



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2929

Introduced 10/13/2021, by Sen. Chapin Rose, Donald P. DeWitte and Terri Bryant

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-750

Amends the Juvenile Court Act of 1987. Provides that when a minor of the age of at least 13 years is adjudged delinquent for: (1) attempted first degree murder or (2) any offense involving the use or discharge of a firearm upon school grounds or any part of a building or grounds used for school purposes, including any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity that results in bodily injury or death to any person (in addition to first degree murder), the court shall declare the minor a ward of the court and order the minor committed to the Department of Juvenile Justice until the minor's 21st birthday, without the possibility of aftercare release, furlough, or non-emergency authorized absence for a period of 5 years from the date the minor was committed to the Department, except that the time that a minor spent in custody for the instant offense before being committed to the Department shall be considered as time credited towards that 5-year period.

LRB102 20126 RLC 28978 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 Section 5-750 as follows:

6 (705 ILCS 405/5-750)

7 Sec. 5-750. Commitment to the Department of Juvenile  
8 Justice.

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

1 restrictive alternative to secure confinement. Before the  
2 court commits a minor to the Department of Juvenile Justice,  
3 it shall make a finding that secure confinement is necessary,  
4 following a review of the following individualized factors:

5 (A) Age of the minor.

6 (B) Criminal background of the minor.

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

9 (D) Educational background of the minor, indicating  
10 whether the minor has ever been assessed for a learning  
11 disability, and if so what services were provided as well  
12 as any disciplinary incidents at school.

13 (E) Physical, mental and emotional health of the  
14 minor, indicating whether the minor has ever been  
15 diagnosed with a health issue and if so what services were  
16 provided and whether the minor was compliant with  
17 services.

18 (F) Community based services that have been provided  
19 to the minor, and whether the minor was compliant with the  
20 services, and the reason the services were unsuccessful.

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

23 (1.5) Before the court commits a minor to the Department  
24 of Juvenile Justice, the court must find reasonable efforts  
25 have been made to prevent or eliminate the need for the minor  
26 to be removed from the home, or reasonable efforts cannot, at

1 this time, for good cause, prevent or eliminate the need for  
2 removal, and removal from home is in the best interests of the  
3 minor, the minor's family, and the public.

4 (2) When a minor of the age of at least 13 years is  
5 adjudged delinquent for the offense of: (i) first degree  
6 murder; (ii) attempted first degree murder; or (iii) any  
7 offense involving the use or discharge of a firearm upon  
8 school grounds or any part of a building or grounds used for  
9 school purposes, including any conveyance owned, leased, or  
10 contracted by a school to transport students to or from school  
11 or a school related activity that results in bodily injury or  
12 death to any person, the court shall declare the minor a ward  
13 of the court and order the minor committed to the Department of  
14 Juvenile Justice until the minor's 21st birthday, without the  
15 possibility of aftercare release, furlough, or non-emergency  
16 authorized absence for a period of 5 years from the date the  
17 minor was committed to the Department of Juvenile Justice,  
18 except that the time that a minor spent in custody for the  
19 instant offense before being committed to the Department of  
20 Juvenile Justice shall be considered as time credited towards  
21 that 5 year period. Upon release from a Department facility, a  
22 minor adjudged delinquent for first degree murder shall be  
23 placed on aftercare release until the age of 21, unless sooner  
24 discharged from aftercare release or custodianship is  
25 otherwise terminated in accordance with this Act or as  
26 otherwise provided for by law. Nothing in this subsection (2)

1 shall preclude the State's Attorney from seeking to prosecute  
2 a minor as an adult as an alternative to proceeding under this  
3 Act.

4 (3) Except as provided in subsection (2), the commitment  
5 of a delinquent to the Department of Juvenile Justice shall be  
6 for an indeterminate term which shall automatically terminate  
7 upon the delinquent attaining the age of 21 years or upon  
8 completion of that period for which an adult could be  
9 committed for the same act, whichever occurs sooner, unless  
10 the delinquent is sooner discharged from aftercare release or  
11 custodianship is otherwise terminated in accordance with this  
12 Act or as otherwise provided for by law.

13 (3.5) Every delinquent minor committed to the Department  
14 of Juvenile Justice under this Act shall be eligible for  
15 aftercare release without regard to the length of time the  
16 minor has been confined or whether the minor has served any  
17 minimum term imposed. Aftercare release shall be administered  
18 by the Department of Juvenile Justice, under the direction of  
19 the Director. Unless sooner discharged, the Department of  
20 Juvenile Justice shall discharge a minor from aftercare  
21 release upon completion of the following aftercare release  
22 terms:

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

26 (b) One year from the date a minor is released from a

1 Department facility, if the minor was committed for a  
2 Class 1 or 2 felony; and

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

6 (4) When the court commits a minor to the Department of  
7 Juvenile Justice, it shall order him or her conveyed forthwith  
8 to the appropriate reception station or other place designated  
9 by the Department of Juvenile Justice, and shall appoint the  
10 Director of Juvenile Justice legal custodian of the minor. The  
11 clerk of the court shall issue to the Director of Juvenile  
12 Justice a certified copy of the order, which constitutes proof  
13 of the Director's authority. No other process need issue to  
14 warrant the keeping of the minor.

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

18 (a) the sentencing order and copies of committing  
19 petition;

20 (b) all reports;

21 (c) the court's statement of the basis for ordering  
22 the disposition;

23 (d) any sex offender evaluations;

24 (e) any risk assessment or substance abuse treatment  
25 eligibility screening and assessment of the minor by an  
26 agent designated by the State to provide assessment

1 services for the courts;

2 (f) the number of days, if any, which the minor has  
3 been in custody and for which he or she is entitled to  
4 credit against the sentence, which information shall be  
5 provided to the clerk by the sheriff;

6 (g) any medical or mental health records or summaries  
7 of the minor;

8 (h) the municipality where the arrest of the minor  
9 occurred, the commission of the offense occurred, and the  
10 minor resided at the time of commission;

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

14 (i) all additional matters which the court directs the  
15 clerk to transmit.

16 (6) Whenever the Department of Juvenile Justice lawfully  
17 discharges from its custody and control a minor committed to  
18 it, the Director of Juvenile Justice shall petition the court  
19 for an order terminating his or her custodianship. The  
20 custodianship shall terminate automatically 30 days after  
21 receipt of the petition unless the court orders otherwise.

22 (7) If, while on aftercare release, a minor committed to  
23 the Department of Juvenile Justice who resides in this State  
24 is charged under the criminal laws of this State, the criminal  
25 laws of any other state, or federal law with an offense that  
26 could result in a sentence of imprisonment within the

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

22 (Source: P.A. 100-765, eff. 8-10-18; 101-159, eff. 1-1-20.)