  
18          could result in a sentence of imprisonment within the  
19          Department of Corrections, the penal system of any state, or  
20          the federal Bureau of Prisons, the commitment to the  
21          Department of Juvenile Justice and all rights and duties  
22          created by that commitment are automatically suspended pending  
23          final disposition of the criminal charge. If the minor is  
24          found guilty of the criminal charge and sentenced to a term of  
25          imprisonment in the penitentiary system of the Department of  
26          Corrections, the penal system of any state, or the federal

1 Bureau of Prisons, the commitment to the Department of  
2 Juvenile Justice shall be automatically terminated. If the  
3 criminal charge is dismissed, the minor is found not guilty,  
4 or the minor completes a criminal sentence other than  
5 imprisonment within the Department of Corrections, the penal  
6 system of any state, or the federal Bureau of Prisons, the  
7 previously imposed commitment to the Department of Juvenile  
8 Justice and the full aftercare release term shall be  
9 automatically reinstated unless custodianship is sooner  
10 terminated. Nothing in this subsection (7) shall preclude the  
11 court from ordering another sentence under Section 5-710 of  
12 this Act or from terminating the Department's custodianship  
13 while the commitment to the Department is suspended.

14 (Source: P.A. 102-350, eff. 8-13-21; 103-22, eff. 8-8-23.)