



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0438

Introduced 2/4/2009, by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-760 new
735 ILCS 5/9-120

Amends the Juvenile Court Act of 1987. Provides that if a minor is found to be a delinquent minor by reason of the commission of a gang-related offense, and the court finds that the minor is a first-time offender and orders that a parent, guardian, or legal custodian retain custody of that minor, the court may order the parent, guardian, or legal custodian to attend antigang violence parenting classes. Provides that the Department of Children and Family Services shall establish curriculum for the antigang violence parenting classes. Provides that the father, mother, spouse, or other person liable for the support of the minor, the estate of that person, and the estate of the minor shall be liable for the cost of classes, unless the court finds that the person or estate does not have the financial ability to pay. Amends the Code of Civil Procedure. Provides that if any lessee or occupant, on one or more occasions, uses or permits the use of leased premises for the commission of any act that would constitute a violation of the Firearm Owners Identification Card Act or the Deadly Weapons Article of the Criminal Code of 1961 or of any municipal or county ordinance relating to the registration, acquisition, carrying, possession, or use of firearms, firearm attachments, or firearm ammunition, and the owner or lessor does not bring or assign the State's Attorney to bring an action for forcible entry and detainer to recover possession of the leased premises, the State's Attorney shall bring such action on behalf of the owner or lessor without the consent of the owner or lessor.

LRB096 04737 RLC 14800 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning violence prevention.

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 adding Section 5-760 as follows:

6 (705 ILCS 405/5-760 new)

7 Sec. 5-760. Antigang violence parenting classes.

8 (a) If a minor is found to be a delinquent minor by reason
9 of the commission of a gang-related offense, and the court
10 finds that the minor is a first-time offender and orders that a
11 parent, guardian, or legal custodian retain custody of that
12 minor, the court may order the parent, guardian, or legal
13 custodian to attend antigang violence parenting classes.

14 (b) The Department of Children and Family Services shall
15 establish curriculum for the antigang violence parenting
16 classes required under this Section, including, but not limited
17 to, all of the following criteria:

18 (1) A meeting in which the families of innocent victims
19 of gang violence share their experience.

20 (2) A meeting in which the surviving parents of a
21 deceased gang member share their experience.

22 (3) How to identify gang and drug activity in children.

23 (4) How to communicate effectively with adolescents.

1 (5) An overview of pertinent support agencies and
2 organizations for intervention, education, job training,
3 and positive recreational activities, including telephone
4 numbers, locations, and contact names of those agencies and
5 organizations.

6 (6) The potential fines and periods of incarceration
7 for the commission of additional gang-related offenses.

8 (7) The potential penalties that may be imposed upon
9 parents for aiding and abetting crimes committed by their
10 children.

11 (c) The father, mother, spouse, or other person liable for
12 the support of the minor, the estate of that person, and the
13 estate of the minor shall be liable for the cost of classes
14 ordered under this Section, unless the court finds that the
15 person or estate does not have the financial ability to pay. In
16 evaluating financial ability to pay, the court shall take into
17 consideration the combined household income, the necessary
18 obligations of the household, the number of persons dependent
19 upon this income, and whether reduced monthly payments would
20 obviate the need to waive liability for the full costs.

21 (d) For purposes of this Section, "gang-related" has the
22 meaning ascribed to it in Section 10 of the Illinois Streetgang
23 Terrorism Omnibus Prevention Act.

24 Section 10. The Code of Civil Procedure is amended by
25 changing Section 9-120 as follows:

1 (735 ILCS 5/9-120)

2 Sec. 9-120. Leased premises used in furtherance of a
3 criminal offense; lease void at option of lessor or assignee.

4 (a) If any lessee or occupant, on one or more occasions,
5 uses or permits the use of leased premises for the commission
6 of any act that would constitute a felony or a Class A
7 misdemeanor under the laws of this State, the lease or rental
8 agreement shall, at the option of the lessor or the lessor's
9 assignee become void, and the owner or lessor shall be entitled
10 to recover possession of the leased premises as against a
11 tenant holding over after the expiration of his or her term.

12 (b) The owner or lessor may bring a forcible entry and
13 detainer action, or, if the State's Attorney of the county in
14 which the real property is located agrees, assign to that
15 State's Attorney the right to bring a forcible entry and
16 detainer action on behalf of the owner or lessor, against the
17 lessee and all occupants of the leased premises. The assignment
18 must be in writing on a form prepared by the State's Attorney
19 of the county in which the real property is located. If the
20 owner or lessor assigns the right to bring a forcible entry and
21 detainer action, the assignment shall be limited to those
22 rights and duties up to and including delivery of the order of
23 eviction to the sheriff for execution. The owner or lessor
24 shall remain liable for the cost of the eviction whether or not
25 the right to bring the forcible entry and detainer action has

1 been assigned.

2 (b-5) If any lessee or occupant, on one or more occasions,
3 uses or permits the use of leased premises for the commission
4 of any act that would constitute a violation of the Firearm
5 Owners Identification Card Act or Article 24 of the Criminal
6 Code of 1961 or of any municipal or county ordinance relating
7 to the registration, acquisition, carrying, possession, or use
8 of firearms, firearm attachments, or firearm ammunition, and
9 the owner or lessor does not bring or assign the State's
10 Attorney to bring an action under this Article to recover
11 possession of the leased premises, the State's Attorney shall
12 bring such action on behalf of the owner or lessor without the
13 consent of the owner or lessor.

14 (c) A person does not forfeit any part of his or her
15 security deposit due solely to an eviction under the provisions
16 of this Section, except that a security deposit may be used to
17 pay fees charged by the sheriff for carrying out an eviction.

18 (d) If a lessor or the lessor's assignee voids a lease or
19 contract under the provisions of this Section and the tenant or
20 occupant has not vacated the premises within 5 days after
21 receipt of a written notice to vacate the premises, the lessor
22 or lessor's assignee may seek relief under this Article IX.
23 Notwithstanding Sections 9-112, 9-113, and 9-114 of this Code,
24 judgment for costs against a plaintiff seeking possession of
25 the premises under this Section shall not be awarded to the
26 defendant unless the action was brought by the plaintiff in bad

1 faith. An action to possess premises under this Section shall
2 not be deemed to be in bad faith when the plaintiff based his
3 or her cause of action on information provided to him or her by
4 a law enforcement agency or the State's Attorney.

5 (e) After a trial, if the court finds, by a preponderance
6 of the evidence, that the allegations in the complaint have
7 been proven, the court shall enter judgment for possession of
8 the premises in favor of the plaintiff and the court shall
9 order that the plaintiff shall be entitled to re-enter the
10 premises immediately.

11 (f) A judgment for possession of the premises entered in an
12 action brought by a lessor or lessor's assignee, if the action
13 was brought as a result of a lessor or lessor's assignee
14 declaring a lease void pursuant to this Section, may not be
15 stayed for any period in excess of 7 days by the court unless
16 all parties agree to a longer period. Thereafter the plaintiff
17 shall be entitled to re-enter the premises immediately. The
18 sheriff or other lawfully deputized officers shall execute an
19 order entered pursuant to this Section within 7 days of its
20 entry, or within 7 days of the expiration of a stay of
21 judgment, if one is entered.

22 (g) Nothing in this Section shall limit the rights of an
23 owner or lessor to bring a forcible entry and detainer action
24 on the basis of other applicable law.

25 (Source: P.A. 90-360, eff. 1-1-98.)