

HB6291



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6291

Introduced 2/11/2016, by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-715

Amends the Juvenile Court Act of 1987. Provides that the period of probation or conditional discharge of a juvenile shall be a period of at least 5 years, or until the minor has attained the age of 21, whichever is less, only if the juvenile is found to be guilty of first degree murder, and not if the juvenile is found to be guilty of a Class X felony or a forcible felony.

LRB099 19347 SLF 43739 b

A BILL FOR

1 AN ACT concerning courts.

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 5-715 as follows:

6 (705 ILCS 405/5-715)

7 Sec. 5-715. Probation.

8 (1) The period of probation or conditional discharge shall
9 not exceed 5 years or until the minor has attained the age of
10 21 years, whichever is less, except as provided in this Section
11 for a minor who is found to be guilty for an offense which is
12 first degree murder, ~~a Class X felony or a forcible felony~~. The
13 juvenile court may terminate probation or conditional
14 discharge and discharge the minor at any time if warranted by
15 the conduct of the minor and the ends of justice; provided,
16 however, that the period of probation for a minor who is found
17 to be guilty for an offense which is first degree murder, ~~a~~
18 ~~Class X felony, or a forcible felony~~ shall be at least 5 years.

19 (2) The court may as a condition of probation or of
20 conditional discharge require that the minor:

21 (a) not violate any criminal statute of any
22 jurisdiction;

23 (b) make a report to and appear in person before any

1 person or agency as directed by the court;

2 (c) work or pursue a course of study or vocational
3 training;

4 (d) undergo medical or psychiatric treatment, rendered
5 by a psychiatrist or psychological treatment rendered by a
6 clinical psychologist or social work services rendered by a
7 clinical social worker, or treatment for drug addiction or
8 alcoholism;

9 (e) attend or reside in a facility established for the
10 instruction or residence of persons on probation;

11 (f) support his or her dependents, if any;

12 (g) refrain from possessing a firearm or other
13 dangerous weapon, or an automobile;

14 (h) permit the probation officer to visit him or her at
15 his or her home or elsewhere;

16 (i) reside with his or her parents or in a foster home;

17 (j) attend school;

18 (j-5) with the consent of the superintendent of the
19 facility, attend an educational program at a facility other
20 than the school in which the offense was committed if he or
21 she committed a crime of violence as defined in Section 2
22 of the Crime Victims Compensation Act in a school, on the
23 real property comprising a school, or within 1,000 feet of
24 the real property comprising a school;

25 (k) attend a non-residential program for youth;

26 (l) make restitution under the terms of subsection (4)

1 of Section 5-710;

2 (m) contribute to his or her own support at home or in
3 a foster home;

4 (n) perform some reasonable public or community
5 service;

6 (o) participate with community corrections programs
7 including unified delinquency intervention services
8 administered by the Department of Human Services subject to
9 Section 5 of the Children and Family Services Act;

10 (p) pay costs;

11 (q) serve a term of home confinement. In addition to
12 any other applicable condition of probation or conditional
13 discharge, the conditions of home confinement shall be that
14 the minor:

15 (i) remain within the interior premises of the
16 place designated for his or her confinement during the
17 hours designated by the court;

18 (ii) admit any person or agent designated by the
19 court into the minor's place of confinement at any time
20 for purposes of verifying the minor's compliance with
21 the conditions of his or her confinement; and

22 (iii) use an approved electronic monitoring device
23 if ordered by the court subject to Article 8A of
24 Chapter V of the Unified Code of Corrections;

25 (r) refrain from entering into a designated geographic
26 area except upon terms as the court finds appropriate. The

1 terms may include consideration of the purpose of the
2 entry, the time of day, other persons accompanying the
3 minor, and advance approval by a probation officer, if the
4 minor has been placed on probation, or advance approval by
5 the court, if the minor has been placed on conditional
6 discharge;

7 (s) refrain from having any contact, directly or
8 indirectly, with certain specified persons or particular
9 types of persons, including but not limited to members of
10 street gangs and drug users or dealers;

11 (s-5) undergo a medical or other procedure to have a
12 tattoo symbolizing allegiance to a street gang removed from
13 his or her body;

14 (t) refrain from having in his or her body the presence
15 of any illicit drug prohibited by the Cannabis Control Act,
16 the Illinois Controlled Substances Act, or the
17 Methamphetamine Control and Community Protection Act,
18 unless prescribed by a physician, and shall submit samples
19 of his or her blood or urine or both for tests to determine
20 the presence of any illicit drug; or

21 (u) comply with other conditions as may be ordered by
22 the court.

23 (3) The court may as a condition of probation or of
24 conditional discharge require that a minor found guilty on any
25 alcohol, cannabis, methamphetamine, or controlled substance
26 violation, refrain from acquiring a driver's license during the

1 period of probation or conditional discharge. If the minor is
2 in possession of a permit or license, the court may require
3 that the minor refrain from driving or operating any motor
4 vehicle during the period of probation or conditional
5 discharge, except as may be necessary in the course of the
6 minor's lawful employment.

7 (3.5) The court shall, as a condition of probation or of
8 conditional discharge, require that a minor found to be guilty
9 and placed on probation for reasons that include a violation of
10 Section 3.02 or Section 3.03 of the Humane Care for Animals Act
11 or paragraph (4) of subsection (a) of Section 21-1 of the
12 Criminal Code of 2012 undergo medical or psychiatric treatment
13 rendered by a psychiatrist or psychological treatment rendered
14 by a clinical psychologist. The condition may be in addition to
15 any other condition.

16 (3.10) The court shall order that a minor placed on
17 probation or conditional discharge for a sex offense as defined
18 in the Sex Offender Management Board Act undergo and
19 successfully complete sex offender treatment. The treatment
20 shall be in conformance with the standards developed under the
21 Sex Offender Management Board Act and conducted by a treatment
22 provider approved by the Board. The treatment shall be at the
23 expense of the person evaluated based upon that person's
24 ability to pay for the treatment.

25 (4) A minor on probation or conditional discharge shall be
26 given a certificate setting forth the conditions upon which he

1 or she is being released.

2 (5) The court shall impose upon a minor placed on probation
3 or conditional discharge, as a condition of the probation or
4 conditional discharge, a fee of \$50 for each month of probation
5 or conditional discharge supervision ordered by the court,
6 unless after determining the inability of the minor placed on
7 probation or conditional discharge to pay the fee, the court
8 assesses a lesser amount. The court may not impose the fee on a
9 minor who is made a ward of the State under this Act while the
10 minor is in placement. The fee shall be imposed only upon a
11 minor who is actively supervised by the probation and court
12 services department. The court may order the parent, guardian,
13 or legal custodian of the minor to pay some or all of the fee on
14 the minor's behalf.

15 (5.5) Jurisdiction over an offender may be transferred from
16 the sentencing court to the court of another circuit with the
17 concurrence of both courts. Further transfers or retransfers of
18 jurisdiction are also authorized in the same manner. The court
19 to which jurisdiction has been transferred shall have the same
20 powers as the sentencing court. The probation department within
21 the circuit to which jurisdiction has been transferred, or
22 which has agreed to provide supervision, may impose probation
23 fees upon receiving the transferred offender, as provided in
24 subsection (i) of Section 5-6-3 of the Unified Code of
25 Corrections. For all transfer cases, as defined in Section 9b
26 of the Probation and Probation Officers Act, the probation

1 department from the original sentencing court shall retain all
2 probation fees collected prior to the transfer. After the
3 transfer, all probation fees shall be paid to the probation
4 department within the circuit to which jurisdiction has been
5 transferred.

6 If the transfer case originated in another state and has
7 been transferred under the Interstate Compact for Juveniles to
8 the jurisdiction of an Illinois circuit court for supervision
9 by an Illinois probation department, probation fees may be
10 imposed only if permitted by the Interstate Commission for
11 Juveniles.

12 (6) The General Assembly finds that in order to protect the
13 public, the juvenile justice system must compel compliance with
14 the conditions of probation by responding to violations with
15 swift, certain, and fair punishments and intermediate
16 sanctions. The Chief Judge of each circuit shall adopt a system
17 of structured, intermediate sanctions for violations of the
18 terms and conditions of a sentence of supervision, probation or
19 conditional discharge, under this Act.

20 The court shall provide as a condition of a disposition of
21 probation, conditional discharge, or supervision, that the
22 probation agency may invoke any sanction from the list of
23 intermediate sanctions adopted by the chief judge of the
24 circuit court for violations of the terms and conditions of the
25 sentence of probation, conditional discharge, or supervision,
26 subject to the provisions of Section 5-720 of this Act.

1 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13;
2 98-575, eff. 1-1-14.)