



Rep. Karen A. Yarbrough

Filed: 4/13/2011

09700HB0083ham005

LRB097 05047 RLC 54488 a

1 AMENDMENT TO HOUSE BILL 83

2 AMENDMENT NO. _____. Amend House Bill 83, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Juvenile Court Act of 1987 is amended by
6 changing Section 5-750 as follows:

7 (705 ILCS 405/5-750)

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

10 (1) Except as provided in subsection (2) of this Section,
11 when any delinquent has been adjudged a ward of the court under
12 this Act, the court may commit him or her to the Department of
13 Juvenile Justice, if it finds that (a) his or her parents,
14 guardian or legal custodian are unfit or are unable, for some
15 reason other than financial circumstances alone, to care for,
16 protect, train or discipline the minor, or are unwilling to do

1 so, and the best interests of the minor and the public will not
2 be served by placement under Section 5-740, ~~or, (b)~~ it is
3 necessary to ensure the protection of the public from the
4 consequences of criminal activity of the delinquent; and (b)
5 commitment to the Department of Juvenile Justice is the least
6 restrictive alternative based on evidence that efforts were
7 made to locate less restrictive alternatives to secure
8 confinement and the reasons why efforts were unsuccessful in
9 locating a less restrictive alternative to secure confinement.
10 Before the court commits a minor to the Department of Juvenile
11 Justice, it shall make a finding that secure confinement is
12 necessary, following a review of the following individualized
13 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 minor,
23 indicating whether the minor has ever been diagnosed with a
24 health issue and if so what services were provided and
25 whether the minor was compliant with services.

26 (F) Community based services that have been provided to

1 the minor, and whether the minor was compliant with the
2 services, and the reason the services were unsuccessful.

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

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

12 (2) When a minor of the age of at least 13 years is
13 adjudged delinquent for the offense of first degree murder, the
14 court shall declare the minor a ward of the court and order the
15 minor committed to the Department of Juvenile Justice until the
16 minor's 21st birthday, without the possibility of parole,
17 furlough, or non-emergency authorized absence for a period of 5
18 years from the date the minor was committed to the Department
19 of Juvenile Justice, except that the time that a minor spent in
20 custody for the instant offense before being committed to the
21 Department of Juvenile Justice shall be considered as time
22 credited towards that 5 year period. Nothing in this subsection
23 (2) shall preclude the State's Attorney from seeking to
24 prosecute a minor as an adult as an alternative to proceeding
25 under this Act.

26 (3) Except as provided in subsection (2), the commitment of

1 a delinquent to the Department of Juvenile Justice shall be for
2 an indeterminate term which shall automatically terminate upon
3 the delinquent attaining the age of 21 years unless the
4 delinquent is sooner discharged from parole or custodianship is
5 otherwise terminated in accordance with this Act or as
6 otherwise provided for by law.

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

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

19 (a) the disposition ordered;

20 (b) all reports;

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

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

25 (6) Whenever the Department of Juvenile Justice lawfully
26 discharges from its custody and control a minor committed to

1 it, the Director of Juvenile Justice shall petition the court
2 for an order terminating his or her custodianship. The
3 custodianship shall terminate automatically 30 days after
4 receipt of the petition unless the court orders otherwise.
5 (Source: P.A. 94-696, eff. 6-1-06.)".