

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 10-20.12a, 14-1.11, 14-1.11a, and 14-7.03 and by adding Section
6 14-7.05 as follows:

7 (105 ILCS 5/10-20.12a) (from Ch. 122, par. 10-20.12a)
8 Sec. 10-20.12a. Tuition for non-resident pupils.

9 (a) To charge non-resident pupils who attend the schools of
10 the district tuition in an amount not exceeding 110% of the per
11 capita cost of maintaining the schools of the district for the
12 preceding school year.

13 Such per capita cost shall be computed by dividing the
14 total cost of conducting and maintaining the schools of the
15 district by the average daily attendance, including tuition
16 pupils. Depreciation on the buildings and equipment of the
17 schools of the district, and the amount of annual depreciation
18 on such buildings and equipment shall be dependent upon the
19 useful life of such property.

20 The tuition charged shall in no case exceed 110% of the per
21 capita cost of conducting and maintaining the schools of the
22 district attended, as determined with reference to the most
23 recent audit prepared under Section 3-7 which is available at

1 the commencement of the current school year. Non-resident
2 pupils attending the schools of the district for less than the
3 school term shall have their tuition apportioned, however
4 pupils who become non-resident during a school term shall not
5 be charged tuition for the remainder of the school term in
6 which they became non-resident pupils.

7 (b) Unless otherwise agreed to by the parties involved and
8 where the educational services are not otherwise provided for,
9 educational services for an Illinois student under the age of
10 21 (and not eligible for services pursuant to Article 14 of
11 this Code) in any ~~a~~ residential program ~~designed to correct~~
12 ~~alcohol or other drug dependencies~~ shall be provided by the
13 district in which the facility is located and financed as
14 follows. The cost of educational services shall be paid by the
15 district in which the student resides in an amount equal to the
16 cost of providing educational services in the residential ~~a~~
17 ~~treatment~~ facility. Payments shall be made by the district of
18 the student's residence and shall be made to the district
19 wherein the facility is located no less than once per month
20 unless otherwise agreed to by the parties.

21 The funding provision of this subsection (b) applies to all
22 Illinois students under the age of 21 (and not eligible for
23 services pursuant to Article 14 of this Code) receiving
24 educational services in residential facilities, irrespective
25 of whether the student was placed therein pursuant to this Code
26 or the Juvenile Court Act of 1987 or by an Illinois public

1 agency or a court. Nothing in this Section shall be construed
2 to relieve the district of the student's residence of financial
3 responsibility based on the manner in which the student was
4 placed at the facility. The changes to this subsection (b) made
5 by this amendatory Act of the 95th General Assembly apply to
6 all placements in effect on July 1, 2007 and all placements
7 thereafter. For purposes of this subsection (b), a student's
8 district of residence shall be determined in accordance with
9 subsection (a) of Section 10-20.12b of this Code. The placement
10 of a student in a residential facility shall not affect the
11 residency of the student. When a dispute arises over the
12 determination of the district of residence under this
13 subsection (b), any person or entity, including without
14 limitation a school district or residential facility, may make
15 a written request for a residency decision to the State
16 Superintendent of Education, who, upon review of materials
17 submitted and any other items or information he or she may
18 request for submission, shall issue his or her decision in
19 writing. The decision of the State Superintendent of Education
20 is final.

21 (Source: P.A. 89-397, eff. 8-20-95; 90-649, eff. 7-24-98.)

22 (105 ILCS 5/14-1.11) (from Ch. 122, par. 14-1.11)

23 Sec. 14-1.11. Resident district; parent; legal guardian.
24 The resident district is the school district in which the
25 parent or guardian, or both parent and guardian, of the student

1 reside when:

2 (1) the parent has legal guardianship of the student
3 and resides within Illinois; or

4 (2) an individual guardian has been appointed by the
5 courts and resides within Illinois; or

6 (3) an Illinois public agency has legal guardianship
7 and the student resides either in the home of the parent or
8 within the same district as the parent; or

9 (4) an Illinois court orders a residential placement
10 but the parents retain any legal rights or guardianship and
11 have not been subject to a termination of parental rights
12 order.

13 In cases of divorced or separated parents, when only one
14 parent has legal guardianship or custody, the district in which
15 the parent having legal guardianship or custody resides is the
16 resident district. When both parents retain legal guardianship
17 or custody, the resident district is the district in which
18 either parent who provides the student's primary regular fixed
19 night-time abode resides; provided, that the election of
20 resident district may be made only one time per school year.

21 When the parent has legal guardianship and lives outside of
22 the State of Illinois, or when the individual legal guardian
23 other than the natural parent lives outside the State of
24 Illinois, the parent, legal guardian, or other placing agent is
25 responsible for making arrangements to pay the Illinois school
26 district serving the child for the educational services

1 provided. Those service costs shall be determined in accordance
2 with Section 14-7.01.

3 (Source: P.A. 89-698, eff. 1-14-97.)

4 (105 ILCS 5/14-1.11a) (from Ch. 122, par. 14-1.11a)

5 Sec. 14-1.11a. Resident district; student. The resident
6 district is the school district in which the student resides
7 when:

8 (1) the parent has legal guardianship but the location
9 of the parent is unknown; or

10 (2) an individual guardian has been appointed but the
11 location of the guardian is unknown; or

12 (3) the student is 18 years of age or older and no
13 legal guardian has been appointed; or

14 (4) the student is legally an emancipated minor; or

15 (5) an Illinois public agency has legal guardianship
16 and such agency or any court in this State has placed the
17 student residentially outside of the school district in
18 which the parent lives.

19 In cases where an Illinois public agency has legal
20 guardianship and has placed the student residentially outside
21 of Illinois, the last school district that provided at least 45
22 days of educational service to the student shall continue to be
23 the district of residence until the student is no longer under
24 guardianship of an Illinois public agency or until the student
25 is returned to Illinois.

1 The resident district of a homeless student is the Illinois
2 district in which the student enrolls for educational services.
3 Homeless students include individuals as defined in the Stewart
4 B. McKinney Homeless Assistance Act.
5 (Source: P.A. 87-1117; 88-134.)

6 (105 ILCS 5/14-7.03) (from Ch. 122, par. 14-7.03)

7 Sec. 14-7.03. Special Education Classes for Children from
8 Orphanages, Foster Family Homes, Children's Homes, or in State
9 Housing Units. If a school district maintains special education
10 classes on the site of orphanages and children's homes, or if
11 children from the orphanages, children's homes, foster family
12 homes, other State agencies, or State residential units for
13 children attend classes for children with disabilities in which
14 the school district is a participating member of a joint
15 agreement, or if the children from the orphanages, children's
16 homes, foster family homes, other State agencies, or State
17 residential units attend classes for the children with
18 disabilities maintained by the school district, then
19 reimbursement shall be paid to eligible districts in accordance
20 with the provisions of this Section by the Comptroller as
21 directed by the State Superintendent of Education.

22 The amount of tuition for such children shall be determined
23 by the actual cost of maintaining such classes, using the per
24 capita cost formula set forth in Section 14-7.01, such program
25 and cost to be pre-approved by the State Superintendent of

1 Education.

2 On forms prepared by the State Superintendent of Education,
3 the district shall certify to the regional superintendent the
4 following:

5 (1) The name of the home or State residential unit with
6 the name of the owner or proprietor and address of those
7 maintaining it;

8 (2) That no service charges or other payments
9 authorized by law were collected in lieu of taxes therefrom
10 or on account thereof during either of the calendar years
11 included in the school year for which claim is being made;

12 (3) The number of children qualifying under this Act in
13 special education classes for instruction on the site of
14 the orphanages and children's homes;

15 (4) The number of children attending special education
16 classes for children with disabilities in which the
17 district is a participating member of a special education
18 joint agreement;

19 (5) The number of children attending special education
20 classes for children with disabilities maintained by the
21 district;

22 (6) The computed amount of tuition payment claimed as
23 due, as approved by the State Superintendent of Education,
24 for maintaining these classes.

25 If a school district makes a claim for reimbursement under
26 Section 18-3 or 18-4 of this Act it shall not include in any

1 claim filed under this Section a claim for such children.
2 Payments authorized by law, including State or federal grants
3 for education of children included in this Section, shall be
4 deducted in determining the tuition amount.

5 Nothing in this Act shall be construed so as to prohibit
6 reimbursement for the tuition of children placed in for profit
7 facilities. Private facilities shall provide adequate space at
8 the facility for special education classes provided by a school
9 district or joint agreement for children with disabilities who
10 are residents of the facility at no cost to the school district
11 or joint agreement upon request of the school district or joint
12 agreement. If such a private facility provides space at no cost
13 to the district or joint agreement for special education
14 classes provided to children with disabilities who are
15 residents of the facility, the district or joint agreement
16 shall not include any costs for the use of those facilities in
17 its claim for reimbursement.

18 Reimbursement for tuition may include the cost of providing
19 summer school programs for children with severe and profound
20 disabilities served under this Section. Claims for that
21 reimbursement shall be filed by November 1 and shall be paid on
22 or before December 15 from appropriations made for the purposes
23 of this Section.

24 The State Board of Education shall establish such rules and
25 regulations as may be necessary to implement the provisions of
26 this Section.

1 Claims filed on behalf of programs operated under this
2 Section housed in a jail, detention center, or county-owned
3 shelter care facility shall be on an individual student basis
4 only for eligible students with disabilities. These claims
5 shall be in accordance with applicable rules.

6 Each district claiming reimbursement for a program
7 operated as a group program shall have an approved budget on
8 file with the State Board of Education prior to the initiation
9 of the program's operation. On September 30, December 31, and
10 March 31, the State Board of Education shall voucher payments
11 to group programs based upon the approved budget during the
12 year of operation. Final claims for group payments shall be
13 filed on or before July 15. Final claims for group programs
14 received at the State Board of Education on or before June 15
15 shall be vouchered by June 30. Final claims received at the
16 State Board of Education between June 16 and July 15 shall be
17 vouchered by August 30. Claims for group programs received
18 after July 15 shall not be honored.

19 Each district claiming reimbursement for individual
20 students shall have the eligibility of those students verified
21 by the State Board of Education. On September 30, December 31,
22 and March 31, the State Board of Education shall voucher
23 payments for individual students based upon an estimated cost
24 calculated from the prior year's claim. Final claims for
25 individual students for the regular school term must be
26 received at the State Board of Education by July 15. Claims for

1 individual students received after July 15 shall not be
2 honored. Final claims for individual students shall be
3 vouchered by August 30.

4 Reimbursement shall be made based upon approved group
5 programs or individual students. The State Superintendent of
6 Education shall direct the Comptroller to pay a specified
7 amount to the district by the 30th day of September, December,
8 March, June, or August, respectively. However, notwithstanding
9 any other provisions of this Section or the School Code,
10 beginning with fiscal year 1994 and each fiscal year
11 thereafter, if the amount appropriated for any fiscal year is
12 less than the amount required for purposes of this Section, the
13 amount required to eliminate any insufficient reimbursement
14 for each district claim under this Section shall be reimbursed
15 on August 30 of the next fiscal year. Payments required to
16 eliminate any insufficiency for prior fiscal year claims shall
17 be made before any claims are paid for the current fiscal year.

18 The claim of a school district otherwise eligible to be
19 reimbursed in accordance with Section 14-12.01 for the 1976-77
20 school year but for this amendatory Act of 1977 shall not be
21 paid unless the district ceases to maintain such classes for
22 one entire school year.

23 If a school district's current reimbursement payment for
24 the 1977-78 school year only is less than the prior year's
25 reimbursement payment owed, the district shall be paid the
26 amount of the difference between the payments in addition to

1 the current reimbursement payment, and the amount so paid shall
2 be subtracted from the amount of prior year's reimbursement
3 payment owed to the district.

4 Regional superintendents may operate special education
5 classes for children from orphanages, foster family homes,
6 children's homes or State housing units located within the
7 educational services region upon consent of the school board
8 otherwise so obligated. In electing to assume the powers and
9 duties of a school district in providing and maintaining such a
10 special education program, the regional superintendent may
11 enter into joint agreements with other districts and may
12 contract with public or private schools or the orphanage,
13 foster family home, children's home or State housing unit for
14 provision of the special education program. The regional
15 superintendent exercising the powers granted under this
16 Section shall claim the reimbursement authorized by this
17 Section directly from the State Board of Education.

18 Any child who is not a resident of Illinois who is placed
19 in a child welfare institution, private facility, foster family
20 home, State operated program, orphanage or children's home
21 shall have the payment for his educational tuition and any
22 related services assured by the placing agent.

23 ~~For Commencing July 1, 1992, for~~ each disabled student who
24 is placed in a residential facility by an Illinois public
25 ~~residentially by a State~~ agency or by any court in this State
26 ~~the courts for care or custody or both care and custody,~~

1 ~~welfare, medical or mental health treatment or both medical and~~
2 ~~mental health treatment, rehabilitation, and protection,~~
3 ~~whether placed there on, before, or after July 1, 1992, the~~
4 costs for educating the student are eligible for reimbursement
5 under this Section ~~providing the placing agency or court has~~
6 ~~notified the appropriate school district authorities of the~~
7 ~~status of student residency where applicable prior to or upon~~
8 ~~placement. Subject to appropriation, school districts shall be~~
9 ~~reimbursed under this Section for the eligible costs of~~
10 ~~educating all disabled students residentially placed by a State~~
11 ~~agency or the courts or placed and paid for by a State agency~~
12 ~~for any of the reasons listed in this paragraph. Reimbursements~~
13 ~~under this paragraph shall first be provided for claims made~~
14 ~~for the 2007-2008 school year payable in fiscal year 2008.~~

15 The district of residence of the ~~parent, guardian, or~~
16 disabled student as defined in Section ~~Sections 14-1.11 and~~
17 14-1.11a is responsible for the actual costs of the student's
18 special education program and is eligible for reimbursement
19 under this Section when placement is made by a State agency or
20 the courts. ~~Payments shall be made by the resident district to~~
21 ~~the district wherein the facility is located no less than once~~
22 ~~per quarter unless otherwise agreed to in writing by the~~
23 ~~parties.~~

24 When a dispute arises over the determination of the
25 district of residence under this Section, the district or
26 districts may appeal the decision in writing to the State

1 Superintendent of Education, who, upon review of materials
2 submitted and any other items or information he or she may
3 request for submission, shall issue a written decision on the
4 matter. The decision of the State Superintendent of Education
5 shall be final.

6 In the event a district does not make a tuition payment to
7 another district that is providing the special education
8 program and services, the State Board of Education shall
9 immediately withhold 125% of the then remaining annual tuition
10 cost from the State aid or categorical aid payment due to the
11 school district that is determined to be the resident school
12 district. All funds withheld by the State Board of Education
13 shall immediately be forwarded to the school district where the
14 student is being served.

15 When a child eligible for services under this Section
16 14-7.03 must be placed in a nonpublic facility, that facility
17 shall meet the programmatic requirements of Section 14-7.02 and
18 its regulations, and the educational services shall be funded
19 only in accordance with this Section 14-7.03.

20 (Source: P.A. 95-313, eff. 8-20-07.)

21 (105 ILCS 5/14-7.05 new)

22 Sec. 14-7.05. Placement in residential facility; payment
23 of educational costs. For any student with a disability in a
24 residential facility placement made or paid for by an Illinois
25 public State agency or made by any court in this State, the

1 school district of residence as determined pursuant to this
2 Article is responsible for the costs of educating the child and
3 shall be reimbursed for those costs in accordance with this
4 Code. Payments shall be made by the resident district to the
5 entity providing the educational services, whether the entity
6 is the residential facility or the school district wherein the
7 facility is located, no less than once per quarter unless
8 otherwise agreed to in writing by the parties.

9 When a dispute arises over the determination of the
10 district of residence under this Section, any person or entity,
11 including without limitation a school district or residential
12 facility, may make a written request for a residency decision
13 to the State Superintendent of Education, who, upon review of
14 materials submitted and any other items of information he or
15 she may request for submission, shall issue his or her decision
16 in writing. The decision of the State Superintendent of
17 Education is final.

18 Section 10. The Juvenile Court Act of 1987 is amended by
19 changing Section 5-710 as follows:

20 (705 ILCS 405/5-710)

21 (Text of Section before amendment by P.A. 95-337 and
22 95-642)

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

24 (1) The following kinds of sentencing orders may be made in

1 respect of wards of the court:

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

4 (i) put on probation or conditional discharge and
5 released to his or her parents, guardian or legal
6 custodian, provided, however, that any such minor who
7 is not committed to the Department of Juvenile Justice
8 under this subsection and who is found to be a
9 delinquent for an offense which is first degree murder,
10 a Class X felony, or a forcible felony shall be placed
11 on probation;

12 (ii) placed in accordance with Section 5-740, with
13 or without also being put on probation or conditional
14 discharge;

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

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

21 (v) placed in detention for a period not to exceed
22 30 days, either as the exclusive order of disposition
23 or, where appropriate, in conjunction with any other
24 order of disposition issued under this paragraph,
25 provided that any such detention shall be in a juvenile
26 detention home and the minor so detained shall be 10

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

19 (vi) ordered partially or completely emancipated
20 in accordance with the provisions of the Emancipation
21 of Minors Act;

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

26 (viii) put on probation or conditional discharge

1 and placed in detention under Section 3-6039 of the
2 Counties Code for a period not to exceed the period of
3 incarceration permitted by law for adults found guilty
4 of the same offense or offenses for which the minor was
5 adjudicated delinquent, and in any event no longer than
6 upon attainment of age 21; this subdivision (viii)
7 notwithstanding any contrary provision of the law; or
8 (ix) ordered to undergo a medical or other
9 procedure to have a tattoo symbolizing allegiance to a
10 street gang removed from his or her body.

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

21 (c) When a minor is found to be guilty for an offense
22 which is a violation of the Illinois Controlled Substances
23 Act, the Cannabis Control Act, or the Methamphetamine
24 Control and Community Protection Act and made a ward of the
25 court, the court may enter a disposition order requiring
26 the minor to undergo assessment, counseling or treatment in

1 a substance abuse program approved by the Department of
2 Human Services.

3 (2) Any sentencing order other than commitment to the
4 Department of Juvenile Justice may provide for protective
5 supervision under Section 5-725 and may include an order of
6 protection under Section 5-730.

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

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

24 (5) Any sentencing order where the minor is committed or
25 placed in accordance with Section 5-740 shall provide for the
26 parents or guardian of the estate of the minor to pay to the

1 legal custodian or guardian of the person of the minor such
2 sums as are determined by the custodian or guardian of the
3 person of the minor as necessary for the minor's needs. The
4 payments may not exceed the maximum amounts provided for by
5 Section 9.1 of the Children and Family Services Act.

6 (6) Whenever the sentencing order requires the minor to
7 attend school or participate in a program of training, the
8 truant officer or designated school official shall regularly
9 report to the court if the minor is a chronic or habitual
10 truant under Section 26-2a of the School Code. Notwithstanding
11 any other provision of this Act, in instances in which
12 educational services are to be provided to a minor in a
13 residential facility where the minor has been placed by the
14 court, costs incurred in the provision of those educational
15 services must be allocated based on the requirements of the
16 School Code.

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

21 (8) A minor found to be guilty for reasons that include a
22 violation of Section 21-1.3 of the Criminal Code of 1961 shall
23 be ordered to perform community service for not less than 30
24 and not more than 120 hours, if community service is available
25 in the jurisdiction. The community service shall include, but
26 need not be limited to, the cleanup and repair of the damage

1 that was caused by the violation or similar damage to property
2 located in the municipality or county in which the violation
3 occurred. The order may be in addition to any other order
4 authorized by this Section.

5 (8.5) A minor found to be guilty for reasons that include a
6 violation of Section 3.02 or Section 3.03 of the Humane Care
7 for Animals Act or paragraph (d) of subsection (1) of Section
8 21-1 of the Criminal Code of 1961 shall be ordered to undergo
9 medical or psychiatric treatment rendered by a psychiatrist or
10 psychological treatment rendered by a clinical psychologist.
11 The order may be in addition to any other order authorized by
12 this Section.

13 (9) In addition to any other sentencing order, the court
14 shall order any minor found to be guilty for an act which would
15 constitute, predatory criminal sexual assault of a child,
16 aggravated criminal sexual assault, criminal sexual assault,
17 aggravated criminal sexual abuse, or criminal sexual abuse if
18 committed by an adult to undergo medical testing to determine
19 whether the defendant has any sexually transmissible disease
20 including a test for infection with human immunodeficiency
21 virus (HIV) or any other identified causative agency of
22 acquired immunodeficiency syndrome (AIDS). Any medical test
23 shall be performed only by appropriately licensed medical
24 practitioners and may include an analysis of any bodily fluids
25 as well as an examination of the minor's person. Except as
26 otherwise provided by law, the results of the test shall be

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

21 (10) When a court finds a minor to be guilty the court
22 shall, before entering a sentencing order under this Section,
23 make a finding whether the offense committed either: (a) was
24 related to or in furtherance of the criminal activities of an
25 organized gang or was motivated by the minor's membership in or
26 allegiance to an organized gang, or (b) involved a violation of

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

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

24 (Text of Section after amendment by P.A. 95-337 and 95-642)
25 Sec. 5-710. Kinds of sentencing orders.

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

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

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

13 (ii) placed in accordance with Section 5-740, with
14 or without also being put on probation or conditional
15 discharge;

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

19 (iv) placed in the guardianship of the Department
20 of Children and Family Services, but only if the
21 delinquent minor is under 15 years of age or, pursuant
22 to Article II of this Act, a minor for whom an
23 independent basis of abuse, neglect, or dependency
24 exists. An independent basis exists when the
25 allegations or adjudication of abuse, neglect, or
26 dependency do not arise from the same facts, incident,

1 or circumstances which give rise to a charge or
2 adjudication of delinquency;

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

1 (vi) ordered partially or completely emancipated
2 in accordance with the provisions of the Emancipation
3 of Minors Act;

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

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

16 (ix) ordered to undergo a medical or other
17 procedure to have a tattoo symbolizing allegiance to a
18 street gang removed from his or her body.

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

1 parent, guardian or legal custodian shall be considered as
2 time spent in detention.

3 (c) When a minor is found to be guilty for an offense
4 which is a violation of the Illinois Controlled Substances
5 Act, the Cannabis Control Act, or the Methamphetamine
6 Control and Community Protection Act and made a ward of the
7 court, the court may enter a disposition order requiring
8 the minor to undergo assessment, counseling or treatment in
9 a substance abuse program approved by the Department of
10 Human Services.

11 (2) Any sentencing order other than commitment to the
12 Department of Juvenile Justice may provide for protective
13 supervision under Section 5-725 and may include an order of
14 protection under Section 5-730.

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

19 (4) In addition to any other sentence, the court may order
20 any minor found to be delinquent to make restitution, in
21 monetary or non-monetary form, under the terms and conditions
22 of Section 5-5-6 of the Unified Code of Corrections, except
23 that the "presentencing hearing" referred to in that Section
24 shall be the sentencing hearing for purposes of this Section.
25 The parent, guardian or legal custodian of the minor may be
26 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. Notwithstanding
19 any other provision of this Act, in instances in which
20 educational services are to be provided to a minor in a
21 residential facility where the minor has been placed by the
22 court, costs incurred in the provision of those educational
23 services must be allocated based on the requirements of the
24 School Code.

25 (7) In no event shall a guilty minor be committed to the
26 Department of Juvenile Justice for a period of time in excess

1 of that period for which an adult could be committed for the
2 same act.

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

13 (8.5) A minor found to be guilty for reasons that include a
14 violation of Section 3.02 or Section 3.03 of the Humane Care
15 for Animals Act or paragraph (d) of subsection (1) of Section
16 21-1 of the Criminal Code of 1961 shall be ordered to undergo
17 medical or psychiatric treatment rendered by a psychiatrist or
18 psychological treatment rendered by a clinical psychologist.
19 The order may be in addition to any other order authorized by
20 this Section.

21 (9) In addition to any other sentencing order, the court
22 shall order any minor found to be guilty for an act which would
23 constitute, predatory criminal sexual assault of a child,
24 aggravated criminal sexual assault, criminal sexual assault,
25 aggravated criminal sexual abuse, or criminal sexual abuse if
26 committed by an adult to undergo medical testing to determine

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

1 the minor in the custody of the Department of Juvenile Justice.
2 For the purposes of this Section, "organized gang" has the
3 meaning ascribed to it in Section 10 of the Illinois Streetgang
4 Terrorism Omnibus Prevention Act.

5 (11) If the court determines that the offense was committed
6 in furtherance of the criminal activities of an organized gang,
7 as provided in subsection (10), and that the offense involved
8 the operation or use of a motor vehicle or the use of a
9 driver's license or permit, the court shall notify the
10 Secretary of State of that determination and of the period for
11 which the minor shall be denied driving privileges. If, at the
12 time of the determination, the minor does not hold a driver's
13 license or permit, the court shall provide that the minor shall
14 not be issued a driver's license or permit until his or her
15 18th birthday. If the minor holds a driver's license or permit
16 at the time of the determination, the court shall provide that
17 the minor's driver's license or permit shall be revoked until
18 his or her 21st birthday, or until a later date or occurrence
19 determined by the court. If the minor holds a driver's license
20 at the time of the determination, the court may direct the
21 Secretary of State to issue the minor a judicial driving
22 permit, also known as a JDP. The JDP shall be subject to the
23 same terms as a JDP issued under Section 6-206.1 of the
24 Illinois Vehicle Code, except that the court may direct that
25 the JDP be effective immediately.

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

1 95-337, eff. 6-1-08; 95-642, eff. 6-1-08; revised 11-19-07.)

2 Section 95. No acceleration or delay. Where this Act makes
3 changes in a statute that is represented in this Act by text
4 that is not yet or no longer in effect (for example, a Section
5 represented by multiple versions), the use of that text does
6 not accelerate or delay the taking effect of (i) the changes
7 made by this Act or (ii) provisions derived from any other
8 Public Act.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.