

# HB4091



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4091

Introduced 10/15/2025, by Rep. Anthony DeLuca

### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-715

Amends the Juvenile Court Act of 1987. Provides that the court shall require a minor to participate in restorative justice programs, such as social service programs for high-risk youth, cognitive behavioral therapy, including family engagement and mentoring, and comply with referral recommendations if the 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.

LRB104 14520 RLC 27660 b

A BILL FOR

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 Section 5-715 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 restorative justice programs, such as social service programs  
10 for high-risk youth, cognitive behavioral therapy, including  
11 family engagement and mentoring, and comply with referral  
12 recommendations if the minor:

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

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

19 (Source: P.A. 103-22, eff. 8-8-23; 103-379, eff. 7-28-23;  
20 103-605, eff. 7-1-24.)