

1 AMENDMENT TO HOUSE BILL 1548

2 AMENDMENT NO. _____. Amend House Bill 1548, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Juvenile Court Act of 1987 is amended
6 by changing Sections 5-615 and 5-710 as follows:

7 (705 ILCS 405/5-615)

8 Sec. 5-615. Continuance under supervision.

9 (1) The court may enter an order of continuance under
10 supervision for an offense other than first degree murder, a
11 Class X felony or a forcible felony (a) upon an admission or
12 stipulation by the appropriate respondent or minor respondent
13 of the facts supporting the petition and before proceeding to
14 adjudication, or after hearing the evidence at the trial, and
15 (b) in the absence of objection made in open court by the
16 minor, his or her parent, guardian, or legal custodian, the
17 minor's attorney or the State's Attorney.

18 (2) If the minor, his or her parent, guardian, or legal
19 custodian, the minor's attorney or State's Attorney objects
20 in open court to any continuance and insists upon proceeding
21 to findings and adjudication, the court shall so proceed.

22 (3) Nothing in this Section limits the power of the

1 court to order a continuance of the hearing for the
2 production of additional evidence or for any other proper
3 reason.

4 (4) When a hearing where a minor is alleged to be a
5 delinquent is continued pursuant to this Section, the period
6 of continuance under supervision may not exceed 24 months.
7 The court may terminate a continuance under supervision at
8 any time if warranted by the conduct of the minor and the
9 ends of justice.

10 (5) When a hearing where a minor is alleged to be
11 delinquent is continued pursuant to this Section, the court
12 may, as conditions of the continuance under supervision,
13 require the minor to do any of the following:

14 (a) not violate any criminal statute of any
15 jurisdiction;

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

18 (c) work or pursue a course of study or vocational
19 training;

20 (d) undergo medical or psychotherapeutic treatment
21 rendered by a therapist licensed under the provisions of
22 the Medical Practice Act of 1987, the Clinical
23 Psychologist Licensing Act, or the Clinical Social Work
24 and Social Work Practice Act, or an entity licensed by
25 the Department of Human Services as a successor to the
26 Department of Alcoholism and Substance Abuse, for the
27 provision of drug addiction and alcoholism treatment;

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

30 (f) support his or her dependents, if any;

31 (g) pay costs;

32 (h) refrain from possessing a firearm or other
33 dangerous weapon, or an automobile;

34 (i) permit the probation officer to visit him or

1 her at his or her home or elsewhere;

2 (j) reside with his or her parents or in a foster
3 home;

4 (k) attend school;

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

13 (l) attend a non-residential program for youth;

14 (m) contribute to his or her own support at home or
15 in a foster home;

16 (n) perform some reasonable public or community
17 service;

18 (o) make restitution to the victim, in the same
19 manner and under the same conditions as provided in
20 subsection (4) of Section 5-710, except that the
21 "sentencing hearing" referred to in that Section shall be
22 the adjudicatory hearing for purposes of this Section;

23 (p) comply with curfew requirements as designated
24 by the court;

25 (q) refrain from entering into a designated
26 geographic area except upon terms as the court finds
27 appropriate. The terms may include consideration of the
28 purpose of the entry, the time of day, other persons
29 accompanying the minor, and advance approval by a
30 probation officer;

31 (r) refrain from having any contact, directly or
32 indirectly, with certain specified persons or particular
33 types of persons, including but not limited to members of
34 street gangs and drug users or dealers;

1 (r-5) undergo a medical or other procedure to have
2 a tattoo symbolizing allegiance to a street gang removed
3 from his or her body;

4 (s) refrain from having in his or her body the
5 presence of any illicit drug prohibited by the Cannabis
6 Control Act or the Illinois Controlled Substances Act,
7 unless prescribed by a physician, and submit samples of
8 his or her blood or urine or both for tests to determine
9 the presence of any illicit drug; or

10 (t) comply with any other conditions as may be
11 ordered by the court.

12 (6) A minor whose case is continued under supervision
13 under subsection (5) shall be given a certificate setting
14 forth the conditions imposed by the court. Those conditions
15 may be reduced, enlarged, or modified by the court on motion
16 of the probation officer or on its own motion, or that of the
17 State's Attorney, or, at the request of the minor after
18 notice and hearing.

19 (7) If a petition is filed charging a violation of a
20 condition of the continuance under supervision, the court
21 shall conduct a hearing. If the court finds that a condition
22 of supervision has not been fulfilled, the court may proceed
23 to findings and adjudication and disposition. The filing of
24 a petition for violation of a condition of the continuance
25 under supervision shall toll the period of continuance under
26 supervision until the final determination of the charge, and
27 the term of the continuance under supervision shall not run
28 until the hearing and disposition of the petition for
29 violation; provided where the petition alleges conduct that
30 does not constitute a criminal offense, the hearing must be
31 held within 30 days of the filing of the petition unless a
32 delay shall continue the tolling of the period of continuance
33 under supervision for the period of the delay.

34 (8) When a hearing in which a minor is alleged to be a

1 delinquent for reasons that include a violation of Section
2 21-1.3 of the Criminal Code of 1961 is continued under this
3 Section, the court shall, as a condition of the continuance
4 under supervision, require the minor to perform community
5 service for not less than 30 and not more than 120 hours, if
6 community service is available in the jurisdiction. The
7 community service shall include, but need not be limited to,
8 the cleanup and repair of the damage that was caused by the
9 alleged violation or similar damage to property located in
10 the municipality or county in which the alleged violation
11 occurred. The condition may be in addition to any other
12 condition.

13 (8.5) When a hearing in which a minor is alleged to be a
14 delinquent for reasons that include a violation of Section
15 3.02 or Section 3.03 of the Humane Care for Animals Act or
16 paragraph (d) of subsection (1) of Section 21-1 of the
17 Criminal Code of 1961 is continued under this Section, the
18 court shall, as a condition of the continuance under
19 supervision, require the minor to undergo medical or
20 psychiatric treatment rendered by a psychiatrist or
21 psychological treatment rendered by a clinical psychologist.
22 The condition may be in addition to any other condition.

23 (9) When a hearing in which a minor is alleged to be a
24 delinquent is continued under this Section, the court, before
25 continuing the case, shall make a finding whether the offense
26 alleged to have been committed either: (i) was related to or
27 in furtherance of the activities of an organized gang or was
28 motivated by the minor's membership in or allegiance to an
29 organized gang, or (ii) is a violation of paragraph (13) of
30 subsection (a) of Section 12-2 of the Criminal Code of 1961,
31 a violation of any Section of Article 24 of the Criminal Code
32 of 1961, or a violation of any statute that involved the
33 unlawful use of a firearm. If the court determines the
34 question in the affirmative the court shall, as a condition

1 of the continuance under supervision and as part of or in
2 addition to any other condition of the supervision, require
3 the minor to perform community service for not less than 30
4 hours, provided that community service is available in the
5 jurisdiction and is funded and approved by the county board
6 of the county where the offense was committed. The community
7 service shall include, but need not be limited to, the
8 cleanup and repair of any damage caused by an alleged
9 violation of Section 21-1.3 of the Criminal Code of 1961 and
10 similar damage to property located in the municipality or
11 county in which the alleged violation occurred. When
12 possible and reasonable, the community service shall be
13 performed in the minor's neighborhood. For the purposes of
14 this Section, "organized gang" has the meaning ascribed to it
15 in Section 10 of the Illinois Streetgang Terrorism Omnibus
16 Prevention Act.

17 (10) The court shall impose upon a minor placed on
18 supervision, as a condition of the supervision, a fee of \$25
19 for each month of supervision ordered by the court, unless
20 after determining the inability of the minor placed on
21 supervision to pay the fee, the court assesses a lesser
22 amount. The court may not impose the fee on a minor who is
23 made a ward of the State under this Act while the minor is in
24 placement. The fee shall be imposed only upon a minor who is
25 actively supervised by the probation and court services
26 department. A court may order the parent, guardian, or legal
27 custodian of the minor to pay some or all of the fee on the
28 minor's behalf.

29 (11) If a minor is placed on supervision for a violation
30 of subsection (b) of Section 1 of the Prevention of Tobacco
31 Use by Minors Act, the court may, in its discretion, and upon
32 recommendation by the State's Attorney, order that minor and
33 his or her parents or legal guardian to attend a smoker's
34 education or youth diversion program as defined in that Act

1 if that program is available in the jurisdiction where the
2 offender resides. Attendance at a smoker's education or
3 youth diversion program shall be time-credited against any
4 community service time imposed for any first violation of
5 subsection (b) of Section 1 of that Act. In addition to any
6 other penalty that the court may impose for a violation of
7 subsection (b) of Section 1 of that Act, the court, upon
8 request by the State's Attorney, may, in its discretion,
9 require the offender to remit a fee for his or her attendance
10 at a smoker's education or youth diversion program.

11 For purposes of this Section, "smoker's education
12 program" or "youth diversion program" includes, but is not
13 limited to, a seminar designed to educate a person on the
14 physical and psychological effects of smoking tobacco
15 products and the health consequences of smoking tobacco
16 products that can be conducted with a locality's youth
17 diversion program.

18 In addition to any other penalty that the court may
19 impose under this subsection (11):

20 (a) If a minor violates subsection (b) of Section 1 of
21 the Prevention of Tobacco Use by Minors Act, the court may
22 impose a sentence of 15 hours of community service or a fine
23 of \$25 for a first violation.

24 (b) A second violation by a minor of subsection (b) of
25 Section 1 of that Act that occurs within 12 months after the
26 first violation is punishable by a fine of \$50 and 25 hours
27 of community service.

28 (c) A third or subsequent violation by a minor of
29 subsection (b) of Section 1 of that Act that occurs within 12
30 months after the first violation is punishable by a \$100 fine
31 and 30 hours of community service.

32 (d) Any second or subsequent violation not within the
33 12-month time period after the first violation is punishable
34 as provided for a first violation.

1 (Source: P.A. 91-98; eff. 1-1-00; 91-332, eff. 7-29-99;
2 92-16, eff. 6-28-01; 92-282, eff. 8-7-01; 92-454, eff.
3 1-1-02; 92-651, eff. 7-11-02.)

4 (705 ILCS 405/5-710)

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

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

8 (a) Except as provided in Sections 5-805, 5-810,
9 5-815, a minor who is found guilty under Section 5-620
10 may be:

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

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

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

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

28 (v) placed in detention for a period not to
29 exceed 30 days, either as the exclusive order of
30 disposition or, where appropriate, in conjunction
31 with any other order of disposition issued under
32 this paragraph, provided that any such detention
33 shall be in a juvenile detention home and the minor

1 so detained shall be 10 years of age or older.
2 However, the 30-day limitation may be extended by
3 further order of the court for a minor under age 13
4 committed to the Department of Children and Family
5 Services if the court finds that the minor is a
6 danger to himself or others. The minor shall be
7 given credit on the sentencing order of detention
8 for time spent in detention under Sections 5-501,
9 5-601, 5-710, or 5-720 of this Article as a result
10 of the offense for which the sentencing order was
11 imposed. The court may grant credit on a sentencing
12 order of detention entered under a violation of
13 probation or violation of conditional discharge
14 under Section 5-720 of this Article for time spent
15 in detention before the filing of the petition
16 alleging the violation. A minor shall not be
17 deprived of credit for time spent in detention
18 before the filing of a violation of probation or
19 conditional discharge alleging the same or related
20 act or acts;

21 (vi) ordered partially or completely
22 emancipated in accordance with the provisions of the
23 Emancipation of Mature Minors Act;

24 (vii) subject to having his or her driver's
25 license or driving privileges suspended for such
26 time as determined by the court but only until he or
27 she attains 18 years of age;

28 (viii) put on probation or conditional
29 discharge and placed in detention under Section
30 3-6039 of the Counties Code for a period not to
31 exceed the period of incarceration permitted by law
32 for adults found guilty of the same offense or
33 offenses for which the minor was adjudicated
34 delinquent, and in any event no longer than upon

1 attainment of age 21; this subdivision (viii)
2 notwithstanding any contrary provision of the law;
3 or

4 (ix) ordered to undergo a medical or other
5 procedure to have a tattoo symbolizing allegiance to
6 a street gang removed from his or her body.

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

18 (c) When a minor is found to be guilty for an
19 offense which is a violation of the Illinois Controlled
20 Substances Act or the Cannabis Control Act and made a
21 ward of the court, the court may enter a disposition
22 order requiring the minor to undergo assessment,
23 counseling or treatment in a substance abuse program
24 approved by the Department of Human Services.

25 (2) Any sentencing order other than commitment to the
26 Department of Corrections, Juvenile Division, may provide for
27 protective supervision under Section 5-725 and may include an
28 order of protection under Section 5-730.

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

33 (4) In addition to any other sentence, the court may
34 order any minor found to be delinquent to make restitution,

1 in monetary or non-monetary form, under the terms and
2 conditions of Section 5-5-6 of the Unified Code of
3 Corrections, except that the "presentencing hearing" referred
4 to in that Section shall be the sentencing hearing for
5 purposes of this Section. The parent, guardian or legal
6 custodian of the minor may be ordered by the court to pay
7 some or all of the restitution on the minor's behalf,
8 pursuant to the Parental Responsibility Law. The State's
9 Attorney is authorized to act on behalf of any victim in
10 seeking restitution in proceedings under this Section, up to
11 the maximum amount allowed in Section 5 of the Parental
12 Responsibility Law.

13 (5) Any sentencing order where the minor is committed or
14 placed in accordance with Section 5-740 shall provide for the
15 parents or guardian of the estate of the minor to pay to the
16 legal custodian or guardian of the person of the minor such
17 sums as are determined by the custodian or guardian of the
18 person of the minor as necessary for the minor's needs. The
19 payments may not exceed the maximum amounts provided for by
20 Section 9.1 of the Children and Family Services Act.

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

26 (7) In no event shall a guilty minor be committed to the
27 Department of Corrections, Juvenile Division for a period of
28 time in excess of that period for which an adult could be
29 committed for the same act.

30 (8) A minor found to be guilty for reasons that include
31 a violation of Section 21-1.3 of the Criminal Code of 1961
32 shall be ordered to perform community service for not less
33 than 30 and not more than 120 hours, if community service is
34 available in the jurisdiction. The community service shall

1 include, but need not be limited to, the cleanup and repair
2 of the damage that was caused by the violation or similar
3 damage to property located in the municipality or county in
4 which the violation occurred. The order may be in addition
5 to any other order authorized by this Section.

6 (8.5) A minor found to be guilty for reasons that
7 include a violation of Section 3.02 or Section 3.03 of the
8 Humane Care for Animals Act or paragraph (d) of subsection
9 (1) of Section 21-1 of the Criminal Code of 1961 shall be
10 ordered to undergo medical or psychiatric treatment rendered
11 by a psychiatrist or psychological treatment rendered by a
12 clinical psychologist. The order may be in addition to any
13 other order authorized by this Section.

14 (9) In addition to any other sentencing order, the court
15 shall order any minor found to be guilty for an act which
16 would constitute, predatory criminal sexual assault of a
17 child, aggravated criminal sexual assault, criminal sexual
18 assault, aggravated criminal sexual abuse, or criminal sexual
19 abuse if committed by an adult to undergo medical testing to
20 determine whether the defendant has any sexually
21 transmissible disease including a test for infection with
22 human immunodeficiency virus (HIV) or any other identified
23 causative agency of acquired immunodeficiency syndrome
24 (AIDS). Any medical test shall be performed only by
25 appropriately licensed medical practitioners and may include
26 an analysis of any bodily fluids as well as an examination of
27 the minor's person. Except as otherwise provided by law, the
28 results of the test shall be kept strictly confidential by
29 all medical personnel involved in the testing and must be
30 personally delivered in a sealed envelope to the judge of the
31 court in which the sentencing order was entered for the
32 judge's inspection in camera. Acting in accordance with the
33 best interests of the victim and the public, the judge shall
34 have the discretion to determine to whom the results of the

1 testing may be revealed. The court shall notify the minor of
2 the results of the test for infection with the human
3 immunodeficiency virus (HIV). The court shall also notify
4 the victim if requested by the victim, and if the victim is
5 under the age of 15 and if requested by the victim's parents
6 or legal guardian, the court shall notify the victim's
7 parents or the legal guardian, of the results of the test for
8 infection with the human immunodeficiency virus (HIV). The
9 court shall provide information on the availability of HIV
10 testing and counseling at the Department of Public Health
11 facilities to all parties to whom the results of the testing
12 are revealed. The court shall order that the cost of any
13 test shall be paid by the county and may be taxed as costs
14 against the minor.

15 (10) When a court finds a minor to be guilty the court
16 shall, before entering a sentencing order under this Section,
17 make a finding whether the offense committed either: (a) was
18 related to or in furtherance of the criminal activities of an
19 organized gang or was motivated by the minor's membership in
20 or allegiance to an organized gang, or (b) involved a
21 violation of subsection (a) of Section 12-7.1 of the Criminal
22 Code of 1961, a violation of any Section of Article 24 of the
23 Criminal Code of 1961, or a violation of any statute that
24 involved the wrongful use of a firearm. If the court
25 determines the question in the affirmative, and the court
26 does not commit the minor to the Department of Corrections,
27 Juvenile Division, the court shall order the minor to perform
28 community service for not less than 30 hours nor more than
29 120 hours, provided that community service is available in
30 the jurisdiction and is funded and approved by the county
31 board of the county where the offense was committed. The
32 community service shall include, but need not be limited to,
33 the cleanup and repair of any damage caused by a violation of
34 Section 21-1.3 of the Criminal Code of 1961 and similar

1 damage to property located in the municipality or county in
2 which the violation occurred. When possible and reasonable,
3 the community service shall be performed in the minor's
4 neighborhood. This order shall be in addition to any other
5 order authorized by this Section except for an order to place
6 the minor in the custody of the Department of Corrections,
7 Juvenile Division. For the purposes of this Section,
8 "organized gang" has the meaning ascribed to it in Section 10
9 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

10 (11) If a minor is found to be guilty of a violation of
11 subsection (b) of Section 1 of the Prevention of Tobacco Use
12 by Minors Act, the court may, in its discretion, and upon
13 recommendation by the State's Attorney, order that minor and
14 his or her parents or legal guardian to attend a smoker's
15 education or youth diversion program as defined in that Act
16 if that program is available in the jurisdiction where the
17 offender resides. Attendance at a smoker's education or
18 youth diversion program shall be time-credited against any
19 community service time imposed for any first violation of
20 subsection (b) of Section 1 of that Act. In addition to any
21 other penalty that the court may impose for a violation of
22 subsection (b) of Section 1 of that Act, the court, upon
23 request by the State's Attorney, may, in its discretion,
24 require the offender to remit a fee for his or her attendance
25 at a smoker's education or youth diversion program.

26 For purposes of this Section, "smoker's education
27 program" or "youth diversion program" includes, but is not
28 limited to, a seminar designed to educate a person on the
29 physical and psychological effects of smoking tobacco
30 products and the health consequences of smoking tobacco
31 products that can be conducted with a locality's youth
32 diversion program.

33 In addition to any other penalty that the court may
34 impose under this subsection (11):

1 (a) If a minor violates subsection (b) of Section 1 of
2 the Prevention of Tobacco Use by Minors Act, the court may
3 impose a sentence of 15 hours of community service or a fine
4 of \$25 for a first violation.

5 (b) A second violation by a minor of subsection (b) of
6 Section 1 of that Act that occurs within 12 months after the
7 first violation is punishable by a fine of \$50 and 25 hours
8 of community service.

9 (c) A third or subsequent violation by a minor of
10 subsection (b) of Section 1 of that Act that occurs within 12
11 months after the first violation is punishable by a \$100 fine
12 and 30 hours of community service.

13 (d) Any second or subsequent violation not within the
14 12-month time period after the first violation is punishable
15 as provided for a first violation.

16 (Source: P.A. 91-98, eff. 1-1-00; 92-454, eff. 1-1-02.)"; and

17 Section 10. The Sale of Tobacco to Minors Act is amended
18 by changing the title of the Act and Sections 0.01, 1, and 2
19 as follows:

20 (720 ILCS 675/Act title)

21 "An Act to prohibit minors from buying, ~~or~~ selling, or
22 possessing tobacco in any of its forms, to prohibit selling,
23 giving or furnishing tobacco, in any of its forms, to minors,
24 and providing penalties therefor.

25 (720 ILCS 675/0.01) (from Ch. 23, par. 2356.9)

26 Sec. 0.01. Short title. This Act may be cited as the
27 Prevention of Tobacco Use by Sale-of-Tobacco-to Minors Act.

28 (Source: P.A. 86-1324.)

29 (720 ILCS 675/1) (from Ch. 23, par. 2357)

30 Sec. 1. Sale to and possession by minors of tobacco

1 prohibited.

2 (a) No minor under 18 years of age shall buy any cigar,
3 cigarette, smokeless tobacco or tobacco in any of its forms.
4 No person shall sell, buy for, distribute samples of or
5 furnish any cigar, cigarette, smokeless tobacco or tobacco in
6 any of its forms, to any minor under 18 years of age.

7 (b) No minor under 18 years of age shall possess any
8 cigar, cigarette, smokeless tobacco, or tobacco in any of its
9 forms.

10 (c) For the purpose of this Section, "smokeless tobacco"
11 means any tobacco products that are suitable for dipping or
12 chewing.

13 (d) Tobacco products listed in this Section above may be
14 sold through a vending machine only in the following
15 locations:

16 (1) Factories, businesses, offices, private clubs,
17 and other places not open to the general public.

18 (2) Places to which minors under 18 years of age
19 are not permitted access.

20 (3) Places where alcoholic beverages are sold and
21 consumed on the premises.

22 (4) Places where the vending machine is under the
23 direct supervision of the owner of the establishment or
24 an employee over 18 years of age. The sale of tobacco
25 products from a vending machine under direct supervision
26 of the owner or an employee of the establishment is
27 considered a sale of tobacco products by that person. As
28 used in this subdivision, "direct supervision" means that
29 the owner or employee has an unimpeded line of sight to
30 the vending machine.

31 (5) Places where the vending machine can only be
32 operated by the owner or an employee over age 18 either
33 directly or through a remote control device if the device
34 is inaccessible to all customers.

1 (Source: P.A. 89-181, eff. 7-19-95.)

2 (720 ILCS 675/2) (from Ch. 23, par. 2358)

3 Sec. 2. (a) Any person who violates subsection (a) of
4 Section 1 ~~any provision~~ of this Act is guilty of a petty
5 offense and for the first offense shall be fined \$200, \$400
6 for the second offense in a 12-month period, and \$600 for the
7 third or any subsequent offense in a 12-month period.

8 (b) If a minor violates subsection (b) of Section 1, the
9 court may impose a sentence of 15 hours of community service
10 or a fine of \$25 for a first violation.

11 (c) A second violation by a minor of subsection (b) of
12 Section 1 that occurs within 12 months after the first
13 violation is punishable by a fine of \$50 and 25 hours of
14 community service.

15 (d) A third or subsequent violation by a minor of
16 subsection (b) of Section 1 that occurs within 12 months
17 after the first violation is punishable by a \$100 fine and 30
18 hours of community service.

19 (e) Any second or subsequent violation not within the
20 12-month time period after the first violation is punishable
21 as provided for a first violation.

22 (f) If a minor is convicted of or placed on supervision
23 for a violation of subsection (b) of Section 1, the court
24 may, in its discretion, and upon recommendation by the
25 State's Attorney, order that minor and his or her parents or
26 legal guardian to attend a smoker's education or youth
27 diversion program if that program is available in the
28 jurisdiction where the offender resides. Attendance at a
29 smoker's education or youth diversion program shall be
30 time-credited against any community service time imposed for
31 any first violation of subsection (b) of Section 1. In
32 addition to any other penalty that the court may impose for a
33 violation of subsection (b) of Section 1, the court, upon

1 request by the State's Attorney, may, in its discretion,
2 require the offender to remit a fee for his or her attendance
3 at a smoker's education or youth diversion program.

4 (g) For purposes of this Section, "smoker's education
5 program" or "youth diversion program" includes, but is not
6 limited to, a seminar designed to educate a person on the
7 physical and psychological effects of smoking tobacco
8 products and the health consequences of smoking tobacco
9 products that can be conducted with a locality's youth
10 diversion program.

11 (h) All moneys collected as fines for violations of
12 subsection (a) of Section 1 shall be distributed in the
13 following manner:

14 (1) one-half of each fine shall be distributed to
15 the unit of local government or other entity that
16 successfully prosecuted the offender; and

17 (2) one-half shall be remitted to the State to be
18 used for enforcing this Act. One-half-of-each-fine
19 collected-under-this-Section-shall-be-distributed-to--the
20 unit---of---local---government---or---other--entity--that
21 sucessfully-prosecuted-the-offender-and--one-half--shall
22 be--remitted--to--the-State-to-be-used-for-enforeing-this
23 Act-

24 (Source: P.A. 88-418.)".