



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2368

by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-715

Amends the Juvenile Court Act of 1987. Provides that the period of probation for a minor who is found to be guilty for an offense which is first degree murder, second degree murder, criminal sexual assault, a Class X felony, or an attempt Class X felony shall be at least 5 years. Provides that the period of probation for a minor who is found to be guilty for an offense which is a forcible felony, other than first degree murder, second degree murder, criminal sexual assault, a Class X felony, or an attempt Class X felony, shall be a mandatory minimum probation period of 3 years, but may be up to 5 years, if the facts of the crime, the conduct of the minor, and the ends of justice warrant so in the judge's discretion.

LRB100 10244 SLF 20427 b

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, second degree murder, criminal sexual
13 assault, a Class X felony, or an attempt Class X felony. The
14 juvenile court may terminate probation or conditional
15 discharge and discharge the minor at any time if warranted by
16 the conduct of the minor and the ends of justice; provided,
17 however, that the period of probation for a minor who is found
18 to be guilty for an offense which is first degree murder, second
19 degree murder, criminal sexual assault, a Class X
20 felony, or an attempt Class X felony shall be at least 5 years.

21 (1.5) The period of probation for a minor who is found
22 guilty of aggravated criminal sexual assault, criminal sexual
23 assault, or aggravated battery with a firearm shall be at least

1 36 months. The period of probation for a minor who is found to
2 be guilty of any other Class X felony shall be at least 24
3 months. The period of probation for a minor who is found to be
4 guilty for an offense which is a forcible felony, other than
5 first degree murder, second degree murder, criminal sexual
6 assault, a Class X felony, or an attempt Class X felony, shall
7 be a mandatory minimum probation period of 3 years, but may be
8 up to 5 years, if the facts of the crime, the conduct of the
9 minor, and the ends of justice warrant so in the judge's
10 discretion. ~~The period of probation for a Class 1 or Class 2~~
11 ~~forcible felony shall be at least 18 months.~~ Regardless of the
12 length of probation ordered by the court, for all offenses
13 under this paragraph (1.5), the court shall schedule hearings
14 to determine whether it is in the best interest of the minor
15 and public safety to terminate probation after the minimum
16 period of probation has been served. In such a hearing, there
17 shall be a rebuttable presumption that it is in the best
18 interest of the minor and public safety to terminate probation.

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
24 person or agency as directed by the court;

25 (c) work or pursue a course of study or vocational
26 training;

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

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

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

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

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

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

14 (j) attend school;

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

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

23 (l) make restitution under the terms of subsection (4)
24 of Section 5-710;

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

1 (n) perform some reasonable public or community
2 service;

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

7 (p) pay costs;

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

12 (i) remain within the interior premises of the
13 place designated for his or her confinement during the
14 hours designated by the court;

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

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

22 (r) refrain from entering into a designated geographic
23 area except upon terms as the court finds appropriate. The
24 terms may include consideration of the purpose of the
25 entry, the time of day, other persons accompanying the
26 minor, and advance approval by a probation officer, if the

1 minor has been placed on probation, or advance approval by
2 the court, if the minor has been placed on conditional
3 discharge;

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

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

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

18 (u) comply with other conditions as may be ordered by
19 the court.

20 (3) The court may as a condition of probation or of
21 conditional discharge require that a minor found guilty on any
22 alcohol, cannabis, methamphetamine, or controlled substance
23 violation, refrain from acquiring a driver's license during the
24 period of probation or conditional discharge. If the minor is
25 in possession of a permit or license, the court may require
26 that the minor refrain from driving or operating any motor

1 vehicle during the period of probation or conditional
2 discharge, except as may be necessary in the course of the
3 minor's lawful employment.

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

13 (3.10) The court shall order that a minor placed on
14 probation or conditional discharge for a sex offense as defined
15 in the Sex Offender Management Board Act undergo and
16 successfully complete sex offender treatment. The treatment
17 shall be in conformance with the standards developed under the
18 Sex Offender Management Board Act and conducted by a treatment
19 provider approved by the Board. The treatment shall be at the
20 expense of the person evaluated based upon that person's
21 ability to pay for the treatment.

22 (4) A minor on probation or conditional discharge shall be
23 given a certificate setting forth the conditions upon which he
24 or she is being released.

25 (5) The court shall impose upon a minor placed on probation
26 or conditional discharge, as a condition of the probation or

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

12 (5.5) Jurisdiction over an offender may be transferred from
13 the sentencing court to the court of another circuit with the
14 concurrence of both courts. Further transfers or retransfers of
15 jurisdiction are also authorized in the same manner. The court
16 to which jurisdiction has been transferred shall have the same
17 powers as the sentencing court. The probation department within
18 the circuit to which jurisdiction has been transferred, or
19 which has agreed to provide supervision, may impose probation
20 fees upon receiving the transferred offender, as provided in
21 subsection (i) of Section 5-6-3 of the Unified Code of
22 Corrections. For all transfer cases, as defined in Section 9b
23 of the Probation and Probation Officers Act, the probation
24 department from the original sentencing court shall retain all
25 probation fees collected prior to the transfer. After the
26 transfer, all probation fees shall be paid to the probation

1 department within the circuit to which jurisdiction has been
2 transferred.

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

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

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

24 (Source: P.A. 98-575, eff. 1-1-14; 99-879, eff. 1-1-17.)