



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB5801

Introduced 07/19/06, by Rep. Ruth Munson

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-710

Amends the Juvenile Court Act of 1987. Provides that, in addition to any other sentence, the court shall order any minor found to be delinquent to be enrolled in a streetgang workshop detention program of at least 12 hours operated by the Department of Juvenile Justice. Provides that the program shall instruct the delinquent minor in the dangers of streetgangs and streetgang related activities and on how to avoid joining a streetgang.

LRB094 21060 RLC 59387 b

FISCAL NOTE ACT
MAY APPLY

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 5-710 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 in
9 respect of wards of the court:

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

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

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

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

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

29 (v) placed in detention for a period not to exceed
30 30 days, either as the exclusive order of disposition
31 or, where appropriate, in conjunction with any other
32 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 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 Juvenile Justice under Section 5-750 if the
5 minor is 13 years of age or older, provided that the
6 commitment to the Department of Juvenile Justice shall be
7 made only if a term of incarceration is permitted by law
8 for adults found guilty of the offense for which the minor
9 was adjudicated delinquent. The time during which a minor
10 is in custody before being released upon the request of a
11 parent, guardian or legal custodian shall be considered as
12 time spent in detention.

13 (c) When a minor is found to be guilty for an offense
14 which is a violation of the Illinois Controlled Substances
15 Act, the Cannabis Control Act, or the Methamphetamine
16 Control and Community Protection 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 Juvenile Justice may provide for protective
23 supervision under Section 5-725 and may include an order of
24 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 Juvenile Justice for a period of time in excess
21 of that period for which an adult could be committed for the
22 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 Juvenile Justice, the court shall order the
15 minor to perform community service for not less than 30 hours
16 nor more than 120 hours, provided that community service is
17 available in the jurisdiction and is funded and approved by the
18 county board of the county where the offense was committed. The
19 community service shall include, but need not be limited to,
20 the cleanup and repair of any damage caused by a violation of
21 Section 21-1.3 of the Criminal Code of 1961 and similar damage
22 to property located in the municipality or county in which the
23 violation occurred. When possible and reasonable, the
24 community service shall be performed in the minor's
25 neighborhood. This order shall be in addition to any other
26 order authorized by this Section except for an order to place
27 the minor in the custody of the Department of Juvenile Justice.
28 For the purposes of this Section, "organized gang" has the
29 meaning ascribed to it in Section 10 of the Illinois Streetgang
30 Terrorism Omnibus Prevention Act.

31 (11) In addition to any other sentence, the court shall
32 order any minor found to be delinquent to be enrolled in a
33 streetgang workshop detention program of at least 12 hours
34 operated by the Department of Juvenile Justice. The program
35 shall instruct the delinquent minor in the dangers of
36 streetgangs and streetgang related activities and on how to

1 avoid joining a streetgang. For the purposes of this subsection
2 (11), "streetgang" and "streetgang related" have the meanings
3 ascribed to them in Section 10 of the Illinois Streetgang
4 Terrorism Omnibus Prevention Act.

5 (Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06.)