



Rep. Anthony DeLuca

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10400HB4091ham001

LRB104 14520 RLC 34913 a

1 AMENDMENT TO HOUSE BILL 4091

2 AMENDMENT NO. _____. Amend House Bill 4091 by replacing
3 everything after the enacting clause with the following:

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

1 first degree murder shall be at least 5 years.

2 (1.5) The period of probation for a minor who is found
3 guilty of aggravated criminal sexual assault, criminal sexual
4 assault, or aggravated battery with a firearm shall be at
5 least 36 months. The period of probation for a minor who is
6 found to be guilty of any other Class X felony shall be at
7 least 24 months. The period of probation for a Class 1 or Class
8 2 forcible felony shall be at least 18 months. Regardless of
9 the length of probation ordered by the court, for all offenses
10 under this subsection (1.5), the court shall schedule hearings
11 to determine whether it is in the best interest of the minor
12 and public safety to terminate probation after the minimum
13 period of probation has been served. In such a hearing, there
14 shall be a rebuttable presumption that it is in the best
15 interest of the minor and public safety to terminate
16 probation.

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

19 (a) not violate any criminal statute of any
20 jurisdiction;

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

23 (c) work or pursue a course of study or vocational
24 training;

25 (d) undergo medical or psychiatric treatment, rendered
26 by a psychiatrist or psychological treatment rendered by a

1 clinical psychologist or social work services rendered by
2 a clinical social worker, or treatment for drug addiction
3 or alcoholism;

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

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

7 (g) refrain from possessing a firearm or other
8 dangerous weapon, or an automobile;

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

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

13 (j) attend school;

14 (j-5) with the consent of the superintendent of the
15 facility, attend an educational program at a facility
16 other than the school in which the offense was committed
17 if the minor committed a crime of violence as defined in
18 Section 2 of the Crime Victims Compensation Act in a
19 school, on the real property comprising a school, or
20 within 1,000 feet of the real property comprising a
21 school;

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

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

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

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

5 (o) participate with community corrections programs
6 including unified delinquency intervention services
7 administered by the Department of Human Services subject
8 to Section 5 of the Children and Family Services Act;

9 (p) (blank);

10 (q) serve a term of home confinement. In addition to
11 any other applicable condition of probation or conditional
12 discharge, the conditions of home confinement shall be
13 that the minor:

14 (i) remain within the interior premises of the
15 place designated for the minor's confinement during
16 the hours designated by the court;

17 (ii) admit any person or agent designated by the
18 court into the minor's place of confinement at any
19 time for purposes of verifying the minor's compliance
20 with the conditions of the minor's confinement; and

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

24 (r) refrain from entering into a designated geographic
25 area except upon terms as the court finds appropriate. The
26 terms may include consideration of the purpose of the

1 entry, the time of day, other persons accompanying the
2 minor, and advance approval by a probation officer, if the
3 minor has been placed on probation, or advance approval by
4 the court, if the minor has been placed on conditional
5 discharge;

6 (s) refrain from having any contact, directly or
7 indirectly, with certain specified persons or particular
8 types of persons, including, but not limited to, members
9 of street gangs and drug users or dealers;

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

13 (t) refrain from having in the minor's body the
14 presence of any illicit drug prohibited by the Cannabis
15 Control Act, the Illinois Controlled Substances Act, or
16 the Methamphetamine Control and Community Protection Act,
17 unless prescribed by a physician, and shall submit samples
18 of the minor's blood or urine or both for tests to
19 determine the presence of any illicit drug; or

20 (u) comply with other conditions as may be ordered by
21 the court.

22 (3) The court may as a condition of probation or of
23 conditional discharge require that a minor found guilty on any
24 alcohol, cannabis, methamphetamine, or controlled substance
25 violation, refrain from acquiring a driver's license during
26 the period of probation or conditional discharge. If the minor

1 is in possession of a permit or license, the court may require
2 that the minor refrain from driving or operating any motor
3 vehicle during the period of probation or conditional
4 discharge, except as may be necessary in the course of the
5 minor's lawful employment.

6 (3.5) The court shall, as a condition of probation or of
7 conditional discharge, require that a minor found to be guilty
8 and placed on probation for reasons that include a violation
9 of Section 3.02 or Section 3.03 of the Humane Care for Animals
10 Act or paragraph (4) of subsection (a) of Section 21-1 of the
11 Criminal Code of 2012 undergo medical or psychiatric treatment
12 rendered by a psychiatrist or psychological treatment rendered
13 by a clinical psychologist. The condition may be in addition
14 to any other condition.

15 (3.10) The court shall order that a minor placed on
16 probation or conditional discharge for a sex offense as
17 defined in the Sex Offender Management Board Act undergo and
18 successfully complete sex offender treatment. The treatment
19 shall be in conformance with the standards developed under the
20 Sex Offender Management Board Act and conducted by a treatment
21 provider approved by the Board.

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

25 (5) (Blank).

26 (5.5) Jurisdiction over an offender may be transferred

1 from the sentencing court to the court of another circuit with
2 the concurrence of both courts. Further transfers or
3 retransfers of jurisdiction are also authorized in the same
4 manner. The court to which jurisdiction has been transferred
5 shall have the same powers as the sentencing court.

6 If the transfer case originated in another state and has
7 been transferred under the Interstate Compact for Juveniles to
8 the jurisdiction of an Illinois circuit court for supervision
9 by an Illinois probation department, probation fees may be
10 imposed only if permitted by the Interstate Commission for
11 Juveniles.

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

20 The court shall provide as a condition of a disposition of
21 probation, conditional discharge, or supervision, that the
22 probation agency may invoke any sanction from the list of
23 intermediate sanctions adopted by the chief judge of the
24 circuit court for violations of the terms and conditions of
25 the sentence of probation, conditional discharge, or
26 supervision, subject to the provisions of Section 5-720 of

1 this Act.

2 (6.5) (a) When the court places a minor on probation for an
3 offense that involves the possession or discharge of a firearm
4 not causing any injury, and the minor has previously been
5 placed on probation for an offense that involves the
6 possession or discharge of a firearm not causing any injury,
7 the probation agency shall:

8 (i) conduct an individualized assessment of the
9 minor's needs;

10 (ii) identify the array of services available in the
11 community where the minor resides that may be appropriate
12 to address the minor's needs, which may include, but are
13 not limited to, restorative justice programs, social
14 service programs for high-risk youth, cognitive behavioral
15 therapy, family engagement, and mentoring; and

16 (iii) share with the minor and the minor's parent,
17 guardian, or legal custodian information about their
18 options to access services identified under this paragraph
19 (a).

20 (b) The probation agency may recommend to the court that
21 it require the minor to access the services identified under
22 paragraph (a) as a condition of probation.

23 (7) Fines and assessments, including any fee or
24 administrative cost authorized under Section 5-4.5-105,
25 5-5-10, 5-6-3, 5-6-3.1, 5-7-6, 5-9-1.4, or 5-9-1.9 of the
26 Unified Code of Corrections, shall not be ordered or imposed

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

10 (Source: P.A. 103-22, eff. 8-8-23; 103-379, eff. 7-28-23;
11 103-605, eff. 7-1-24.)".