



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB4770

by Rep. La Shawn K. Ford

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2.5-15

730 ILCS 5/3-10-2

from Ch. 38, par. 1003-10-2

Amends the Unified Code of Corrections. Provides that Department of Juvenile Justice personnel who are hired by the Department and who participate or assist in the rehabilitative and vocational training of delinquent youths, supervise the daily activities involving direct and continuing responsibility for the youth's security, welfare and development, or participate in the personal rehabilitation of delinquent youth by training, supervising, and assisting lower level personnel who perform these duties must be over the age of 21 and have a bachelor's or advanced degree from an accredited college or university with a specialization in criminal justice, education, psychology, social work, or a closely related social science or other bachelor's or advanced degree with at least 2 years experience in the field of juvenile matters. Provides that the Department of Juvenile Justice shall by certified mail and telephone or electronic message (deletes return receipt requested) notify the parent, guardian or nearest relative of any person committed to the Department of Juvenile Justice of his or her physical location and any change thereof.

LRB098 19338 RLC 54491 b

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 Unified Code of Corrections is amended by  
5 changing Sections 3-2.5-15 and 3-10-2 as follows:

6 (730 ILCS 5/3-2.5-15)

7 (Text of Section after amendment by P.A. 98-528)

8 Sec. 3-2.5-15. Department of Juvenile Justice; assumption  
9 of duties of the Juvenile Division.

10 (a) The Department of Juvenile Justice shall assume the  
11 rights, powers, duties, and responsibilities of the Juvenile  
12 Division of the Department of Corrections. Personnel, books,  
13 records, property, and unencumbered appropriations pertaining  
14 to the Juvenile Division of the Department of Corrections shall  
15 be transferred to the Department of Juvenile Justice on the  
16 effective date of this amendatory Act of the 94th General  
17 Assembly. Any rights of employees or the State under the  
18 Personnel Code or any other contract or plan shall be  
19 unaffected by this transfer.

20 (b) Department of Juvenile Justice personnel who are hired  
21 by the Department on or after the effective date of this  
22 amendatory Act of the 94th General Assembly and who participate  
23 or assist in the rehabilitative and vocational training of

1 delinquent youths, supervise the daily activities involving  
2 direct and continuing responsibility for the youth's security,  
3 welfare and development, or participate in the personal  
4 rehabilitation of delinquent youth by training, supervising,  
5 and assisting lower level personnel who perform these duties  
6 must be over the age of 21 and have a bachelor's or advanced  
7 degree from an accredited college or university with a  
8 specialization in criminal justice, education, psychology,  
9 social work, or a closely related social science or other  
10 bachelor's or advanced degree with at least 2 years experience  
11 in the field of juvenile matters. This requirement shall not  
12 apply to security, clerical, food service, and maintenance  
13 staff that do not have direct and regular contact with youth.  
14 The degree requirements specified in this subsection (b) are  
15 not required of persons who provide vocational training and who  
16 have adequate knowledge in the skill for which they are  
17 providing the vocational training.

18 (c) Subsection (b) of this Section does not apply to  
19 personnel transferred to the Department of Juvenile Justice on  
20 the effective date of this amendatory Act of the 94th General  
21 Assembly.

22 (d) The Department shall be under the direction of the  
23 Director of Juvenile Justice as provided in this Code.

24 (e) The Director shall organize divisions within the  
25 Department and shall assign functions, powers, duties, and  
26 personnel as required by law. The Director may create other

1 divisions and may assign other functions, powers, duties, and  
2 personnel as may be necessary or desirable to carry out the  
3 functions and responsibilities vested by law in the Department.  
4 The Director may, with the approval of the Office of the  
5 Governor, assign to and share functions, powers, duties, and  
6 personnel with other State agencies such that administrative  
7 services and administrative facilities are provided by a shared  
8 administrative service center. Where possible, shared services  
9 which impact youth should be done with child-serving agencies.  
10 These administrative services may include, but are not limited  
11 to, all of the following functions: budgeting, accounting  
12 related functions, auditing, human resources, legal,  
13 procurement, training, data collection and analysis,  
14 information technology, internal investigations, intelligence,  
15 legislative services, emergency response capability, statewide  
16 transportation services, and general office support.

17 (f) The Department of Juvenile Justice may enter into  
18 intergovernmental cooperation agreements under which minors  
19 adjudicated delinquent and committed to the Department of  
20 Juvenile Justice may participate in county juvenile impact  
21 incarceration programs established under Section 3-6039 of the  
22 Counties Code.

23 (g) The Department of Juvenile Justice must comply with the  
24 ethnic and racial background data collection procedures  
25 provided in Section 4.5 of the Criminal Identification Act.

26 (Source: P.A. 98-528, eff. 1-1-15.)

1 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

2 Sec. 3-10-2. Examination of Persons Committed to the  
3 Department of Juvenile Justice.

4 (a) A person committed to the Department of Juvenile  
5 Justice shall be examined in regard to his medical,  
6 psychological, social, educational and vocational condition  
7 and history, including the use of alcohol and other drugs, the  
8 circumstances of his offense and any other information as the  
9 Department of Juvenile Justice may determine.

10 (a-5) Upon admission of a person committed to the  
11 Department of Juvenile Justice, the Department of Juvenile  
12 Justice must provide the person with appropriate information  
13 concerning HIV and AIDS in writing, verbally, or by video or  
14 other electronic means. The Department of Juvenile Justice  
15 shall develop the informational materials in consultation with  
16 the Department of Public Health. At the same time, the  
17 Department of Juvenile Justice also must offer the person the  
18 option of being tested, at no charge to the person, for  
19 infection with human immunodeficiency virus (HIV). Pre-test  
20 information shall be provided to the committed person and  
21 informed consent obtained as required in subsection (d) of  
22 Section 3 and Section 5 of the AIDS Confidentiality Act. The  
23 Department of Juvenile Justice may conduct opt-out HIV testing  
24 as defined in Section 4 of the AIDS Confidentiality Act. If the  
25 Department conducts opt-out HIV testing, the Department shall

1 place signs in English, Spanish and other languages as needed  
2 in multiple, highly visible locations in the area where HIV  
3 testing is conducted informing inmates that they will be tested  
4 for HIV unless they refuse, and refusal or acceptance of  
5 testing shall be documented in the inmate's medical record. The  
6 Department shall follow procedures established by the  
7 Department of Public Health to conduct HIV testing and testing  
8 to confirm positive HIV test results. All testing must be  
9 conducted by medical personnel, but pre-test and other  
10 information may be provided by committed persons who have  
11 received appropriate training. The Department, in conjunction  
12 with the Department of Public Health, shall develop a plan that  
13 complies with the AIDS Confidentiality Act to deliver  
14 confidentially all positive or negative HIV test results to  
15 inmates or former inmates. Nothing in this Section shall  
16 require the Department to offer HIV testing to an inmate who is  
17 known to be infected with HIV, or who has been tested for HIV  
18 within the previous 180 days and whose documented HIV test  
19 result is available to the Department electronically. The  
20 testing provided under this subsection (a-5) shall consist of a  
21 test approved by the Illinois Department of Public Health to  
22 determine the presence of HIV infection, based upon  
23 recommendations of the United States Centers for Disease  
24 Control and Prevention. If the test result is positive, a  
25 reliable supplemental test based upon recommendations of the  
26 United States Centers for Disease Control and Prevention shall

1 be administered.

2 Also upon admission of a person committed to the Department  
3 of Juvenile Justice, the Department of Juvenile Justice must  
4 inform the person of the Department's obligation to provide the  
5 person with medical care.

6 (b) Based on its examination, the Department of Juvenile  
7 Justice may exercise the following powers in developing a  
8 treatment program of any person committed to the Department of  
9 Juvenile Justice:

10 (1) Require participation by him in vocational,  
11 physical, educational and corrective training and  
12 activities to return him to the community.

13 (2) Place him in any institution or facility of the  
14 Department of Juvenile Justice.

15 (3) Order replacement or referral to the Parole and  
16 Pardon Board as often as it deems desirable. The Department  
17 of Juvenile Justice shall refer the person to the Parole  
18 and Pardon Board as required under Section 3-3-4.

19 (4) Enter into agreements with the Secretary of Human  
20 Services and the Director of Children and Family Services,  
21 with courts having probation officers, and with private  
22 agencies or institutions for separate care or special  
23 treatment of persons subject to the control of the  
24 Department of Juvenile Justice.

25 (c) The Department of Juvenile Justice shall make periodic  
26 reexamination of all persons under the control of the

1 Department of Juvenile Justice to determine whether existing  
2 orders in individual cases should be modified or continued.  
3 This examination shall be made with respect to every person at  
4 least once annually.

5 (d) A record of the treatment decision including any  
6 modification thereof and the reason therefor, shall be part of  
7 the committed person's master record file.

8 (e) The Department of Juvenile Justice shall by certified  
9 mail and telephone or electronic message ~~, return receipt~~  
10 ~~requested,~~ notify the parent, guardian or nearest relative of  
11 any person committed to the Department of Juvenile Justice of  
12 his or her physical location and any change thereof.

13 (Source: P.A. 97-244, eff. 8-4-11; 97-323, eff. 8-12-11;  
14 97-813, eff. 7-13-12.)