

1 AN ACT concerning 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 5-615 and 5-710 as follows:

6 (705 ILCS 405/5-615)

7 Sec. 5-615. Continuance under supervision.

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

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

21 (3) Nothing in this Section limits the power of the court  
22 to order a continuance of the hearing for the production of  
23 additional evidence or for any other proper reason.

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

30 (5) When a hearing where a minor is alleged to be  
31 delinquent is continued pursuant to this Section, the court  
32 may, as conditions of the continuance under supervision,

1 require the minor to do any of the following:

2 (a) not violate any criminal statute of any  
3 jurisdiction;

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

6 (c) work or pursue a course of study or vocational  
7 training;

8 (d) undergo medical or psychotherapeutic treatment  
9 rendered by a therapist licensed under the provisions of  
10 the Medical Practice Act of 1987, the Clinical Psychologist  
11 Licensing Act, or the Clinical Social Work and Social Work  
12 Practice Act, or an entity licensed by the Department of  
13 Human Services as a successor to the Department of  
14 Alcoholism and Substance Abuse, for the provision of drug  
15 addiction and alcoholism treatment;

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

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

19 (g) pay costs;

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

22 (i) permit the probation officer to visit him or her at  
23 his or her home or elsewhere;

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

25 (k) attend school;

26 (k-5) with the consent of the superintendent of the  
27 facility, attend an educational program at a facility other  
28 than the school in which the offense was committed if he or  
29 she committed a crime of violence as defined in Section 2  
30 of the Crime Victims Compensation Act in a school, on the  
31 real property comprising a school, or within 1,000 feet of  
32 the real property comprising a school;

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

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

36 (n) perform some reasonable public or community

1 service;

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

7 (p) comply with curfew requirements as designated by  
8 the court;

9 (q) refrain from entering into a designated geographic  
10 area except upon terms as the court finds appropriate. The  
11 terms may include consideration of the purpose of the  
12 entry, the time of day, other persons accompanying the  
13 minor, and advance approval by a probation officer;

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

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

21 (s) refrain from having in his or her body the presence  
22 of any illicit drug prohibited by the Cannabis Control Act  
23 or the Illinois Controlled Substances Act, unless  
24 prescribed by a physician, and submit samples of his or her  
25 blood or urine or both for tests to determine the presence  
26 of any illicit drug; or

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

29 (6) A minor whose case is continued under supervision under  
30 subsection (5) shall be given a certificate setting forth the  
31 conditions imposed by the court. Those conditions may be  
32 reduced, enlarged, or modified by the court on motion of the  
33 probation officer or on its own motion, or that of the State's  
34 Attorney, or, at the request of the minor after notice and  
35 hearing.

36 (7) If a petition is filed charging a violation of a

1 condition of the continuance under supervision, the court shall  
2 conduct a hearing. If the court finds that a condition of  
3 supervision has not been fulfilled, the court may proceed to  
4 findings and adjudication and disposition. The filing of a  
5 petition for violation of a condition of the continuance under  
6 supervision shall toll the period of continuance under  
7 supervision until the final determination of the charge, and  
8 the term of the continuance under supervision shall not run  
9 until the hearing and disposition of the petition for  
10 violation; provided where the petition alleges conduct that  
11 does not constitute a criminal offense, the hearing must be  
12 held within 30 days of the filing of the petition unless a  
13 delay shall continue the tolling of the period of continuance  
14 under supervision for the period of the delay.

15 (8) When a hearing in which a minor is alleged to be a  
16 delinquent for reasons that include a violation of Section  
17 21-1.3 of the Criminal Code of 1961 is continued under this  
18 Section, the court shall, as a condition of the continuance  
19 under supervision, require the minor to perform community  
20 service for not less than 30 and not more than 120 hours, if  
21 community service is available in the jurisdiction. The  
22 community service shall include, but need not be limited to,  
23 the cleanup and repair of the damage that was caused by the  
24 alleged violation or similar damage to property located in the  
25 municipality or county in which the alleged violation occurred.  
26 The condition may be in addition to any other condition.

27 (8.5) When a hearing in which a minor is alleged to be a  
28 delinquent for reasons that include a violation of Section 3.02  
29 or Section 3.03 of the Humane Care for Animals Act or paragraph  
30 (d) of subsection (1) of Section 21-1 of the Criminal Code of  
31 1961 is continued under this Section, the court shall, as a  
32 condition of the continuance under supervision, require the  
33 minor to undergo medical or psychiatric treatment rendered by a  
34 psychiatrist or psychological treatment rendered by a clinical  
35 psychologist. The condition may be in addition to any other  
36 condition.

1           (9) When a hearing in which a minor is alleged to be a  
2 delinquent is continued under this Section, the court, before  
3 continuing the case, shall make a finding whether the offense  
4 alleged to have been committed either: (i) was related to or in  
5 furtherance of the activities of an organized gang or was  
6 motivated by the minor's membership in or allegiance to an  
7 organized gang, or (ii) is a violation of paragraph (13) of  
8 subsection (a) of Section 12-2 of the Criminal Code of 1961, a  
9 violation of any Section of Article 24 of the Criminal Code of  
10 1961, or a violation of any statute that involved the unlawful  
11 use of a firearm. If the court determines the question in the  
12 affirmative the court shall, as a condition of the continuance  
13 under supervision and as part of or in addition to any other  
14 condition of the supervision, require the minor to perform  
15 community service for not less than 30 hours, provided that  
16 community service is available in the jurisdiction and is  
17 funded and approved by the county board of the county where the  
18 offense was committed. The community service shall include, but  
19 need not be limited to, the cleanup and repair of any damage  
20 caused by an alleged violation of Section 21-1.3 of the  
21 Criminal Code of 1961 and similar damage to property located in  
22 the municipality or county in which the alleged violation  
23 occurred. When possible and reasonable, the community service  
24 shall be performed in the minor's neighborhood. For the  
25 purposes of this Section, "organized gang" has the meaning  
26 ascribed to it in Section 10 of the Illinois Streetgang  
27 Terrorism Omnibus Prevention Act.

28           (10) The court shall impose upon a minor placed on  
29 supervision, as a condition of the supervision, a fee of \$25  
30 for each month of supervision ordered by the court, unless  
31 after determining the inability of the minor placed on  
32 supervision to pay the fee, the court assesses a lesser amount.  
33 The court may not impose the fee on a minor who is made a ward  
34 of the State under this Act while the minor is in placement.  
35 The fee shall be imposed only upon a minor who is actively  
36 supervised by the probation and court services department. A

1 court may order the parent, guardian, or legal custodian of the  
2 minor to pay some or all of the fee on the minor's behalf.

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

19 For purposes of this Section, "smoker's education program"  
20 or "youth diversion program" includes, but is not limited to, a  
21 seminar designed to educate a person on the physical and  
22 psychological effects of smoking tobacco products and the  
23 health consequences of smoking tobacco products that can be  
24 conducted with a locality's youth diversion program.

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

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

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

35 (c) A third or subsequent violation by a minor of  
36 subsection (b) of Section 1 of that Act that occurs within 12

1 months after the first violation is punishable by a \$100 fine  
2 and 30 hours of community service.

3 (d) Any second or subsequent violation not within the  
4 12-month time period after the first violation is punishable as  
5 provided for a first violation.

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

9 (705 ILCS 405/5-710)

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

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

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

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

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

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

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

32 (v) placed in detention for a period not to exceed  
33 30 days, either as the exclusive order of disposition  
34 or, where appropriate, in conjunction with any other  
35 order of disposition issued under this paragraph,

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

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

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

28 (viii) put on probation or conditional discharge  
29 and placed in detention under Section 3-6039 of the  
30 Counties Code for a period not to exceed the period of  
31 incarceration permitted by law for adults found guilty  
32 of the same offense or offenses for which the minor was  
33 adjudicated delinquent, and in any event no longer than  
34 upon attainment of age 21; this subdivision (viii)  
35 notwithstanding any contrary provision of the law; or

36 (ix) ordered to undergo a medical or other



1 procedure to have a tattoo symbolizing allegiance to a  
2 street gang removed from his or her body.

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

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

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

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

29 (4) In addition to any other sentence, the court may order  
30 any minor found to be delinquent to make restitution, in  
31 monetary or non-monetary form, under the terms and conditions  
32 of Section 5-5-6 of the Unified Code of Corrections, except  
33 that the "presentencing hearing" referred to in that Section  
34 shall be the sentencing hearing for purposes of this Section.  
35 The parent, guardian or legal custodian of the minor may be  
36 ordered by the court to pay some or all of the restitution on

1 the minor's behalf, pursuant to the Parental Responsibility  
2 Law. The State's Attorney is authorized to act on behalf of any  
3 victim in seeking restitution in proceedings under this  
4 Section, up to the maximum amount allowed in Section 5 of the  
5 Parental Responsibility Law.

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

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

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

23 (8) A minor found to be guilty for reasons that include a  
24 violation of Section 21-1.3 of the Criminal Code of 1961 shall  
25 be ordered to perform community service for not less than 30  
26 and not more than 120 hours, if community service is available  
27 in the jurisdiction. The community service shall include, but  
28 need not be limited to, the cleanup and repair of the damage  
29 that was caused by the violation or similar damage to property  
30 located in the municipality or county in which the violation  
31 occurred. The order may be in addition to any other order  
32 authorized by this Section.

33 (8.5) A minor found to be guilty for reasons that include a  
34 violation of Section 3.02 or Section 3.03 of the Humane Care  
35 for Animals Act or paragraph (d) of subsection (1) of Section  
36 21-1 of the Criminal Code of 1961 shall be ordered to undergo

1 medical or psychiatric treatment rendered by a psychiatrist or  
2 psychological treatment rendered by a clinical psychologist.  
3 The order may be in addition to any other order authorized by  
4 this Section.

5 (9) In addition to any other sentencing order, the court  
6 shall order any minor found to be guilty for an act which would  
7 constitute, predatory criminal sexual assault of a child,  
8 aggravated criminal sexual assault, criminal sexual assault,  
9 aggravated criminal sexual abuse, or criminal sexual abuse if  
10 committed by an adult to undergo medical testing to determine  
11 whether the defendant has any sexually transmissible disease  
12 including a test for infection with human immunodeficiency  
13 virus (HIV) or any other identified causative agency of  
14 acquired immunodeficiency syndrome (AIDS). Any medical test  
15 shall be performed only by appropriately licensed medical  
16 practitioners and may include an analysis of any bodily fluids  
17 as well as an examination of the minor's person. Except as  
18 otherwise provided by law, the results of the test shall be  
19 kept strictly confidential by all medical personnel involved in  
20 the testing and must be personally delivered in a sealed  
21 envelope to the judge of the court in which the sentencing  
22 order was entered for the judge's inspection in camera. Acting  
23 in accordance with the best interests of the victim and the  
24 public, the judge shall have the discretion to determine to  
25 whom the results of the testing may be revealed. The court  
26 shall notify the minor of the results of the test for infection  
27 with the human immunodeficiency virus (HIV). The court shall  
28 also notify the victim if requested by the victim, and if the  
29 victim is under the age of 15 and if requested by the victim's  
30 parents or legal guardian, the court shall notify the victim's  
31 parents or the legal guardian, of the results of the test for  
32 infection with the human immunodeficiency virus (HIV). The  
33 court shall provide information on the availability of HIV  
34 testing and counseling at the Department of Public Health  
35 facilities to all parties to whom the results of the testing  
36 are revealed. The court shall order that the cost of any test

1 shall be paid by the county and may be taxed as costs against  
2 the minor.

3 (10) When a court finds a minor to be guilty the court  
4 shall, before entering a sentencing order under this Section,  
5 make a finding whether the offense committed either: (a) was  
6 related to or in furtherance of the criminal activities of an  
7 organized gang or was motivated by the minor's membership in or  
8 allegiance to an organized gang, or (b) involved a violation of  
9 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,  
10 a violation of any Section of Article 24 of the Criminal Code  
11 of 1961, or a violation of any statute that involved the  
12 wrongful use of a firearm. If the court determines the question  
13 in the affirmative, and the court does not commit the minor to  
14 the Department of Corrections, Juvenile Division, the court  
15 shall order the minor to perform community service for not less  
16 than 30 hours nor more than 120 hours, provided that community  
17 service is available in the jurisdiction and is funded and  
18 approved by the county board of the county where the offense  
19 was committed. The community service shall include, but need  
20 not be limited to, the cleanup and repair of any damage caused  
21 by a violation of Section 21-1.3 of the Criminal Code of 1961  
22 and similar damage to property located in the municipality or  
23 county in which the violation occurred. When possible and  
24 reasonable, the community service shall be performed in the  
25 minor's neighborhood. This order shall be in addition to any  
26 other order authorized by this Section except for an order to  
27 place the minor in the custody of the Department of  
28 Corrections, Juvenile Division. For the purposes of this  
29 Section, "organized gang" has the meaning ascribed to it in  
30 Section 10 of the Illinois Streetgang Terrorism Omnibus  
31 Prevention Act.

32 (11) If a minor is found to be guilty of a violation of  
33 subsection (b) of Section 1 of the Prevention of Tobacco Use by  
34 Minors Act, the court may, in its discretion, and upon  
35 recommendation by the State's Attorney, order that minor and  
36 his or her parents or legal guardian to attend a smoker's

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

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

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

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

35 (Source: P.A. 91-98, eff. 1-1-00; 92-454, eff. 1-1-02; revised  
36 10-9-03.)

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

4 (720 ILCS 675/Act title)

5 An Act to prohibit minors from buying, ~~or~~ selling, or  
6 possessing tobacco in any of its forms, to prohibit selling,  
7 giving or furnishing tobacco, in any of its forms, to minors,  
8 and providing penalties therefor.

9 (720 ILCS 675/0.01) (from Ch. 23, par. 2356.9)

10 Sec. 0.01. Short title. This Act may be cited as the  
11 Prevention of Tobacco Use by ~~Sale of Tobacco to~~ Minors Act.

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

13 (720 ILCS 675/1) (from Ch. 23, par. 2357)

14 Sec. 1. Prohibition on sale to and possession of tobacco by  
15 ~~to~~ minors; vending machines; lunch wagons.

16 (a) No minor under 18 years of age shall buy any cigar,  
17 cigarette, smokeless tobacco or tobacco in any of its forms. No  
18 person shall sell, buy for, distribute samples of or furnish  
19 any cigar, cigarette, smokeless tobacco or tobacco in any of  
20 its forms, to any minor under 18 years of age.

21 (a-5) No minor under 16 years of age may sell any cigar,  
22 cigarette, smokeless tobacco, or tobacco in any of its forms at  
23 a retail establishment selling tobacco products. This  
24 subsection does not apply to a sales clerk in a family-owned  
25 business which can prove that the sales clerk is in fact a son  
26 or daughter of the owner.

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

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

32 (d) ~~(b)~~ Tobacco products listed in this Section ~~above~~ may

1 be sold through a vending machine only in the following  
2 locations:

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

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

7 (3) Places where alcoholic beverages are sold and  
8 consumed on the premises.

9 (4) Places where the vending machine is under the  
10 direct supervision of the owner of the establishment or an  
11 employee over 18 years of age. The sale of tobacco products  
12 from a vending machine under direct supervision of the  
13 owner or an employee of the establishment is considered a  
14 sale of tobacco products by that person. As used in this  
15 subdivision, "direct supervision" means that the owner or  
16 employee has an unimpeded line of sight to the vending  
17 machine.

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

22 (e) ~~(e)~~ The sale or distribution at no charge of cigarettes  
23 from a lunch wagon engaging in any sales activity within 1,000  
24 feet of any public or private elementary or secondary school  
25 grounds is prohibited.

26 (f) It is not a violation of this Act for a person under 18  
27 years of age to purchase or possess a cigar, cigarette,  
28 smokeless tobacco or tobacco in any of its forms if the person  
29 under the age of 18 purchases or is given the cigar, cigarette,  
30 smokeless tobacco or tobacco in any of its forms from a retail  
31 seller of tobacco products or an employee of the retail seller  
32 pursuant to a plan or action to investigate, patrol, or  
33 otherwise conduct a "sting operation" or enforcement action  
34 against a retail seller of tobacco products or a person  
35 employed by the retail seller of tobacco products or on any  
36 premises authorized to sell tobacco products to determine if

1 tobacco products are being sold or given to persons under 18  
2 years of age if the "sting operation" or enforcement action is  
3 approved by the Department of State Police, the county sheriff,  
4 a municipal police department, the Department of Public Health,  
5 or a local health department.

6 For the purpose of this Section, "lunch wagon" means a  
7 mobile vehicle designed and constructed to transport food and  
8 from which food is sold to the general public.

9 (Source: P.A. 93-284, eff. 1-1-04; 93-886, eff. 1-1-05.)

10 (720 ILCS 675/2) (from Ch. 23, par. 2358)

11 Sec. 2. (a) Any person who violates subsections (a) or  
12 (a) (5) of Section 1 ~~any provision~~ of this Act is guilty of a  
13 petty offense and for the first offense shall be fined \$200,  
14 \$400 for the second offense in a 12-month period, and \$600 for  
15 the third or any subsequent offense in a 12-month period.

16 (b) If a minor violates subsection (b) of Section 1 he or  
17 she is guilty of a petty offense and the court may impose a  
18 sentence of 15 hours of community service or a fine of \$25 for  
19 a first violation.

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

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

28 (e) Any second or subsequent violation not within the  
29 12-month time period after the first violation is punishable as  
30 provided for a first violation.

31 (f) If a minor is convicted of or placed on supervision for  
32 a violation of subsection (b) of Section 1, the court may, in  
33 its discretion, and upon recommendation by the State's  
34 Attorney, order that minor and his or her parents or legal  
35 guardian to attend a smoker's education or youth diversion



1 program if that program is available in the jurisdiction where  
2 the 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. In addition to any other penalty  
6 that the court may impose for a violation of subsection (b) of  
7 Section 1, the court, upon request by the State's Attorney, may  
8 in its discretion require the offender to remit a fee for his  
9 or her attendance at a smoker's education or youth diversion  
10 program.

11 (g) 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 products  
15 and the health consequences of smoking tobacco products that  
16 can be conducted with a locality's youth diversion program.

17 (h) All moneys collected as fines for violations of  
18 subsection (a) of Section 1 shall be distributed in the  
19 following manner:

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

23 (2) one-half shall be remitted to the State to be used  
24 for enforcing this Act. ~~One-half of each fine collected~~  
25 ~~under this Section shall be distributed to the unit of~~  
26 ~~local government or other entity that successfully~~  
27 ~~prosecuted the offender and one half shall be remitted to~~  
28 ~~the State to be used for enforcing this Act.~~

29 (Source: P.A. 88-418.)

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