

1 AN ACT in relation to minors.

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 5-710 and 5-720 as follows:

6 (705 ILCS 405/5-710)

7 Sec. 5-710. Kinds of sentencing orders.

8 (1) The following kinds of sentencing orders may be made
9 in respect of wards of the court:

10 (a) Except as provided in Sections 5-805, 5-810,
11 5-815, a minor who is found guilty under Section 5-620
12 may be:

13 (i) put on probation or conditional discharge
14 and released to his or her parents, guardian or
15 legal custodian, provided, however, that any such
16 minor who is not committed to the Department of
17 Corrections, Juvenile Division under this subsection
18 and who is found to be a delinquent for an offense
19 which is first degree murder, a Class X felony, or a
20 forcible felony shall be placed on probation;

21 (ii) placed in accordance with Section 5-740,
22 with or without also being put on probation or
23 conditional discharge;

24 (iii) required to undergo a substance abuse
25 assessment conducted by a licensed provider and
26 participate in the indicated clinical level of care;

27 (iv) placed in the guardianship of the
28 Department of Children and Family Services, but only
29 if the delinquent minor is under 13 years of age;

30 (v) placed in detention for a period not to
31 exceed 30 days, either as the exclusive order of

1 disposition or, where appropriate, in conjunction
2 with any other order of disposition issued under
3 this paragraph, provided that any such detention
4 shall be in a juvenile detention home if and the
5 minor so detained is ~~shall be~~ 10 years of age or
6 older and under 17 years of age. If the minor has
7 violated a term or condition of his or her probation
8 or conditional discharge and the minor is 17 years
9 of age or older, the minor may be sentenced to be
10 detained in a county jail. However, the 30-day
11 limitation may be extended by further order of the
12 court for a minor under age 13 committed to the
13 Department of Children and Family Services if the
14 court finds that the minor is a danger to himself or
15 others. The minor shall be given credit on the
16 sentencing order of detention for time spent in
17 detention under Sections 5-501, 5-601, 5-710, or
18 5-720 of this Article as a result of the offense for
19 which the sentencing order was imposed. The court
20 may grant credit on a sentencing order of detention
21 entered under a violation of probation or violation
22 of conditional discharge under Section 5-720 of this
23 Article for time spent in detention before the
24 filing of the petition alleging the violation. A
25 minor shall not be deprived of credit for time spent
26 in detention before the filing of a violation of
27 probation or conditional discharge alleging the same
28 or related act or acts;

29 (vi) ordered partially or completely
30 emancipated in accordance with the provisions of the
31 Emancipation of Mature Minors Act;

32 (vii) subject to having his or her driver's
33 license or driving privileges suspended for such
34 time as determined by the court but only until he or

1 she attains 18 years of age;

2 (viii) put on probation or conditional
3 discharge and placed in detention under Section
4 3-6039 of the Counties Code for a period not to
5 exceed the period of incarceration permitted by law
6 for adults found guilty of the same offense or
7 offenses for which the minor was adjudicated
8 delinquent, and in any event no longer than upon
9 attainment of age 21; this subdivision (viii)
10 notwithstanding any contrary provision of the law;
11 or

12 (ix) ordered to undergo a medical or other
13 procedure to have a tattoo symbolizing allegiance to
14 a street gang removed from his or her body.

15 (b) A minor found to be guilty may be committed to
16 the Department of Corrections, Juvenile Division, under
17 Section 5-750 if the minor is 13 years of age or older,
18 provided that the commitment to the Department of
19 Corrections, Juvenile Division, shall be made only if a
20 term of incarceration is permitted by law for adults
21 found guilty of the offense for which the minor was
22 adjudicated delinquent. The time during which a minor is
23 in custody before being released upon the request of a
24 parent, guardian or legal custodian shall be considered
25 as time spent in detention.

26 (c) When a minor is found to be guilty for an
27 offense which is a violation of the Illinois Controlled
28 Substances Act or the Cannabis Control Act and made a
29 ward of the court, the court may enter a disposition
30 order requiring the minor to undergo assessment,
31 counseling or treatment in a substance abuse program
32 approved by the Department of Human Services.

33 (2) Any sentencing order other than commitment to the
34 Department of Corrections, Juvenile Division, may provide for

1 protective supervision under Section 5-725 and may include an
2 order of protection under Section 5-730.

3 (3) Unless the sentencing order expressly so provides,
4 it does not operate to close proceedings on the pending
5 petition, but is subject to modification until final closing
6 and discharge of the proceedings under Section 5-750.

7 (4) In addition to any other sentence, the court may
8 order any minor found to be delinquent to make restitution,
9 in monetary or non-monetary form, under the terms and
10 conditions of Section 5-5-6 of the Unified Code of
11 Corrections, except that the "presentencing hearing" referred
12 to in that Section shall be the sentencing hearing for
13 purposes of this Section. The parent, guardian or legal
14 custodian of the minor may be ordered by the court to pay
15 some or all of the restitution on the minor's behalf,
16 pursuant to the Parental Responsibility Law. The State's
17 Attorney is authorized to act on behalf of any victim in
18 seeking restitution in proceedings under this Section, up to
19 the maximum amount allowed in Section 5 of the Parental
20 Responsibility Law.

21 (5) Any sentencing order where the minor is committed or
22 placed in accordance with Section 5-740 shall provide for the
23 parents or guardian of the estate of the minor to pay to the
24 legal custodian or guardian of the person of the minor such
25 sums as are determined by the custodian or guardian of the
26 person of the minor as necessary for the minor's needs. The
27 payments may not exceed the maximum amounts provided for by
28 Section 9.1 of the Children and Family Services Act.

29 (6) Whenever the sentencing order requires the minor to
30 attend school or participate in a program of training, the
31 truant officer or designated school official shall regularly
32 report to the court if the minor is a chronic or habitual
33 truant under Section 26-2a of the School Code.

34 (7) In no event shall a guilty minor be committed to the

1 Department of Corrections, Juvenile Division for a period of
2 time in excess of that period for which an adult could be
3 committed for the same act.

4 (8) A minor found to be guilty for reasons that include
5 a violation of Section 21-1.3 of the Criminal Code of 1961
6 shall be ordered to perform community service for not less
7 than 30 and not more than 120 hours, if community service is
8 available in the jurisdiction. The community service shall
9 include, but need not be limited to, the cleanup and repair
10 of the damage that was caused by the violation or similar
11 damage to property located in the municipality or county in
12 which the violation occurred. The order may be in addition
13 to any other order authorized by this Section.

14 (8.5) A minor found to be guilty for reasons that
15 include a violation of Section 3.02 or Section 3.03 of the
16 Humane Care for Animals Act or paragraph (d) of subsection
17 (1) of Section 21-1 of the Criminal Code of 1961 shall be
18 ordered to undergo medical or psychiatric treatment rendered
19 by a psychiatrist or psychological treatment rendered by a
20 clinical psychologist. The order may be in addition to any
21 other order authorized by this Section.

22 (9) In addition to any other sentencing order, the court
23 shall order any minor found to be guilty for an act which
24 would constitute, predatory criminal sexual assault of a
25 child, aggravated criminal sexual assault, criminal sexual
26 assault, aggravated criminal sexual abuse, or criminal sexual
27 abuse if committed by an adult to undergo medical testing to
28 determine whether the defendant has any sexually
29 transmissible disease including a test for infection with
30 human immunodeficiency virus (HIV) or any other identified
31 causative agency of acquired immunodeficiency syndrome
32 (AIDS). Any medical test shall be performed only by
33 appropriately licensed medical practitioners and may include
34 an analysis of any bodily fluids as well as an examination of

1 the minor's person. Except as otherwise provided by law, the
2 results of the test shall be kept strictly confidential by
3 all medical personnel involved in the testing and must be
4 personally delivered in a sealed envelope to the judge of the
5 court in which the sentencing order was entered for the
6 judge's inspection in camera. Acting in accordance with the
7 best interests of the victim and the public, the judge shall
8 have the discretion to determine to whom the results of the
9 testing may be revealed. The court shall notify the minor of
10 the results of the test for infection with the human
11 immunodeficiency virus (HIV). The court shall also notify
12 the victim if requested by the victim, and if the victim is
13 under the age of 15 and if requested by the victim's parents
14 or legal guardian, the court shall notify the victim's
15 parents or the legal guardian, of the results of the test for
16 infection with the human immunodeficiency virus (HIV). The
17 court shall provide information on the availability of HIV
18 testing and counseling at the Department of Public Health
19 facilities to all parties to whom the results of the testing
20 are revealed. The court shall order that the cost of any
21 test shall be paid by the county and may be taxed as costs
22 against the minor.

23 (10) When a court finds a minor to be guilty the court
24 shall, before entering a sentencing order under this Section,
25 make a finding whether the offense committed either: (a) was
26 related to or in furtherance of the criminal activities of an
27 organized gang or was motivated by the minor's membership in
28 or allegiance to an organized gang, or (b) involved a
29 violation of subsection (a) of Section 12-7.1 of the Criminal
30 Code of 1961, a violation of any Section of Article 24 of the
31 Criminal Code of 1961, or a violation of any statute that
32 involved the wrongful use of a firearm. If the court
33 determines the question in the affirmative, and the court
34 does not commit the minor to the Department of Corrections,

1 Juvenile Division, the court shall order the minor to perform
 2 community service for not less than 30 hours nor more than
 3 120 hours, provided that community service is available in
 4 the jurisdiction and is funded and approved by the county
 5 board of the county where the offense was committed. The
 6 community service shall include, but need not be limited to,
 7 the cleanup and repair of any damage caused by a violation of
 8 Section 21-1.3 of the Criminal Code of 1961 and similar
 9 damage to property located in the municipality or county in
 10 which the violation occurred. When possible and reasonable,
 11 the community service shall be performed in the minor's
 12 neighborhood. This order shall be in addition to any other
 13 order authorized by this Section except for an order to place
 14 the minor in the custody of the Department of Corrections,
 15 Juvenile Division. For the purposes of this Section,
 16 "organized gang" has the meaning ascribed to it in Section 10
 17 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
 18 (Source: P.A. 91-98, eff. 1-1-00; 92-454, eff. 1-1-02.)

19 (705 ILCS 405/5-720)

20 Sec. 5-720. Probation revocation.

21 (1) If a petition is filed charging a violation of a
 22 condition of probation or of conditional discharge, the court
 23 shall:

24 (a) order the minor to appear; or

25 (b) order the minor's detention if the court finds
 26 that the detention is a matter of immediate and urgent
 27 necessity for the protection of the minor or of the
 28 person or property of another or that the minor is likely
 29 to flee the jurisdiction of the court, provided that any
 30 such detention shall be in a juvenile detention home if
 31 and the minor so detained is shall-be 10 years of age or
 32 older and under 17 years of age. If the minor has
 33 violated a term or condition of his or her probation or

1 conditional discharge and the minor is 17 years of age or
2 older, the minor may be sentenced to be detained in a
3 county jail; and

4 (c) notify the persons named in the petition under
5 Section 5-520, in accordance with the provisions of
6 Section 5-530.

7 In making its detention determination under paragraph (b)
8 of this subsection (1) of this Section, the court may use
9 information in its findings offered at such a hearing by way
10 of proffer based upon reliable information presented by the
11 State, probation officer, or the minor. The filing of a
12 petition for violation of a condition of probation or of
13 conditional discharge shall toll the period of probation or
14 of conditional discharge until the final determination of the
15 charge, and the term of probation or conditional discharge
16 shall not run until the hearing and disposition of the
17 petition for violation.

18 (2) The court shall conduct a hearing of the alleged
19 violation of probation or of conditional discharge. The
20 minor shall not be held in detention longer than 15 days
21 pending the determination of the alleged violation.

22 (3) At the hearing, the State shall have the burden of
23 going forward with the evidence and proving the violation by
24 a preponderance of the evidence. The evidence shall be
25 presented in court with the right of confrontation,
26 cross-examination, and representation by counsel.

27 (4) If the court finds that the minor has violated a
28 condition at any time prior to the expiration or termination
29 of the period of probation or conditional discharge, it may
30 continue him or her on the existing sentence, with or without
31 modifying or enlarging the conditions, or may revoke
32 probation or conditional discharge and impose any other
33 sentence that was available under Section 5-710 at the time
34 of the initial sentence.

1 (5) The conditions of probation and of conditional
2 discharge may be reduced or enlarged by the court on motion
3 of the probation officer or on its own motion or at the
4 request of the minor after notice and hearing under this
5 Section.

6 (6) Sentencing after revocation of probation or of
7 conditional discharge shall be under Section 5-705.

8 (7) Instead of filing a violation of probation or of
9 conditional discharge, the probation officer, with the
10 concurrence of his or her supervisor, may serve on the minor
11 a notice of intermediate sanctions. The notice shall contain
12 the technical violation or violations involved, the date or
13 dates of the violation or violations, and the intermediate
14 sanctions to be imposed. Upon receipt of the notice, the
15 minor shall immediately accept or reject the intermediate
16 sanctions. If the sanctions are accepted, they shall be
17 imposed immediately. If the intermediate sanctions are
18 rejected or the minor does not respond to the notice, a
19 violation of probation or of conditional discharge shall be
20 immediately filed with the court. The State's Attorney and
21 the sentencing court shall be notified of the notice of
22 sanctions. Upon successful completion of the intermediate
23 sanctions, a court may not revoke probation or conditional
24 discharge or impose additional sanctions for the same
25 violation. A notice of intermediate sanctions may not be
26 issued for any violation of probation or conditional
27 discharge which could warrant an additional, separate felony
28 charge.

29 (Source: P.A. 90-590, eff. 1-1-99.)

30 Section 99. Effective date. This Act takes effect upon
31 becoming law.