

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 Sections 5-710 and 5-750 as follows:

6 (705 ILCS 405/5-710)

7 Sec. 5-710. Kinds of sentencing orders.

8 (1) The following kinds of sentencing orders may be made in  
9 respect of wards of the court:

10 (a) Except as provided in Sections 5-805, 5-810, 5-815,  
11 a minor who is found guilty under Section 5-620 may be:

12 (i) put on probation or conditional discharge and  
13 released to his or her parents, guardian or legal  
14 custodian, provided, however, that any such minor who  
15 is not committed to the Department of Juvenile Justice  
16 under this subsection and who is found to be a  
17 delinquent for an offense which is first degree murder,  
18 a Class X felony, or a forcible felony shall be placed  
19 on probation;

20 (ii) placed in accordance with Section 5-740, with  
21 or without also being put on probation or conditional  
22 discharge;

23 (iii) required to undergo a substance abuse

1 assessment conducted by a licensed provider and  
2 participate in the indicated clinical level of care;

3 (iv) on and after the effective date of this  
4 amendatory Act of the 98th General Assembly and before  
5 January 1, 2017, placed in the guardianship of the  
6 Department of Children and Family Services, but only if  
7 the delinquent minor is under 16 years of age or,  
8 pursuant to Article II of this Act, a minor for whom an  
9 independent basis of abuse, neglect, or dependency  
10 exists. On and after January 1, 2017, placed in the  
11 guardianship of the Department of Children and Family  
12 Services, but only if the delinquent minor is under 15  
13 years of age or, pursuant to Article II of this Act, a  
14 minor for whom an independent basis of abuse, neglect,  
15 or dependency exists. An independent basis exists when  
16 the allegations or adjudication of abuse, neglect, or  
17 dependency do not arise from the same facts, incident,  
18 or circumstances which give rise to a charge or  
19 adjudication of delinquency;

20 (v) placed in detention for a period not to exceed  
21 30 days, either as the exclusive order of disposition  
22 or, where appropriate, in conjunction with any other  
23 order of disposition issued under this paragraph,  
24 provided that any such detention shall be in a juvenile  
25 detention home and the minor so detained shall be 10  
26 years of age or older. However, the 30-day limitation

1           may be extended by further order of the court for a  
2           minor under age 15 committed to the Department of  
3           Children and Family Services if the court finds that  
4           the minor is a danger to himself or others. The minor  
5           shall be given credit on the sentencing order of  
6           detention for time spent in detention under Sections  
7           5-501, 5-601, 5-710, or 5-720 of this Article as a  
8           result of the offense for which the sentencing order  
9           was imposed. The court may grant credit on a sentencing  
10          order of detention entered under a violation of  
11          probation or violation of conditional discharge under  
12          Section 5-720 of this Article for time spent in  
13          detention before the filing of the petition alleging  
14          the violation. A minor shall not be deprived of credit  
15          for time spent in detention before the filing of a  
16          violation of probation or conditional discharge  
17          alleging the same or related act or acts. The  
18          limitation that the minor shall only be placed in a  
19          juvenile detention home does not apply as follows:

20                Persons 18 years of age and older who have a  
21                petition of delinquency filed against them may be  
22                confined in an adult detention facility. In making a  
23                determination whether to confine a person 18 years of  
24                age or older who has a petition of delinquency filed  
25                against the person, these factors, among other  
26                matters, shall be considered:

- 1 (A) the age of the person;
- 2 (B) any previous delinquent or criminal  
3 history of the person;
- 4 (C) any previous abuse or neglect history of  
5 the person;
- 6 (D) any mental health history of the person;  
7 and
- 8 (E) any educational history of the person;
- 9 (vi) ordered partially or completely emancipated  
10 in accordance with the provisions of the Emancipation  
11 of Minors Act;
- 12 (vii) subject to having his or her driver's license  
13 or driving privileges suspended for such time as  
14 determined by the court but only until he or she  
15 attains 18 years of age;
- 16 (viii) put on probation or conditional discharge  
17 and placed in detention under Section 3-6039 of the  
18 Counties Code for a period not to exceed the period of  
19 incarceration permitted by law for adults found guilty  
20 of the same offense or offenses for which the minor was  
21 adjudicated delinquent, and in any event no longer than  
22 upon attainment of age 21; this subdivision (viii)  
23 notwithstanding any contrary provision of the law;
- 24 (ix) ordered to undergo a medical or other  
25 procedure to have a tattoo symbolizing allegiance to a  
26 street gang removed from his or her body; or

1 (x) placed in electronic home detention under Part  
2 7A of this Article.

3 (b) A minor found to be guilty may be committed to the  
4 Department of Juvenile Justice under Section 5-750 if the  
5 minor is at least 13 years and under 20 years of age ~~or~~  
6 ~~older~~, provided that the commitment to the Department of  
7 Juvenile Justice shall be made only if a term of  
8 imprisonment in the penitentiary system of the Department  
9 of Corrections incarceration is permitted by law for adults  
10 found guilty of the offense for which the minor was  
11 adjudicated delinquent. The court shall include in the  
12 sentencing order any pre-custody credits the minor is  
13 entitled to under Section 5-4.5-100 of the Unified Code of  
14 Corrections. The time during which a minor is in custody  
15 before being released upon the request of a parent,  
16 guardian or legal custodian shall also be considered as  
17 time spent in custody ~~detention~~.

18 (c) When a minor is found to be guilty for an offense  
19 which is a violation of the Illinois Controlled Substances  
20 Act, the Cannabis Control Act, or the Methamphetamine  
21 Control and Community Protection Act and made a ward of the  
22 court, the court may enter a disposition order requiring  
23 the minor to undergo assessment, counseling or treatment in  
24 a substance abuse program approved by the Department of  
25 Human Services.

26 (2) Any sentencing order other than commitment to the

1 Department of Juvenile Justice may provide for protective  
2 supervision under Section 5-725 and may include an order of  
3 protection under Section 5-730.

4 (3) Unless the sentencing order expressly so provides, it  
5 does not operate to close proceedings on the pending petition,  
6 but is subject to modification until final closing and  
7 discharge of the proceedings under Section 5-750.

8 (4) In addition to any other sentence, the court may order  
9 any minor found to be delinquent to make restitution, in  
10 monetary or non-monetary form, under the terms and conditions  
11 of Section 5-5-6 of the Unified Code of Corrections, except  
12 that the "presentencing hearing" referred to in that Section  
13 shall be the sentencing hearing for purposes of this Section.  
14 The parent, guardian or legal custodian of the minor may be  
15 ordered by the court to pay some or all of the restitution on  
16 the minor's behalf, pursuant to the Parental Responsibility  
17 Law. The State's Attorney is authorized to act on behalf of any  
18 victim in seeking restitution in proceedings under this  
19 Section, up to the maximum amount allowed in Section 5 of the  
20 Parental Responsibility Law.

21 (5) Any sentencing order where the minor is committed or  
22 placed in accordance with Section 5-740 shall provide for the  
23 parents or guardian of the estate of the minor to pay to the  
24 legal custodian or guardian of the person of the minor such  
25 sums as are determined by the custodian or guardian of the  
26 person of the minor as necessary for the minor's needs. The

1 payments may not exceed the maximum amounts provided for by  
2 Section 9.1 of the Children and Family Services Act.

3 (6) Whenever the sentencing order requires the minor to  
4 attend school or participate in a program of training, the  
5 truant officer or designated school official shall regularly  
6 report to the court if the minor is a chronic or habitual  
7 truant under Section 26-2a of the School Code. Notwithstanding  
8 any other provision of this Act, in instances in which  
9 educational services are to be provided to a minor in a  
10 residential facility where the minor has been placed by the  
11 court, costs incurred in the provision of those educational  
12 services must be allocated based on the requirements of the  
13 School Code.

14 (7) In no event shall a guilty minor be committed to the  
15 Department of Juvenile Justice for a period of time in excess  
16 of that period for which an adult could be committed for the  
17 same act. The court shall include in the sentencing order a  
18 limitation on the period of confinement not to exceed the  
19 maximum period of imprisonment the court could impose under  
20 Article V of the Unified Code of Corrections.

21 (7.5) In no event shall a guilty minor be committed to the  
22 Department of Juvenile Justice or placed in detention when the  
23 act for which the minor was adjudicated delinquent would not be  
24 illegal if committed by an adult.

25 (8) A minor found to be guilty for reasons that include a  
26 violation of Section 21-1.3 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 shall be ordered to perform community  
2 service for not less than 30 and not more than 120 hours, if  
3 community service is available in the jurisdiction. The  
4 community service shall include, but need not be limited to,  
5 the cleanup and repair of the damage that was caused by the  
6 violation or similar damage to property located in the  
7 municipality or county in which the violation occurred. The  
8 order may be in addition to any other order authorized by this  
9 Section.

10 (8.5) A minor found to be guilty for reasons that include a  
11 violation of Section 3.02 or Section 3.03 of the Humane Care  
12 for Animals Act or paragraph (d) of subsection (1) of Section  
13 21-1 of the Criminal Code of 1961 or paragraph (4) of  
14 subsection (a) of Section 21-1 of the Criminal Code of 2012  
15 shall be ordered to undergo medical or psychiatric treatment  
16 rendered by a psychiatrist or psychological treatment rendered  
17 by a clinical psychologist. The order may be in addition to any  
18 other order authorized by this Section.

19 (9) In addition to any other sentencing order, the court  
20 shall order any minor found to be guilty for an act which would  
21 constitute, predatory criminal sexual assault of a child,  
22 aggravated criminal sexual assault, criminal sexual assault,  
23 aggravated criminal sexual abuse, or criminal sexual abuse if  
24 committed by an adult to undergo medical testing to determine  
25 whether the defendant has any sexually transmissible disease  
26 including a test for infection with human immunodeficiency



1 virus (HIV) or any other identified causative agency of  
2 acquired immunodeficiency syndrome (AIDS). Any medical test  
3 shall be performed only by appropriately licensed medical  
4 practitioners and may include an analysis of any bodily fluids  
5 as well as an examination of the minor's person. Except as  
6 otherwise provided by law, the results of the test shall be  
7 kept strictly confidential by all medical personnel involved in  
8 the testing and must be personally delivered in a sealed  
9 envelope to the judge of the court in which the sentencing  
10 order was entered for the judge's inspection in camera. Acting  
11 in accordance with the best interests of the victim and the  
12 public, the judge shall have the discretion to determine to  
13 whom the results of the testing may be revealed. The court  
14 shall notify the minor of the results of the test for infection  
15 with the human immunodeficiency virus (HIV). The court shall  
16 also notify the victim if requested by the victim, and if the  
17 victim is under the age of 15 and if requested by the victim's  
18 parents or legal guardian, the court shall notify the victim's  
19 parents or the legal guardian, of the results of the test for  
20 infection with the human immunodeficiency virus (HIV). The  
21 court shall provide information on the availability of HIV  
22 testing and counseling at the Department of Public Health  
23 facilities to all parties to whom the results of the testing  
24 are revealed. The court shall order that the cost of any test  
25 shall be paid by the county and may be taxed as costs against  
26 the minor.

1           (10) When a court finds a minor to be guilty the court  
2 shall, before entering a sentencing order under this Section,  
3 make a finding whether the offense committed either: (a) was  
4 related to or in furtherance of the criminal activities of an  
5 organized gang or was motivated by the minor's membership in or  
6 allegiance to an organized gang, or (b) involved a violation of  
7 subsection (a) of Section 12-7.1 of the Criminal Code of 1961  
8 or the Criminal Code of 2012, a violation of any Section of  
9 Article 24 of the Criminal Code of 1961 or the Criminal Code of  
10 2012, or a violation of any statute that involved the wrongful  
11 use of a firearm. If the court determines the question in the  
12 affirmative, and the court does not commit the minor to the  
13 Department of Juvenile Justice, the court shall order the minor  
14 to perform community service for not less than 30 hours nor  
15 more than 120 hours, provided that community service is  
16 available in the jurisdiction and is funded and approved by the  
17 county board of the county where the offense was committed. The  
18 community service shall include, but need not be limited to,  
19 the cleanup and repair of any damage caused by a violation of  
20 Section 21-1.3 of the Criminal Code of 1961 or the Criminal  
21 Code of 2012 and similar damage to property located in the  
22 municipality or county in which the violation occurred. When  
23 possible and reasonable, the community service shall be  
24 performed in the minor's neighborhood. This order shall be in  
25 addition to any other order authorized by this Section except  
26 for an order to place the minor in the custody of the

1 Department of Juvenile Justice. For the purposes of this  
2 Section, "organized gang" has the meaning ascribed to it in  
3 Section 10 of the Illinois Streetgang Terrorism Omnibus  
4 Prevention Act.

5 (11) If the court determines that the offense was committed  
6 in furtherance of the criminal activities of an organized gang,  
7 as provided in subsection (10), and that the offense involved  
8 the operation or use of a motor vehicle or the use of a  
9 driver's license or permit, the court shall notify the  
10 Secretary of State of that determination and of the period for  
11 which the minor shall be denied driving privileges. If, at the  
12 time of the determination, the minor does not hold a driver's  
13 license or permit, the court shall provide that the minor shall  
14 not be issued a driver's license or permit until his or her  
15 18th birthday. If the minor holds a driver's license or permit  
16 at the time of the determination, the court shall provide that  
17 the minor's driver's license or permit shall be revoked until  
18 his or her 21st birthday, or until a later date or occurrence  
19 determined by the court. If the minor holds a driver's license  
20 at the time of the determination, the court may direct the  
21 Secretary of State to issue the minor a judicial driving  
22 permit, also known as a JDP. The JDP shall be subject to the  
23 same terms as a JDP issued under Section 6-206.1 of the  
24 Illinois Vehicle Code, except that the court may direct that  
25 the JDP be effective immediately.

26 (12) If a minor is found to be guilty of a violation of

1 subsection (a-7) of Section 1 of the Prevention of Tobacco Use  
2 by Minors Act, the court may, in its discretion, and upon  
3 recommendation by the State's Attorney, order that minor and  
4 his or her parents or legal guardian to attend a smoker's  
5 education or youth diversion program as defined in that Act if  
6 that program is available in the jurisdiction where the  
7 offender resides. Attendance at a smoker's education or youth  
8 diversion program shall be time-credited against any community  
9 service time imposed for any first violation of subsection  
10 (a-7) of Section 1 of that Act. In addition to any other  
11 penalty that the court may impose for a violation of subsection  
12 (a-7) of Section 1 of that Act, the court, upon request by the  
13 State's Attorney, may in its discretion require the offender to  
14 remit a fee for his or her attendance at a smoker's education  
15 or youth diversion program.

16 For purposes of this Section, "smoker's education program"  
17 or "youth diversion program" includes, but is not limited to, a  
18 seminar designed to educate a person on the physical and  
19 psychological effects of smoking tobacco products and the  
20 health consequences of smoking tobacco products that can be  
21 conducted with a locality's youth diversion program.

22 In addition to any other penalty that the court may impose  
23 under this subsection (12):

24 (a) If a minor violates subsection (a-7) of Section 1  
25 of the Prevention of Tobacco Use by Minors Act, the court  
26 may impose a sentence of 15 hours of community service or a

1 fine of \$25 for a first violation.

2 (b) A second violation by a minor of subsection (a-7)  
3 of Section 1 of that Act that occurs within 12 months after  
4 the first violation is punishable by a fine of \$50 and 25  
5 hours of community service.

6 (c) A third or subsequent violation by a minor of  
7 subsection (a-7) of Section 1 of that Act that occurs  
8 within 12 months after the first violation is punishable by  
9 a \$100 fine and 30 hours of community service.

10 (d) Any second or subsequent violation not within the  
11 12-month time period after the first violation is  
12 punishable as provided for a first violation.

13 (Source: P.A. 97-1150, eff. 1-25-13; 98-536, eff. 8-23-13;  
14 98-803, eff. 1-1-15.)

15 (705 ILCS 405/5-750)

16 Sec. 5-750. Commitment to the Department of Juvenile  
17 Justice.

18 (1) Except as provided in subsection (2) of this Section,  
19 when any delinquent has been adjudged a ward of the court under  
20 this Act, the court may commit him or her to the Department of  
21 Juvenile Justice, if it finds that (a) his or her parents,  
22 guardian or legal custodian are unfit or are unable, for some  
23 reason other than financial circumstances alone, to care for,  
24 protect, train or discipline the minor, or are unwilling to do  
25 so, and the best interests of the minor and the public will not

1 be served by placement under Section 5-740, or it is necessary  
2 to ensure the protection of the public from the consequences of  
3 criminal activity of the delinquent; and (b) commitment to the  
4 Department of Juvenile Justice is the least restrictive  
5 alternative based on evidence that efforts were made to locate  
6 less restrictive alternatives to secure confinement and the  
7 reasons why efforts were unsuccessful in locating a less  
8 restrictive alternative to secure confinement. Before the  
9 court commits a minor to the Department of Juvenile Justice, it  
10 shall make a finding that secure confinement is necessary,  
11 following a review of the following individualized factors:

12 (A) Age of the minor.

13 (B) Criminal background of the minor.

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

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

20 (E) Physical, mental and emotional health of the minor,  
21 indicating whether the minor has ever been diagnosed with a  
22 health issue and if so what services were provided and  
23 whether the minor was compliant with services.

24 (F) Community based services that have been provided to  
25 the minor, and whether the minor was compliant with the  
26 services, and the reason the services were unsuccessful.

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

3 (1.5) Before the court commits a minor to the Department of  
4 Juvenile Justice, the court must find reasonable efforts have  
5 been made to prevent or eliminate the need for the minor to be  
6 removed from the home, or reasonable efforts cannot, at this  
7 time, for good cause, prevent or eliminate the need for  
8 removal, and removal from home is in the best interests of the  
9 minor, the minor's family, and the public.

10 (2) When a minor of the age of at least 13 years is  
11 adjudged delinquent for the offense of first degree murder, the  
12 court shall declare the minor a ward of the court and order the  
13 minor committed to the Department of Juvenile Justice until the  
14 minor's 21st birthday, without the possibility of aftercare  
15 release, furlough, or non-emergency authorized absence for a  
16 period of 5 years from the date the minor was committed to the  
17 Department of Juvenile Justice, except that the time that a  
18 minor spent in custody for the instant offense before being  
19 committed to the Department of Juvenile Justice shall be  
20 considered as time credited towards that 5 year period. Upon  
21 release from a Department facility, a minor adjudged delinquent  
22 for first degree murder shall be placed on aftercare release  
23 until the age of 21, unless sooner discharged from aftercare  
24 release or custodianship is otherwise terminated in accordance  
25 with this Act or as otherwise provided for by law. Nothing in  
26 this subsection (2) shall preclude the State's Attorney from

1 seeking to prosecute a minor as an adult as an alternative to  
2 proceeding under this Act.

3 (3) Except as provided in subsection (2), the commitment of  
4 a delinquent to the Department of Juvenile Justice shall be for  
5 an indeterminate term which shall automatically terminate upon  
6 the delinquent attaining the age of 21 years or upon completion  
7 of that period for which an adult could be committed for the  
8 same act, whichever occurs sooner, unless the delinquent is  
9 sooner discharged from aftercare release or custodianship is  
10 otherwise terminated in accordance with this Act or as  
11 otherwise provided for by law.

12 (3.5) Every delinquent minor committed to the Department of  
13 Juvenile Justice under this Act shall be eligible for aftercare  
14 release without regard to the length of time the minor has been  
15 confined or whether the minor has served any minimum term  
16 imposed. Aftercare release shall be administered by the  
17 Department of Juvenile Justice, under the direction of the  
18 Director. Unless sooner discharged, the Department of Juvenile  
19 Justice shall discharge a minor from aftercare release upon  
20 completion of the following aftercare release terms:

21 (a) One and a half years from the date a minor is  
22 released from a Department facility, if the minor was  
23 committed for a Class X felony;

24 (b) One year from the date a minor is released from a  
25 Department facility, if the minor was committed for a Class  
26 1 or 2 felony; and



1           (c) Six months from the date a minor is released from a  
2           Department facility, if the minor was committed for a Class  
3           3 felony or lesser offense.

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

13           (5) If a minor is committed to the Department of Juvenile  
14 Justice, the clerk of the court shall forward to the  
15 Department:

16           (a) the sentencing order ~~disposition ordered;~~

17           (b) all reports;

18           (c) the court's statement of the basis for ordering the  
19 disposition; ~~and~~

20           (d) any sex offender evaluations;

21           (e) any risk assessment or substance abuse treatment  
22 eligibility screening and assessment of the minor by an  
23 agent designated by the State to provide assessment  
24 services for the courts;

25           (f) the number of days, if any, which the minor has  
26 been in custody and for which he or she is entitled to

1 credit against the sentence, which information shall be  
2 provided to the clerk by the sheriff;

3 (g) any medical or mental health records or summaries  
4 of the minor;

5 (h) the municipality where the arrest of the minor  
6 occurred, the commission of the offense occurred, and the  
7 minor resided at the time of commission; and

8 (i) all additional matters which the court directs the  
9 clerk to transmit.

10 (6) Whenever the Department of Juvenile Justice lawfully  
11 discharges from its custody and control a minor committed to  
12 it, the Director of Juvenile Justice shall petition the court  
13 for an order terminating his or her custodianship. The  
14 custodianship shall terminate automatically 30 days after  
15 receipt of the petition unless the court orders otherwise.

16 (7) If, while on aftercare release, a minor committed to  
17 the Department of Juvenile Justice is charged under the  
18 criminal laws of this State with an offense that could result  
19 in a sentence of imprisonment within the Department of  
20 Corrections, the commitment to the Department of Juvenile  
21 Justice and all rights and duties created by that commitment  
22 are automatically suspended pending final disposition of the  
23 criminal charge. If the minor is found guilty of the criminal  
24 charge and sentenced to a term of imprisonment in the  
25 penitentiary system of the Department of Corrections, the  
26 commitment to the Department of Juvenile Justice shall be

1 automatically terminated. If the criminal charge is dismissed,  
2 the minor is found not guilty, or the minor completes a  
3 criminal sentence other than imprisonment within the  
4 Department of Corrections, the previously imposed commitment  
5 to the Department of Juvenile Justice and the full aftercare  
6 release term shall be automatically reinstated unless  
7 custodianship is sooner terminated. Nothing in this subsection  
8 (7) shall preclude the court from ordering another sentence  
9 under Section 5-710 of this Act or from terminating the  
10 Department's custodianship while the commitment to the  
11 Department is suspended.

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

13 Section 10. The Unified Code of Corrections is amended by  
14 changing Sections 3-2.5-80, 3-3-5, 3-3-8, and 3-3-10 as  
15 follows:

16 (730 ILCS 5/3-2.5-80)

17 Sec. 3-2.5-80. Supervision on Aftercare Release.

18 (a) The Department shall retain custody of all youth placed  
19 on aftercare release or released under Section 3-3-10 of this  
20 Code. The Department shall supervise those youth during their  
21 aftercare release period in accordance with the conditions set  
22 by the Prisoner Review Board.

23 (b) A copy of youth's conditions of aftercare release shall  
24 be signed by the youth and given to the youth and to his or her

1 aftercare specialist who shall report on the youth's progress  
2 under the rules of the Prisoner Review Board. Aftercare  
3 specialists and supervisors shall have the full power of peace  
4 officers in the retaking of any releasee who has allegedly  
5 violated his or her aftercare release conditions. The aftercare  
6 specialist may ~~shall~~ request the Department of Juvenile Justice  
7 to issue a warrant for the arrest of any releasee who has  
8 allegedly violated his or her aftercare release conditions.

9 (c) The aftercare supervisor shall request the Department  
10 of Juvenile Justice to issue an aftercare release violation  
11 warrant, and the Department of Juvenile Justice shall issue an  
12 aftercare release violation warrant, under the following  
13 circumstances:

14 (1) if the releasee has a subsequent delinquency  
15 petition filed against him or her alleging commission of  
16 ~~commits~~ an act that constitutes a felony using a firearm or  
17 knife;

18 (2) if the releasee is required to and fails to comply  
19 with the requirements of the Sex Offender Registration Act;

20 (3) (blank); or if the releasee is charged with:

21 ~~(A) a felony offense of domestic battery under~~  
22 ~~Section 12-3.2 of the Criminal Code of 2012;~~

23 ~~(B) aggravated domestic battery under Section~~  
24 ~~12-3.3 of the Criminal Code of 2012;~~

25 ~~(C) stalking under Section 12-7.3 of the Criminal~~  
26 ~~Code of 2012;~~

1 ~~(D) aggravated stalking under Section 12-7.4 of~~  
2 ~~the Criminal Code of 2012;~~

3 ~~(E) violation of an order of protection under~~  
4 ~~Section 12-3.4 of the Criminal Code of 2012; or~~

5 ~~(F) any offense that would require registration as~~  
6 ~~a sex offender under the Sex Offender Registration Act;~~

7 ~~or~~

8 (4) if the releasee is on aftercare release for a  
9 murder, a Class X felony or a Class 1 felony violation of  
10 the Criminal Code of 2012, or any felony that requires  
11 registration as a sex offender under the Sex Offender  
12 Registration Act and a subsequent delinquency petition is  
13 filed against him or her alleging commission of ~~commits~~ an  
14 act that constitutes first degree murder, a Class X felony,  
15 a Class 1 felony, a Class 2 felony, or a Class 3 felony.

16 Personnel designated by the Department of Juvenile  
17 Justice or another peace officer may detain an alleged  
18 aftercare release violator until a warrant for his or her  
19 return to the Department of Juvenile Justice can be issued.  
20 The releasee may be delivered to any secure place until he  
21 or she can be transported to the Department of Juvenile  
22 Justice. The aftercare specialist or the Department of  
23 Juvenile Justice shall file a violation report with notice  
24 of charges with the Prisoner Review Board.

25 (d) The aftercare specialist shall regularly advise and  
26 consult with the releasee and assist the youth in adjusting to

1 community life in accord with this Section.

2 (e) If the aftercare releasee has been convicted of a sex  
3 offense as defined in the Sex Offender Management Board Act,  
4 the aftercare specialist shall periodically, but not less than  
5 once a month, verify that the releasee is in compliance with  
6 paragraph (7.6) of subsection (a) of Section 3-3-7.

7 (f) The aftercare specialist shall keep those records as  
8 the Prisoner Review Board or Department may require. All  
9 records shall be entered in the master file of the youth.

10 (Source: P.A. 98-558, eff. 1-1-14.)

11 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

12 Sec. 3-3-5. Hearing and Determination.

13 (a) The Prisoner Review Board shall meet as often as need  
14 requires to consider the cases of persons eligible for parole  
15 and aftercare release. Except as otherwise provided in  
16 paragraph (2) of subsection (a) of Section 3-3-2 of this Act,  
17 the Prisoner Review Board may meet and order its actions in  
18 panels of 3 or more members. The action of a majority of the  
19 panel shall be the action of the Board. In consideration of  
20 persons committed to the Department of Juvenile Justice, the  
21 panel shall have at least a majority of members experienced in  
22 juvenile matters.

23 (b) If the person under consideration for parole or  
24 aftercare release is in the custody of the Department, at least  
25 one member of the Board shall interview him or her, and a

1 report of that interview shall be available for the Board's  
2 consideration. However, in the discretion of the Board, the  
3 interview need not be conducted if a psychiatric examination  
4 determines that the person could not meaningfully contribute to  
5 the Board's consideration. The Board may in its discretion  
6 parole or release on aftercare a person who is then outside the  
7 jurisdiction on his or her record without an interview. The  
8 Board need not hold a hearing or interview a person who is  
9 paroled or released on aftercare under paragraphs (d) or (e) of  
10 this Section or released on Mandatory release under Section  
11 3-3-10.

12 (c) The Board shall not parole or release a person eligible  
13 for parole or aftercare release if it determines that:

14 (1) there is a substantial risk that he or she will not  
15 conform to reasonable conditions of parole or aftercare  
16 release; or

17 (2) his or her release at that time would deprecate the  
18 seriousness of his or her offense or promote disrespect for  
19 the law; or

20 (3) his or her release would have a substantially  
21 adverse effect on institutional discipline.

22 (d) A person committed under the Juvenile Court Act or the  
23 Juvenile Court Act of 1987 who has not been sooner released  
24 shall be released on aftercare on or before his or her 20th  
25 birthday or upon completion of the maximum term of confinement  
26 ordered by the court under Section 5-710 of the Juvenile Court

1 Act of 1987, whichever is sooner, to begin serving a period of  
2 aftercare release under Section 3-3-8.

3 (e) A person who has served the maximum term of  
4 imprisonment imposed at the time of sentencing less time credit  
5 for good behavior shall be released on parole to serve a period  
6 of parole under Section 5-8-1.

7 (f) The Board shall render its decision within a reasonable  
8 time after hearing and shall state the basis therefor both in  
9 the records of the Board and in written notice to the person on  
10 whose application it has acted. In its decision, the Board  
11 shall set the person's time for parole or aftercare release, or  
12 if it denies parole or aftercare release it shall provide for a  
13 rehearing not less frequently than once every year, except that  
14 the Board may, after denying parole, schedule a rehearing no  
15 later than 5 years from the date of the parole denial, if the  
16 Board finds that it is not reasonable to expect that parole  
17 would be granted at a hearing prior to the scheduled rehearing  
18 date. If the Board shall parole or release a person, and, if he  
19 or she is not released within 90 days from the effective date  
20 of the order granting parole or aftercare release, the matter  
21 shall be returned to the Board for review.

22 (f-1) If the Board paroles or releases a person who is  
23 eligible for commitment as a sexually violent person, the  
24 effective date of the Board's order shall be stayed for 90 days  
25 for the purpose of evaluation and proceedings under the  
26 Sexually Violent Persons Commitment Act.



1 (g) The Board shall maintain a registry of decisions in  
2 which parole has been granted, which shall include the name and  
3 case number of the prisoner, the highest charge for which the  
4 prisoner was sentenced, the length of sentence imposed, the  
5 date of the sentence, the date of the parole, and the basis for  
6 the decision of the Board to grant parole and the vote of the  
7 Board on any such decisions. The registry shall be made  
8 available for public inspection and copying during business  
9 hours and shall be a public record pursuant to the provisions  
10 of the Freedom of Information Act.

11 (h) The Board shall promulgate rules regarding the exercise  
12 of its discretion under this Section.

13 (Source: P.A. 97-522, eff. 1-1-12; 97-1075, eff. 8-24-12;  
14 98-558, eff. 1-1-14.)

15 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

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

18 (a) The length of parole for a person sentenced under the  
19 law in effect prior to the effective date of this amendatory  
20 Act of 1977 and the length of mandatory supervised release for  
21 those sentenced under the law in effect on and after such  
22 effective date shall be as set out in Section 5-8-1 unless  
23 sooner terminated under paragraph (b) of this Section. The  
24 aftercare release period of a juvenile committed to the  
25 Department under the Juvenile Court Act or the Juvenile Court

1 Act of 1987 shall be as set out in Section 5-750 of the  
2 Juvenile Court Act of 1987 ~~extend until he or she is 21 years~~  
3 ~~of age~~ unless sooner terminated under paragraph (b) of this  
4 Section or under the Juvenile Court Act of 1987.

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

10 (b-1) Provided that the subject is in compliance with the  
11 terms and conditions of his or her parole, aftercare release,  
12 or mandatory supervised release, the Prisoner Review Board may  
13 reduce the period of a parolee or releasee's parole, aftercare  
14 release, or mandatory supervised release by 90 days upon the  
15 parolee or releasee receiving a high school diploma or upon  
16 passage of high school equivalency testing during the period of  
17 his or her parole, aftercare release, or mandatory supervised  
18 release. This reduction in the period of a subject's term of  
19 parole, aftercare release, or mandatory supervised release  
20 shall be available only to subjects who have not previously  
21 earned a high school diploma or who have not previously passed  
22 high school equivalency testing.

23 (c) The order of discharge shall become effective upon  
24 entry of the order of the Board. The Board shall notify the  
25 clerk of the committing court of the order. Upon receipt of  
26 such copy, the clerk shall make an entry on the record judgment

1 that the sentence or commitment has been satisfied pursuant to  
2 the order.

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

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

8 (730 ILCS 5/3-3-10) (from Ch. 38, par. 1003-3-10)

9 Sec. 3-3-10. Eligibility after Revocation; Release under  
10 Supervision.

11 (a) A person whose parole, aftercare release, or mandatory  
12 supervised release has been revoked may be reparaoled or  
13 rereleased by the Board at any time to the full parole,  
14 aftercare release, or mandatory supervised release term under  
15 Section 3-3-8, except that the time which the person shall  
16 remain subject to the Board shall not exceed (1) the imposed  
17 maximum term of imprisonment or confinement and the parole term  
18 for those sentenced under the law in effect prior to the  
19 effective date of this amendatory Act of 1977 or (2) the term  
20 of imprisonment imposed by the court and the mandatory  
21 supervised release term for those sentenced under the law in  
22 effect on and after such effective date.

23 (b) If the Board sets no earlier release date:

24 (1) A person sentenced for any violation of law which  
25 occurred before January 1, 1973, shall be released under

1 supervision 6 months prior to the expiration of his or her  
2 maximum sentence of imprisonment less good time credit  
3 under Section 3-6-3.

4 (2) Any person who has violated the conditions of his  
5 or her parole ~~or aftercare release~~ and been reconfined  
6 under Section 3-3-9 shall be released under supervision 6  
7 months prior to the expiration of the term of his or her  
8 reconfinement under paragraph (a) of Section 3-3-9 less  
9 good time credit under Section 3-6-3. This paragraph shall  
10 not apply to persons serving terms of mandatory supervised  
11 release or aftercare release.

12 (3) Nothing herein shall require the release of a  
13 person who has violated his or her parole within 6 months  
14 of the date when his or her release under this Section  
15 would otherwise be mandatory.

16 (c) Persons released under this Section shall be subject to  
17 Sections 3-3-6, 3-3-7, 3-3-9, 3-14-1, 3-14-2, 3-14-2.5,  
18 3-14-3, and 3-14-4.

19 (Source: P.A. 98-558, eff. 1-1-14.)