



Rep. Rita Mayfield

Filed: 3/7/2023

10300HB2347ham001

LRB103 28294 RLC 58401 a

1 AMENDMENT TO HOUSE BILL 2347

2 AMENDMENT NO. _____. Amend House Bill 2347 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is
5 amended by changing Section 17a-9 as follows:

6 (20 ILCS 505/17a-9) (from Ch. 23, par. 5017a-9)

7 Sec. 17a-9. Illinois Juvenile Justice Commission.

8 (a) There is hereby created the Illinois Juvenile Justice
9 Commission which shall consist of 25 persons appointed by the
10 Governor. The Chairperson of the Commission shall be appointed
11 by the Governor. Of the initial appointees, 8 shall serve a
12 one-year term, 8 shall serve a two-year term and 9 shall serve
13 a three-year term. Thereafter, each successor shall serve a
14 three-year term. Vacancies shall be filled in the same manner
15 as original appointments. Once appointed, members shall serve
16 until their successors are appointed and qualified. Members

1 shall serve without compensation, except they shall be
2 reimbursed for their actual expenses in the performance of
3 their duties. The Commission shall carry out the rights,
4 powers and duties established in subparagraph (3) of paragraph
5 (a) of Section 223 of the Federal "Juvenile Justice and
6 Delinquency Prevention Act of 1974", as now or hereafter
7 amended. The Commission shall determine the priorities for
8 expenditure of funds made available to the State by the
9 Federal Government pursuant to that Act. The Commission shall
10 have the following powers and duties:

11 (1) Development, review and final approval of the
12 State's juvenile justice plan for funds under the Federal
13 "Juvenile Justice and Delinquency Prevention Act of 1974";

14 (2) Review and approve or disapprove juvenile justice
15 and delinquency prevention grant applications to the
16 Department for federal funds under that Act;

17 (3) Annual submission of recommendations to the
18 Governor and the General Assembly concerning matters
19 relative to its function;

20 (4) Responsibility for the review of funds allocated
21 to Illinois under the "Juvenile Justice and Delinquency
22 Prevention Act of 1974" to ensure compliance with all
23 relevant federal laws and regulations;

24 (5) Function as the advisory committee for the State
25 Youth and Community Services Program as authorized under
26 Section 17 of this Act, and in that capacity be authorized

1 and empowered to assist and advise the Secretary of Human
2 Services on matters related to juvenile justice and
3 delinquency prevention programs and services; ~~and~~

4 (5.5) Study and make recommendations to the General
5 Assembly regarding the availability of youth services to
6 reduce the use of detention and prevent deeper criminal
7 involvement; and

8 (6) Study the impact of, develop timelines, and
9 propose a funding structure to accommodate the expansion
10 of the jurisdiction of the Illinois Juvenile Court to
11 include youth age 17 under the jurisdiction of the
12 Juvenile Court Act of 1987. The Commission shall submit a
13 report by December 31, 2011 to the General Assembly with
14 recommendations on extending juvenile court jurisdiction
15 to youth age 17 charged with felony offenses.

16 (b) On the effective date of this amendatory Act of the
17 96th General Assembly, the Illinois Juvenile Jurisdiction Task
18 Force created by Public Act 95-1031 is abolished and its
19 duties are transferred to the Illinois Juvenile Justice
20 Commission as provided in paragraph (6) of subsection (a) of
21 this Section.

22 (Source: P.A. 96-1199, eff. 1-1-11.)

23 Section 10. The Juvenile Court Act of 1987 is amended by
24 changing Sections 5-410, 5-710, and 5-750 as follows:

1 (705 ILCS 405/5-410)

2 Sec. 5-410. Non-secure custody or detention.

3 (1) Placement of a minor away from his or her home must be
4 a last resort and the least restrictive alternative available.

5 Any minor arrested or taken into custody pursuant to this Act
6 who requires care away from his or her home but who does not
7 require physical restriction shall be given temporary care in
8 a foster family home or other shelter facility designated by
9 the court.

10 (2) (a) Any minor 14 ~~10~~ years of age or older arrested
11 pursuant to this Act where there is probable cause to believe
12 that the minor is a delinquent minor and that ~~(i)~~ secure
13 custody is a matter of immediate and urgent necessity, in
14 light of a serious threat to the physical safety of a person or
15 persons in the community or in order to secure the presence of
16 the minor at the next hearing, as evidenced by a demonstrable
17 record of willful failure to appear at a scheduled court
18 hearing within the past 12 months, may be kept or detained in
19 an authorized detention facility. ~~for the protection of the~~
20 ~~minor or of the person or property of another, (ii) the minor~~
21 ~~is likely to flee the jurisdiction of the court, or (iii) the~~
22 ~~minor was taken into custody under a warrant, may be kept or~~
23 ~~detained in an authorized detention facility. A minor under 13~~
24 ~~years of age shall not be admitted, kept, or detained in a~~
25 ~~detention facility unless a local youth service provider,~~
26 ~~including a provider through the Comprehensive Community Based~~

1 ~~Youth Services network, has been contacted and has not been~~
2 ~~able to accept the minor.~~ No minor under 14 ~~12~~ years of age
3 shall be detained in a county jail or a municipal lockup for
4 more than 6 hours. A minor under the age of 14 who is in
5 violation of the law may be the subject of a petition under
6 Article III or may be held accountable through a community
7 mediation program as set forth in Section 5-310.

8 (a-5) For a minor arrested or taken into custody for
9 vehicular hijacking or aggravated vehicular hijacking, a
10 previous finding of delinquency for vehicular hijacking or
11 aggravated vehicular hijacking shall be given greater weight
12 in determining whether secured custody of a minor is a matter
13 of immediate and urgent necessity for the protection of the
14 minor or of the person or property of another.

15 (b) The written authorization of the probation officer or
16 detention officer (or other public officer designated by the
17 court in a county having 3,000,000 or more inhabitants)
18 constitutes authority for the superintendent of any juvenile
19 detention home to detain and keep a minor for up to 40 hours,
20 excluding Saturdays, Sundays, and court-designated holidays.
21 These records shall be available to the same persons and
22 pursuant to the same conditions as are law enforcement records
23 as provided in Section 5-905.

24 (b-4) The consultation required by paragraph (b-5) shall
25 not be applicable if the probation officer or detention
26 officer (or other public officer designated by the court in a

1 county having 3,000,000 or more inhabitants) utilizes a
2 scorable detention screening instrument, which has been
3 developed with input by the State's Attorney, to determine
4 whether a minor should be detained, however, paragraph (b-5)
5 shall still be applicable where no such screening instrument
6 is used or where the probation officer, detention officer (or
7 other public officer designated by the court in a county
8 having 3,000,000 or more inhabitants) deviates from the
9 screening instrument.

10 (b-5) Subject to the provisions of paragraph (b-4), if a
11 probation officer or detention officer (or other public
12 officer designated by the court in a county having 3,000,000
13 or more inhabitants) does not intend to detain a minor for an
14 offense which constitutes one of the following offenses he or
15 she shall consult with the State's Attorney's Office prior to
16 the release of the minor: first degree murder, second degree
17 murder, involuntary manslaughter, criminal sexual assault,
18 aggravated criminal sexual assault, aggravated battery with a
19 firearm as described in Section 12-4.2 or subdivision (e) (1),
20 (e) (2), (e) (3), or (e) (4) of Section 12-3.05, aggravated or
21 heinous battery involving permanent disability or
22 disfigurement or great bodily harm, robbery, aggravated
23 robbery, armed robbery, vehicular hijacking, aggravated
24 vehicular hijacking, vehicular invasion, arson, aggravated
25 arson, kidnapping, aggravated kidnapping, home invasion,
26 burglary, or residential burglary.

1 (c) Except as otherwise provided in paragraph (a), (d), or
2 (e), no minor shall be detained in a county jail or municipal
3 lockup for more than 12 hours, unless the offense is a crime of
4 violence in which case the minor may be detained up to 24
5 hours. For the purpose of this paragraph, "crime of violence"
6 has the meaning ascribed to it in Section 1-10 of the
7 Alcoholism and Other Drug Abuse and Dependency Act.

8 (i) The period of detention is deemed to have begun
9 once the minor has been placed in a locked room or cell or
10 handcuffed to a stationary object in a building housing a
11 county jail or municipal lockup. Time spent transporting a
12 minor is not considered to be time in detention or secure
13 custody.

14 (ii) Any minor so confined shall be under periodic
15 supervision and shall not be permitted to come into or
16 remain in contact with adults in custody in the building.

17 (iii) Upon placement in secure custody in a jail or
18 lockup, the minor shall be informed of the purpose of the
19 detention, the time it is expected to last and the fact
20 that it cannot exceed the time specified under this Act.

21 (iv) A log shall be kept which shows the offense which
22 is the basis for the detention, the reasons and
23 circumstances for the decision to detain, and the length
24 of time the minor was in detention.

25 (v) Violation of the time limit on detention in a
26 county jail or municipal lockup shall not, in and of

1 itself, render inadmissible evidence obtained as a result
2 of the violation of this time limit. Minors under 18 years
3 of age shall be kept separate from confined adults and may
4 not at any time be kept in the same cell, room, or yard
5 with adults confined pursuant to criminal law. Persons 18
6 years of age and older who have a petition of delinquency
7 filed against them may be confined in an adult detention
8 facility. In making a determination whether to confine a
9 person 18 years of age or older who has a petition of
10 delinquency filed against the person, these factors, among
11 other matters, shall be considered:

12 (A) the age of the person;

13 (B) any previous delinquent or criminal history of
14 the person;

15 (C) any previous abuse or neglect history of the
16 person; and

17 (D) any mental health or educational history of
18 the person, or both.

19 (d) (i) If a minor 12 years of age or older is confined in
20 a county jail in a county with a population below 3,000,000
21 inhabitants, then the minor's confinement shall be implemented
22 in such a manner that there will be no contact by sight, sound,
23 or otherwise between the minor and adult prisoners. Minors 12
24 years of age or older must be kept separate from confined
25 adults and may not at any time be kept in the same cell, room,
26 or yard with confined adults. This paragraph (d) (i) shall only

1 apply to confinement pending an adjudicatory hearing and shall
2 not exceed 40 hours, excluding Saturdays, Sundays, and
3 court-designated holidays. To accept or hold minors during
4 this time period, county jails shall comply with all
5 monitoring standards adopted by the Department of Corrections
6 and training standards approved by the Illinois Law
7 Enforcement Training Standards Board.

8 (ii) To accept or hold minors, 12 years of age or older,
9 after the time period prescribed in paragraph (d)(i) of this
10 subsection (2) of this Section but not exceeding 7 days
11 including Saturdays, Sundays, and holidays pending an
12 adjudicatory hearing, county jails shall comply with all
13 temporary detention standards adopted by the Department of
14 Corrections and training standards approved by the Illinois
15 Law Enforcement Training Standards Board.

16 (iii) To accept or hold minors 12 years of age or older,
17 after the time period prescribed in paragraphs (d)(i) and
18 (d)(ii) of this subsection (2) of this Section, county jails
19 shall comply with all county juvenile detention standards
20 adopted by the Department of Juvenile Justice.

21 (e) When a minor who is at least 15 years of age is
22 prosecuted under the criminal laws of this State, the court
23 may enter an order directing that the juvenile be confined in
24 the county jail. However, any juvenile confined in the county
25 jail under this provision shall be separated from adults who
26 are confined in the county jail in such a manner that there

1 will be no contact by sight, sound or otherwise between the
2 juvenile and adult prisoners.

3 (f) For purposes of appearing in a physical lineup, the
4 minor may be taken to a county jail or municipal lockup under
5 the direct and constant supervision of a juvenile police
6 officer. During such time as is necessary to conduct a lineup,
7 and while supervised by a juvenile police officer, the sight
8 and sound separation provisions shall not apply.

9 (g) For purposes of processing a minor, the minor may be
10 taken to a county jail or municipal lockup under the direct and
11 constant supervision of a law enforcement officer or
12 correctional officer. During such time as is necessary to
13 process the minor, and while supervised by a law enforcement
14 officer or correctional officer, the sight and sound
15 separation provisions shall not apply.

16 (3) If the probation officer or State's Attorney (or such
17 other public officer designated by the court in a county
18 having 3,000,000 or more inhabitants) determines that the
19 minor may be a delinquent minor as described in subsection (3)
20 of Section 5-105, and should be retained in custody but does
21 not require physical restriction, the minor may be placed in
22 non-secure custody for up to 40 hours pending a detention
23 hearing.

24 (4) Any minor taken into temporary custody, not requiring
25 secure detention, may, however, be detained in the home of his
26 or her parent or guardian subject to such conditions as the

1 court may impose.

2 (5) The changes made to this Section by Public Act 98-61
3 apply to a minor who has been arrested or taken into custody on
4 or after January 1, 2014 (the effective date of Public Act
5 98-61).

6 (Source: P.A. 100-745, eff. 8-10-18; 101-81, eff. 7-12-19.)

7 (705 ILCS 405/5-710)

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

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

11 (a) Except as provided in Sections 5-805, 5-810, and
12 5-815, a minor who is found guilty under Section 5-620 may
13 be:

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

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

25 (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 January 1, 2015 (the effective
4 date of Public Act 98-803) and before January 1, 2017,
5 placed in the guardianship of the Department of
6 Children and Family Services, but only if the
7 delinquent minor is under 16 years of age or, pursuant
8 to Article II of this Act, a minor under the age of 18
9 for whom an independent basis of abuse, neglect, or
10 dependency exists. On and after January 1, 2017,
11 placed in the guardianship of the Department of
12 Children and Family Services, but only if the
13 delinquent minor is under 15 years of age or, pursuant
14 to Article II of this Act, a minor for whom an
15 independent basis of abuse, neglect, or dependency
16 exists. An independent basis exists when the
17 allegations or adjudication of abuse, neglect, or
18 dependency do not arise from the same facts, incident,
19 or circumstances which give rise to a charge or
20 adjudication of delinquency;

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

1 shall be 10 years of age or older. However, the 30-day
2 limitation may be extended by further order of the
3 court for a minor under age 15 committed to the
4 Department of Children and Family Services if the
5 court finds that the minor is a danger to himself or
6 others. The minor shall be given credit on the
7 sentencing order of detention for time spent in
8 detention under Sections 5-501, 5-601, 5-710, or 5-720
9 of this Article as a result of the offense for which
10 the sentencing order was imposed. The court may grant
11 credit on a sentencing order of detention entered
12 under a violation of probation or violation of
13 conditional discharge under Section 5-720 of this
14 Article for time spent in detention before the filing
15 of the petition alleging the violation. A minor shall
16 not be deprived of credit for time spent in detention
17 before the filing of a violation of probation or
18 conditional discharge alleging the same or related act
19 or acts. The limitation that the minor shall only be
20 placed in a juvenile detention home does not apply as
21 follows:

22 Persons 18 years of age and older who have a
23 petition of delinquency filed against them may be
24 confined in an adult detention facility. In making a
25 determination whether to confine a person 18 years of
26 age or older who has a petition of delinquency filed

1 against the person, these factors, among other
2 matters, shall be considered:

3 (A) the age of the person;

4 (B) any previous delinquent or criminal
5 history of the person;

6 (C) any previous abuse or neglect history of
7 the person;

8 (D) any mental health history of the person;

9 and

10 (E) any educational history of the person;

11 (vi) ordered partially or completely emancipated
12 in accordance with the provisions of the Emancipation
13 of Minors Act;

14 (vii) subject to having his or her driver's
15 license or driving privileges suspended for such time
16 as determined by the court but only until he or she
17 attains 18 years of age;

18 (viii) put on probation or conditional discharge
19 and placed in detention under Section 3-6039 of the
20 Counties Code for a period not to exceed the period of
21 incarceration permitted by law for adults found guilty
22 of the same offense or offenses for which the minor was
23 adjudicated delinquent, and in any event no longer
24 than upon attainment of age 21; this subdivision
25 (viii) notwithstanding any contrary provision of the
26 law;

1 (ix) ordered to undergo a medical or other
2 procedure to have a tattoo symbolizing allegiance to a
3 street gang removed from his or her body; or

4 (x) placed in electronic monitoring or home
5 detention under Part 7A of this Article.

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

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
22 the court, the court may enter a disposition order
23 requiring the minor to undergo assessment, counseling or
24 treatment in a substance use disorder treatment program
25 approved by the Department of 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 Chapter 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
24 be illegal if committed by an adult.

25 (7.6) In no event shall a guilty minor be committed to the
26 Department of Juvenile Justice for an offense which is a Class

1 4 felony under Section 19-4 (criminal trespass to a
2 residence), 21-1 (criminal damage to property), 21-1.01
3 (criminal damage to government supported property), 21-1.3
4 (criminal defacement of property), 26-1 (disorderly conduct),
5 or 31-4 (obstructing justice) of the Criminal Code of 2012.

6 (7.75) In no event shall a guilty minor be committed to the
7 Department of Juvenile Justice for an offense that is a Class 3
8 or Class 4 felony violation of the Illinois Controlled
9 Substances Act unless the commitment occurs upon a third or
10 subsequent judicial finding of a violation of probation for
11 substantial noncompliance with court-ordered treatment or
12 programming.

13 (8) A minor found to be guilty for reasons that include a
14 violation of Section 21-1.3 of the Criminal Code of 1961 or the
15 Criminal Code of 2012 shall be ordered to perform community
16 service for not less than 30 and not more than 120 hours, if
17 community service is available in the jurisdiction. The
18 community service shall include, but need not be limited to,
19 the cleanup and repair of the damage that was caused by the
20 violation or similar damage to property located in the
21 municipality or county in which the violation occurred. The
22 order may be in addition to any other order authorized by this
23 Section.

24 (8.5) A minor found to be guilty for reasons that include a
25 violation of Section 3.02 or Section 3.03 of the Humane Care
26 for Animals Act or paragraph (d) of subsection (1) of Section

1 21-1 of the Criminal Code of 1961 or paragraph (4) of
2 subsection (a) of Section 21-1 of the Criminal Code of 2012
3 shall be ordered to undergo medical or psychiatric treatment
4 rendered by a psychiatrist or psychological treatment rendered
5 by a clinical psychologist. The order may be in addition to any
6 other order authorized by this Section.

7 (9) In addition to any other sentencing order, the court
8 shall order any minor found to be guilty for an act which would
9 constitute, predatory criminal sexual assault of a child,
10 aggravated criminal sexual assault, criminal sexual assault,
11 aggravated criminal sexual abuse, or criminal sexual abuse if
12 committed by an adult to undergo medical testing to determine
13 whether the defendant has any sexually transmissible disease
14 including a test for infection with human immunodeficiency
15 virus (HIV) or any other identified causative agency of
16 acquired immunodeficiency syndrome (AIDS). Any medical test
17 shall be performed only by appropriately licensed medical
18 practitioners and may include an analysis of any bodily fluids
19 as well as an examination of the minor's person. Except as
20 otherwise provided by law, the results of the test shall be
21 kept strictly confidential by all medical personnel involved
22 in the testing and must be personally delivered in a sealed
23 envelope to the judge of the court in which the sentencing
24 order was entered for the judge's inspection in camera. Acting
25 in accordance with the best interests of the victim and the
26 public, the judge shall have the discretion to determine to

1 whom the results of the testing may be revealed. The court
2 shall notify the minor of the results of the test for infection
3 with the human immunodeficiency virus (HIV). The court shall
4 also notify the victim if requested by the victim, and if the
5 victim is under the age of 15 and if requested by the victim's
6 parents or legal guardian, the court shall notify the victim's
7 parents or the legal guardian, of the results of the test for
8 infection with the human immunodeficiency virus (HIV). The
9 court shall provide information on the availability of HIV
10 testing and counseling at the Department of Public Health
11 facilities to all parties to whom the results of the testing
12 are revealed. The court shall order that the cost of any test
13 shall be paid by the county and may be taxed as costs against
14 the minor.

15 (10) When a court finds a minor to be guilty the court
16 shall, before entering a sentencing order under this Section,
17 make a finding whether the offense committed either: (a) was
18 related to or in furtherance of the criminal activities of an
19 organized gang or was motivated by the minor's membership in
20 or allegiance to an organized gang, or (b) involved a
21 violation of subsection (a) of Section 12-7.1 of the Criminal
22 Code of 1961 or the Criminal Code of 2012, a violation of any
23 Section of Article 24 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, or a violation of any statute that
25 involved the wrongful use of a firearm. If the court
26 determines the question in the affirmative, and the court does

1 not commit the minor to the Department of Juvenile Justice,
2 the court shall order the minor to perform community service
3 for not less than 30 hours nor more than 120 hours, provided
4 that community service is available in the jurisdiction and is
5 funded and approved by the county board of the county where the
6 offense was committed. The community service shall include,
7 but need not be limited to, the cleanup and repair of any
8 damage caused by a violation of Section 21-1.3 of the Criminal
9 Code of 1961 or the Criminal Code of 2012 and similar damage to
10 property located in the municipality or county in which the
11 violation occurred. When possible and reasonable, the
12 community service shall be performed in the minor's
13 neighborhood. This order shall be in addition to any other
14 order authorized by this Section except for an order to place
15 the minor in the custody of the Department of Juvenile
16 Justice. For the purposes of this Section, "organized gang"
17 has the meaning ascribed to it in Section 10 of the Illinois
18 Streetgang Terrorism Omnibus Prevention Act.

19 (11) If the court determines that the offense was
20 committed in furtherance of the criminal activities of an
21 organized gang, as provided in subsection (10), and that the
22 offense involved the operation or use of a motor vehicle or the
23 use of a driver's license or permit, the court shall notify the
24 Secretary of State of that determination and of the period for
25 which the minor shall be denied driving privileges. If, at the
26 time of the determination, the minor does not hold a driver's

1 license or permit, the court shall provide that the minor
2 shall not be issued a driver's license or permit until his or
3 her 18th birthday. If the minor holds a driver's license or
4 permit at the time of the determination, the court shall
5 provide that the minor's driver's license or permit shall be
6 revoked until his or her 21st birthday, or until a later date
7 or occurrence determined by the court. If the minor holds a
8 driver's license at the time of the determination, the court
9 may direct the Secretary of State to issue the minor a judicial
10 driving permit, also known as a JDP. The JDP shall be subject
11 to the same terms as a JDP issued under Section 6-206.1 of the
12 Illinois Vehicle Code, except that the court may direct that
13 the JDP be effective immediately.

14 (12) (Blank).

15 (Source: P.A. 101-2, eff. 7-1-19; 101-79, eff. 7-12-19;
16 101-159, eff. 1-1-20; 102-558, eff. 8-20-21.)

17 (705 ILCS 405/5-750)

18 Sec. 5-750. Commitment to the Department of Juvenile
19 Justice.

20 (1) Except as provided in subsection (2) of this Section,
21 when any delinquent has been adjudged a ward of the court under
22 this Act, the court may commit him or her to the Department of
23 Juvenile Justice, if it finds that (a) his or her parents,
24 guardian or legal custodian are unfit or are unable, for some
25 reason other than financial circumstances alone, to care for,

1 protect, train or discipline the minor, or are unwilling to do
2 so, and the best interests of the minor and the public will not
3 be served by placement under Section 5-740, or it is necessary
4 to ensure the protection of the public from the consequences
5 of criminal activity of the delinquent; and (b) commitment to
6 the Department of Juvenile Justice is the least restrictive
7 alternative based on evidence that efforts were made to locate
8 less restrictive alternatives to secure confinement and the
9 reasons why efforts were unsuccessful in locating a less
10 restrictive alternative to secure confinement. Before the
11 court commits a minor to the Department of Juvenile Justice,
12 it shall make a finding that secure confinement is necessary,
13 following a review of the following individualized factors:

14 (A) Age of the minor.

15 (B) Criminal background of the minor.

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

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

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

1 (F) Community based services that have been provided
2 to the minor, and whether the minor was compliant with the
3 services, and the reason the services were unsuccessful.

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

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

13 (2) When a minor of the age of at least 14 ~~13~~ years is
14 adjudged delinquent for the offense of first degree murder,
15 the court shall declare the minor a ward of the court and order
16 the minor committed to the Department of Juvenile Justice
17 until the minor's 21st birthday, without the possibility of
18 aftercare release, furlough, or non-emergency authorized
19 absence for a period of 5 years from the date the minor was
20 committed to the Department of Juvenile Justice, except that
21 the time that a minor spent in custody for the instant offense
22 before being committed to the Department of Juvenile Justice
23 shall be considered as time credited towards that 5 year
24 period. Upon release from a Department facility, a minor
25 adjudged delinquent for first degree murder shall be placed on
26 aftercare release until the age of 21, unless sooner

1 discharged from aftercare release or custodianship is
2 otherwise terminated in accordance with this Act or as
3 otherwise provided for by law. Nothing in this subsection (2)
4 shall preclude the State's Attorney from seeking to prosecute
5 a minor as an adult as an alternative to proceeding under this
6 Act.

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

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

26 (a) One and a half years from the date a minor is

1 released from a Department facility, if the minor was
2 committed for a Class X felony;

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

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

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

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

21 (a) the sentencing order and copies of committing
22 petition;

23 (b) all reports;

24 (c) the court's statement of the basis for ordering
25 the disposition;

26 (d) any sex offender evaluations;

1 (e) any risk assessment or substance abuse treatment
2 eligibility screening and assessment of the minor by an
3 agent designated by the State to provide assessment
4 services for the courts;

5 (f) the number of days, if any, which the minor has
6 been in custody and for which he or she is entitled to
7 credit against the sentence, which information shall be
8 provided to the clerk by the sheriff;

9 (g) any medical or mental health records or summaries
10 of the minor;

11 (h) the municipality where the arrest of the minor
12 occurred, the commission of the offense occurred, and the
13 minor resided at the time of commission;

14 (h-5) a report detailing the minor's criminal history
15 in a manner and form prescribed by the Department of
16 Juvenile Justice;

17 (i) all additional matters which the court directs the
18 clerk to transmit; and

19 (j) all police reports for sex offenses as defined by
20 the Sex Offender Management Board Act.

21 (6) Whenever the Department of Juvenile Justice lawfully
22 discharges from its custody and control a minor committed to
23 it, the Director of Juvenile Justice shall petition the court
24 for an order terminating his or her custodianship. The
25 custodianship shall terminate automatically 30 days after
26 receipt of the petition unless the court orders otherwise.

1 (7) If, while on aftercare release, a minor committed to
2 the Department of Juvenile Justice who resides in this State
3 is charged under the criminal laws of this State, the criminal
4 laws of any other state, or federal law with an offense that
5 could result in a sentence of imprisonment within the
6 Department of Corrections, the penal system of any state, or
7 the federal Bureau of Prisons, the commitment to the
8 Department of Juvenile Justice and all rights and duties
9 created by that commitment are automatically suspended pending
10 final disposition of the criminal charge. If the minor is
11 found guilty of the criminal charge and sentenced to a term of
12 imprisonment in the penitentiary system of the Department of
13 Corrections, the penal system of any state, or the federal
14 Bureau of Prisons, the commitment to the Department of
15 Juvenile Justice shall be automatically terminated. If the
16 criminal charge is dismissed, the minor is found not guilty,
17 or the minor completes a criminal sentence other than
18 imprisonment within the Department of Corrections, the penal
19 system of any state, or the federal Bureau of Prisons, the
20 previously imposed commitment to the Department of Juvenile
21 Justice and the full aftercare release term shall be
22 automatically reinstated unless custodianship is sooner
23 terminated. Nothing in this subsection (7) shall preclude the
24 court from ordering another sentence under Section 5-710 of
25 this Act or from terminating the Department's custodianship
26 while the commitment to the Department is suspended.

1 (Source: P.A. 101-159, eff. 1-1-20; 102-350, eff. 8-13-21.)".