



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3155

by Rep. Will Guzzardi

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-750

730 ILCS 5/3-3-8

from Ch. 38, par. 1003-3-8

Amends the Juvenile Court Act of 1987. Clarifies that a minor, found delinquent for first degree murder, upon release from a Department of Juvenile Justice facility shall be placed on aftercare release until 21 years of age, unless sooner discharged from aftercare release. Amends the Unified Code of Corrections. Provides that the aftercare release time of a person committed to the Department of Juvenile Justice under the Juvenile Court Act of 1987 shall be: (1) for an act that if committed by an adult would be a Class 4 felony or lesser offense, 3 months or until the juvenile attains 21 years of age, whichever occurs sooner; (2) for an act that if committed by an adult would be a Class 3 felony, 6 months or until the juvenile attains 21 years of age, whichever occurs sooner; (3) for an act that if committed by an adult would be a Class 2 felony, 12 months or until the juvenile attains 21 years of age, whichever occurs sooner; (4) for an act that if committed by an adult would be a Class 1 felony, 18 months or until the juvenile attains 21 years of age, whichever occurs sooner; and (5) for an act that if committed by an adult would be a Class X felony, 24 months or until the juvenile attains 21 years of age, whichever occurs sooner, unless otherwise provided for by law. Effective immediately.

LRB099 06172 RLC 31209 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 Juvenile Court Act of 1987 is amended by  
5 changing Section 5-750 as follows:

6 (705 ILCS 405/5-750)

7 Sec. 5-750. Commitment to the Department of Juvenile  
8 Justice.

9 (1) Except as provided in subsection (2) of this Section,  
10 when any delinquent has been adjudged a ward of the court under  
11 this Act, the court may commit him or her to the Department of  
12 Juvenile Justice, if it finds that (a) his or her parents,  
13 guardian or legal custodian are unfit or are unable, for some  
14 reason other than financial circumstances alone, to care for,  
15 protect, train or discipline the minor, or are unwilling to do  
16 so, and the best interests of the minor and the public will not  
17 be served by placement under Section 5-740, or it is necessary  
18 to ensure the protection of the public from the consequences of  
19 criminal activity of the delinquent; and (b) commitment to the  
20 Department of Juvenile Justice is the least restrictive  
21 alternative based on evidence that efforts were made to locate  
22 less restrictive alternatives to secure confinement and the  
23 reasons why efforts were unsuccessful in locating a less

1 restrictive alternative to secure confinement. Before the  
2 court commits a minor to the Department of Juvenile Justice, it  
3 shall make a finding that secure confinement is necessary,  
4 following a review of the following individualized factors:

5 (A) Age of the minor.

6 (B) Criminal background of the minor.

7 (C) Review of results of any assessments of the minor,  
8 including child centered assessments such as the CANS.

9 (D) Educational background of the minor, indicating  
10 whether the minor has ever been assessed for a learning  
11 disability, and if so what services were provided as well  
12 as any disciplinary incidents at school.

13 (E) Physical, mental and emotional health of the minor,  
14 indicating whether the minor has ever been diagnosed with a  
15 health issue and if so what services were provided and  
16 whether the minor was compliant with services.

17 (F) Community based services that have been provided to  
18 the minor, and whether the minor was compliant with the  
19 services, and the reason the services were unsuccessful.

20 (G) Services within the Department of Juvenile Justice  
21 that will meet the individualized needs of the minor.

22 (1.5) Before the court commits a minor to the Department of  
23 Juvenile Justice, the court must find reasonable efforts have  
24 been made to prevent or eliminate the need for the minor to be  
25 removed from the home, or reasonable efforts cannot, at this  
26 time, for good cause, prevent or eliminate the need for

1 removal, and removal from home is in the best interests of the  
2 minor, the minor's family, and the public.

3 (2) When a minor of the age of at least 13 years is  
4 adjudged delinquent for the offense of first degree murder, the  
5 court shall declare the minor a ward of the court and order the  
6 minor committed to the Department of Juvenile Justice until the  
7 minor's 21st birthday, without the possibility of aftercare  
8 release, furlough, or non-emergency authorized absence for a  
9 period of 5 years from the date the minor was committed to the  
10 Department of Juvenile Justice, except that the time that a  
11 minor spent in custody for the instant offense before being  
12 committed to the Department of Juvenile Justice shall be  
13 considered as time credited towards that 5 year period. The  
14 minor upon release from a Department facility shall be placed  
15 on aftercare release until 21 years of age, unless sooner  
16 discharged from aftercare release as otherwise provided for by  
17 law. Nothing in this subsection (2) shall preclude the State's  
18 Attorney from seeking to prosecute a minor as an adult as an  
19 alternative to proceeding under this Act.

20 (3) Except as provided in subsection (2), the commitment of  
21 a delinquent to the Department of Juvenile Justice shall be for  
22 an indeterminate term which shall automatically terminate upon  
23 the delinquent attaining the age of 21 years unless the  
24 delinquent is sooner discharged from aftercare release or  
25 custodianship is otherwise terminated in accordance with this  
26 Act or as otherwise provided for by law.

1           (3.5) Every delinquent minor committed to the Department of  
2 Juvenile Justice under this Act shall be eligible for aftercare  
3 release without regard to the length of time the minor has been  
4 confined or whether the minor has served any minimum term  
5 imposed. Aftercare release shall be administered by the  
6 Department of Juvenile Justice, under the direction of the  
7 Director.

8           (4) When the court commits a minor to the Department of  
9 Juvenile Justice, it shall order him or her conveyed forthwith  
10 to the appropriate reception station or other place designated  
11 by the Department of Juvenile Justice, and shall appoint the  
12 Director of Juvenile Justice legal custodian of the minor. The  
13 clerk of the court shall issue to the Director of Juvenile  
14 Justice a certified copy of the order, which constitutes proof  
15 of the Director's authority. No other process need issue to  
16 warrant the keeping of the minor.

17           (5) If a minor is committed to the Department of Juvenile  
18 Justice, the clerk of the court shall forward to the  
19 Department:

20                 (a) the disposition ordered;

21                 (b) all reports;

22                 (c) the court's statement of the basis for ordering the  
23 disposition; and

24                 (d) all additional matters which the court directs the  
25 clerk to transmit.

26           (6) Whenever the Department of Juvenile Justice lawfully

1 discharges from its custody and control a minor committed to  
2 it, the Director of Juvenile Justice shall petition the court  
3 for an order terminating his or her custodianship. The  
4 custodianship shall terminate automatically 30 days after  
5 receipt of the petition unless the court orders otherwise.

6 (Source: P.A. 97-362, eff. 1-1-12; 98-558, eff. 1-1-14.)

7 Section 10. The Unified Code of Corrections is amended by  
8 changing Section 3-3-8 as follows:

9 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

10 Sec. 3-3-8. Length of parole, aftercare release, and  
11 mandatory supervised release; discharge.)

12 (a) The length of parole for a person sentenced under the  
13 law in effect prior to the effective date of this amendatory  
14 Act of 1977 and the length of mandatory supervised release for  
15 those sentenced under the law in effect on and after such  
16 effective date shall be as set out in Section 5-8-1 unless  
17 sooner terminated under paragraph (b) of this Section. The  
18 aftercare release period of a juvenile committed to the  
19 Department under the Juvenile Court Act or the Juvenile Court  
20 Act of 1987 shall be as follows ~~extend until he or she is 21~~  
21 ~~years of age~~ unless sooner terminated under paragraph (b) of  
22 this Section:

23 (1) for an act that if committed by an adult would be a  
24 Class 4 felony or lesser offense, 3 months or until the

1 juvenile attains 21 years of age, whichever occurs sooner;

2 (2) for an act that if committed by an adult would be a  
3 Class 3 felony, 6 months or until the juvenile attains 21  
4 years of age, whichever occurs sooner;

5 (3) for an act that if committed by an adult would be a  
6 Class 2 felony, 12 months or until the juvenile attains 21  
7 years of age, whichever occurs sooner;

8 (4) for an act that if committed by an adult would be a  
9 Class 1 felony, 18 months or until the juvenile attains 21  
10 years of age, whichever occurs sooner; and .

11 (5) for an act that if committed by an adult would be a  
12 Class X felony, 24 months or until the juvenile attains 21  
13 years of age, whichever occurs sooner.

14 (b) The Prisoner Review Board may enter an order releasing  
15 and discharging one from parole, aftercare release, or  
16 mandatory supervised release, and his or her commitment to the  
17 Department, when it determines that he or she is likely to  
18 remain at liberty without committing another offense.

19 (b-1) Provided that the subject is in compliance with the  
20 terms and conditions of his or her parole, aftercare release,  
21 or mandatory supervised release, the Prisoner Review Board may  
22 reduce the period of a parolee or releasee's parole, aftercare  
23 release, or mandatory supervised release by 90 days upon the  
24 parolee or releasee receiving a high school diploma or upon  
25 passage of high school equivalency testing during the period of  
26 his or her parole, aftercare release, or mandatory supervised

1 release. This reduction in the period of a subject's term of  
2 parole, aftercare release, or mandatory supervised release  
3 shall be available only to subjects who have not previously  
4 earned a high school diploma or who have not previously passed  
5 high school equivalency testing.

6 (c) The order of discharge shall become effective upon  
7 entry of the order of the Board. The Board shall notify the  
8 clerk of the committing court of the order. Upon receipt of  
9 such copy, the clerk shall make an entry on the record judgment  
10 that the sentence or commitment has been satisfied pursuant to  
11 the order.

12 (d) Rights of the person discharged under this Section  
13 shall be restored under Section 5-5-5. This Section is subject  
14 to Section 5-750 of the Juvenile Court Act of 1987.

15 (Source: P.A. 97-531, eff. 1-1-12; 98-558, eff. 1-1-14; 98-718,  
16 eff. 1-1-15.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.