

1 AN ACT concerning criminal law.

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

4 Section 5. The Children and Family Services Act is amended
5 by changing Section 17a-5 as follows:

6 (20 ILCS 505/17a-5) (from Ch. 23, par. 5017a-5)

7 Sec. 17a-5. The Department of Human Services shall be
8 successor to the Department of Children and Family Services in
9 the latter Department's capacity as successor to the Illinois
10 Law Enforcement Commission in the functions of that Commission
11 relating to juvenile justice and the federal Juvenile Justice
12 and Delinquency Prevention Act of 1974 as amended, and shall
13 have the powers, duties and functions specified in this Section
14 relating to juvenile justice and the federal Juvenile Justice
15 and Delinquency Prevention Act of 1974, as amended.

16 (1) Definitions. As used in this Section:

17 (a) "juvenile justice system" means all activities by
18 public or private agencies or persons pertaining to the
19 handling of youth involved or having contact with the
20 police, courts or corrections;

21 (b) "unit of general local government" means any
22 county, municipality or other general purpose political
23 subdivision of this State;

1 (c) "Commission" means the Illinois Juvenile Justice
2 Commission provided for in Section 17a-9 of this Act.

3 (2) Powers and Duties of Department. The Department of
4 Human Services shall serve as the official State Planning
5 Agency for juvenile justice for the State of Illinois and in
6 that capacity is authorized and empowered to discharge any and
7 all responsibilities imposed on such bodies by the federal
8 Juvenile Justice and Delinquency Prevention Act of 1974, as
9 amended, specifically the deinstitutionalization of status
10 offenders, separation of juveniles and adults in municipal and
11 county jails, removal of juveniles from county and municipal
12 jails and monitoring of compliance with these mandates. In
13 furtherance thereof, the Department has the powers and duties
14 set forth in paragraphs 3 through 15 of this Section:

15 (3) To develop annual comprehensive plans based on analysis
16 of juvenile crime problems and juvenile justice and delinquency
17 prevention needs in the State, for the improvement of juvenile
18 justice throughout the State, such plans to be in accordance
19 with the federal Juvenile Justice and Delinquency Prevention
20 Act of 1974, as amended;

21 (4) To define, develop and correlate programs and projects
22 relating to administration of juvenile justice for the State
23 and units of general local government within the State or for
24 combinations of such units for improvement in law enforcement;

25 (5) To advise, assist and make recommendations to the
26 Governor as to how to achieve a more efficient and effective

1 juvenile justice system;

2 (5.1) To develop recommendations to ensure the effective
3 reintegration of youth offenders into communities to which they
4 are returning. The Illinois Juvenile Justice Commission,
5 utilizing available information provided by the Department of
6 Juvenile Justice, the Prisoner Review Board, the Illinois
7 Criminal Justice Information Authority, and any other relevant
8 State agency, shall develop by September 30, 2010, a report on
9 juveniles who have been the subject of a parole revocation
10 within the past year in Illinois. The report shall provide
11 information on the number of youth confined in the Department
12 of Juvenile Justice for revocation based on a technical parole
13 violation, the length of time the youth spent on parole prior
14 to the revocation, the nature of the committing offense that
15 served as the basis for the original commitment, demographic
16 information including age, race, sex, and zip code of the
17 underlying offense and the conduct leading to revocation. In
18 addition, the Juvenile Justice Commission shall develop
19 recommendations to:

20 (A) recommend the development of a tracking system to
21 provide quarterly statewide reports on youth released from
22 the Illinois Department of Juvenile Justice including
23 lengths of stay in the Illinois Department of Juvenile
24 Justice prior to release, length of monitoring
25 post-release, pre-release services provided to each youth,
26 violations of release conditions including length of

1 release prior to violation, nature of violation, and
2 intermediate sanctions offered prior to violation;

3 (B) recommend outcome measures of educational
4 attainment, employment, homelessness, recidivism, and
5 other appropriate measures that can be used to assess the
6 performance of the State of Illinois in operating youth
7 offender reentry programs; ;

8 (C) recommend due process protections for youth during
9 release decision-making processes including, but not
10 limited to, parole revocation proceedings and release on
11 parole.

12 The Juvenile Justice Commission shall include information
13 and recommendations on the effectiveness of the State's
14 juvenile reentry programming, including progress on the
15 recommendations in subparagraphs (A) and (B) of this paragraph
16 (5.1), in its annual submission of recommendations to the
17 Governor and the General Assembly on matters relative to its
18 function, and in its annual juvenile justice plan. This
19 paragraph (5.1) may be cited as the Youth Reentry Improvement
20 Law of 2009;

21 (6) To act as a central repository for federal, State,
22 regional and local research studies, plans, projects, and
23 proposals relating to the improvement of the juvenile justice
24 system;

25 (7) To act as a clearing house for information relating to
26 all aspects of juvenile justice system improvement;

1 (8) To undertake research studies to aid in accomplishing
2 its purposes;

3 (9) To establish priorities for the expenditure of funds
4 made available by the United States for the improvement of the
5 juvenile justice system throughout the State;

6 (10) To apply for, receive, allocate, disburse, and account
7 for grants of funds made available by the United States
8 pursuant to the federal Juvenile Justice and Delinquency
9 Prevention Act of 1974, as amended; and such other similar
10 legislation as may be enacted from time to time in order to
11 plan, establish, operate, coordinate, and evaluate projects
12 directly or through grants and contracts with public and
13 private agencies for the development of more effective
14 education, training, research, prevention, diversion,
15 treatment and rehabilitation programs in the area of juvenile
16 delinquency and programs to improve the juvenile justice
17 system;

18 (11) To insure that no more than the maximum percentage of
19 the total annual State allotment of juvenile justice funds be
20 utilized for the administration of such funds;

21 (12) To provide at least 66-2/3 per centum of funds
22 received by the State under the Juvenile Justice and
23 Delinquency Prevention Act of 1974, as amended, are expended
24 through:

25 (a) programs of units of general local government or
26 combinations thereof, to the extent such programs are

1 consistent with the State plan; and

2 (b) programs of local private agencies, to the extent
3 such programs are consistent with the State plan;

4 (13) To enter into agreements with the United States
5 government which may be required as a condition of obtaining
6 federal funds;

7 (14) To enter into contracts and cooperate with units of
8 general local government or combinations of such units, State
9 agencies, and private organizations of all types, for the
10 purpose of carrying out the duties of the Department imposed by
11 this Section or by federal law or regulations;

12 (15) To exercise all other powers that are reasonable and
13 necessary to fulfill its functions under applicable federal law
14 or to further the purposes of this Section.

15 (Source: P.A. 96-853, eff. 12-23-09.)

16 Section 10. The Unified Code of Corrections is amended by
17 changing Section 3-3-9 as follows:

18 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

19 Sec. 3-3-9. Violations; changes of conditions; preliminary
20 hearing; revocation of parole or mandatory supervised release;
21 revocation hearing.

22 (a) If prior to expiration or termination of the term of
23 parole or mandatory supervised release, a person violates a
24 condition set by the Prisoner Review Board or a condition of

1 parole or mandatory supervised release under Section 3-3-7 of
2 this Code to govern that term, the Board may:

3 (1) continue the existing term, with or without
4 modifying or enlarging the conditions; or

5 (2) parole or release the person to a half-way house;
6 or

7 (3) revoke the parole or mandatory supervised release
8 and reconfine the person for a term computed in the
9 following manner:

10 (i) (A) For those sentenced under the law in effect
11 prior to this amendatory Act of 1977, the recommitment
12 shall be for any portion of the imposed maximum term of
13 imprisonment or confinement which had not been served
14 at the time of parole and the parole term, less the
15 time elapsed between the parole of the person and the
16 commission of the violation for which parole was
17 revoked;

18 (B) Except as set forth in paragraph (C), for those
19 subject to mandatory supervised release under
20 paragraph (d) of Section 5-8-1 of this Code, the
21 recommitment shall be for the total mandatory
22 supervised release term, less the time elapsed between
23 the release of the person and the commission of the
24 violation for which mandatory supervised release is
25 revoked. The Board may also order that a prisoner serve
26 up to one year of the sentence imposed by the court

1 which was not served due to the accumulation of good
2 conduct credit;

3 (C) For those subject to sex offender supervision
4 under clause (d)(4) of Section 5-8-1 of this Code, the
5 reconfinement period for violations of clauses (a)(3)
6 through (b-1)(15) of Section 3-3-7 shall not exceed 2
7 years from the date of reconfinement.

8 (ii) the person shall be given credit against the
9 term of reimprisonment or reconfinement for time spent
10 in custody since he was paroled or released which has
11 not been credited against another sentence or period of
12 confinement;

13 (iii) persons committed under the Juvenile Court
14 Act or the Juvenile Court Act of 1987 may be continued
15 under the existing term of parole with or without
16 modifying the conditions of parole, paroled or
17 released to a group home or other residential facility,
18 or shall be recommitted until the age of 21 unless
19 sooner terminated;

20 (iv) this Section is subject to the release under
21 supervision and the reparole and rerelease provisions
22 of Section 3-3-10.

23 (b) The Board may revoke parole or mandatory supervised
24 release for violation of a condition for the duration of the
25 term and for any further period which is reasonably necessary
26 for the adjudication of matters arising before its expiration.

1 The issuance of a warrant of arrest for an alleged violation of
2 the conditions of parole or mandatory supervised release shall
3 toll the running of the term until the final determination of
4 the charge. When parole or mandatory supervised release is not
5 revoked that period shall be credited to the term, unless a
6 community-based sanction is imposed as an alternative to
7 revocation and reincarceration, including a diversion
8 established by the Illinois Department of Corrections Parole
9 Services Unit prior to the holding of a preliminary parole
10 revocation hearing. Parolees who are diverted to a
11 community-based sanction shall serve the entire term of parole
12 or mandatory supervised release, if otherwise appropriate.

13 (b-5) The Board shall revoke parole or mandatory supervised
14 release for violation of the conditions prescribed in paragraph
15 (7.6) of subsection (a) of Section 3-3-7.

16 (c) A person charged with violating a condition of parole
17 or mandatory supervised release shall have a preliminary
18 hearing before a hearing officer designated by the Board to
19 determine if there is cause to hold the person for a revocation
20 hearing. However, no preliminary hearing need be held when
21 revocation is based upon new criminal charges and a court finds
22 probable cause on the new criminal charges or when the
23 revocation is based upon a new criminal conviction and a
24 certified copy of that conviction is available.

25 (d) Parole or mandatory supervised release shall not be
26 revoked without written notice to the offender setting forth

1 the violation of parole or mandatory supervised release charged
2 against him.

3 (e) A hearing on revocation shall be conducted before at
4 least one member of the Prisoner Review Board. The Board may
5 meet and order its actions in panels of 3 or more members. The
6 action of a majority of the panel shall be the action of the
7 Board. In consideration of persons committed to the Department
8 of Juvenile Justice, the member hearing the matter and at least
9 a majority of the panel shall be experienced in juvenile
10 matters. A record of the hearing shall be made. At the hearing
11 the offender shall be permitted to:

12 (1) appear and answer the charge; and

13 (2) bring witnesses on his behalf.

14 (f) The Board shall either revoke parole or mandatory
15 supervised release or order the person's term continued with or
16 without modification or enlargement of the conditions.

17 (g) Parole or mandatory supervised release shall not be
18 revoked for failure to make payments under the conditions of
19 parole or release unless the Board determines that such failure
20 is due to the offender's willful refusal to pay.

21 (Source: P.A. 94-161, eff. 7-11-05; 94-165, eff. 7-11-05;
22 94-696, eff. 6-1-06; 95-82, eff. 8-13-07.)