



Rep. La Shawn K. Ford

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1 AMENDMENT TO HOUSE BILL 4112

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4112 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section  
5 13-45 as follows:

6 (105 ILCS 5/13-45) (from Ch. 122, par. 13-45)

7 Sec. 13-45. Other provisions of this Code shall not apply  
8 to the Department of Juvenile Justice School District being all  
9 of the following Articles and Sections: Articles 3, 3A, 4, 5,  
10 6, 7, 8, and 9, those Sections ~~sections~~ of Article 10 in  
11 conflict with any provisions of Sections 13-40 through 13-45,  
12 and Articles 11, 12, 15, 17, 18, 19, 19A, 20, 22, 24, 24A, 26,  
13 31, 32, 33, and 34. Also Article 28 shall not apply except that  
14 this School District may use any funds available from State,  
15 Federal and other funds for the purchase of textbooks,  
16 apparatus and equipment.

1 (Source: P.A. 96-328, eff. 8-11-09.)

2 Section 10. The Unified Code of Corrections is amended by  
3 changing Sections 3-2.5-15 and 3-10-2 as follows:

4 (730 ILCS 5/3-2.5-15)

5 (Text of Section after amendment by P.A. 98-528)

6 Sec. 3-2.5-15. Department of Juvenile Justice; assumption  
7 of duties of the Juvenile Division.

8 (a) The Department of Juvenile Justice shall assume the  
9 rights, powers, duties, and responsibilities of the Juvenile  
10 Division of the Department of Corrections. Personnel, books,  
11 records, property, and unencumbered appropriations pertaining  
12 to the Juvenile Division of the Department of Corrections shall  
13 be transferred to the Department of Juvenile Justice on the  
14 effective date of this amendatory Act of the 94th General  
15 Assembly. Any rights of employees or the State under the  
16 Personnel Code or any other contract or plan shall be  
17 unaffected by this transfer.

18 (b) Department of Juvenile Justice personnel who are hired  
19 by the Department on or after the effective date of this  
20 amendatory Act of the 94th General Assembly and who participate  
21 or assist in the rehabilitative and vocational training of  
22 delinquent youths, supervise the daily activities involving  
23 direct and continuing responsibility for the youth's security,  
24 welfare and development, or participate in the personal

1 rehabilitation of delinquent youth by training, supervising,  
2 and assisting lower level personnel who perform these duties  
3 must be over the age of 21 and have a bachelor's or advanced  
4 degree from an accredited college or university with a  
5 specialization in criminal justice, education, psychology,  
6 social work, or a closely related social science or other  
7 bachelor's or advanced degree with at least 2 years experience  
8 in the field of juvenile matters. This requirement shall not  
9 apply to security, clerical, food service, and maintenance  
10 staff that do not have direct and regular contact with youth.  
11 The degree requirements specified in this subsection (b) are  
12 not required of persons who provide vocational training and who  
13 have adequate knowledge in the skill for which they are  
14 providing the vocational training.

15 (c) Subsection (b) of this Section does not apply to  
16 personnel transferred to the Department of Juvenile Justice on  
17 the effective date of this amendatory Act of the 94th General  
18 Assembly.

19 (d) The Department shall be under the direction of the  
20 Director of Juvenile Justice as provided in this Code.

21 (e) The Director shall organize divisions within the  
22 Department and shall assign functions, powers, duties, and  
23 personnel as required by law. The Director may create other  
24 divisions and may assign other functions, powers, duties, and  
25 personnel as may be necessary or desirable to carry out the  
26 functions and responsibilities vested by law in the Department.

1 The Director may, with the approval of the Office of the  
2 Governor, assign to and share functions, powers, duties, and  
3 personnel with other State agencies such that administrative  
4 services and administrative facilities are provided by a shared  
5 administrative service center. Where possible, shared services  
6 which impact youth should be done with child-serving agencies.  
7 These administrative services may include, but are not limited  
8 to, all of the following functions: budgeting, accounting  
9 related functions, auditing, human resources, legal,  
10 procurement, training, data collection and analysis,  
11 information technology, internal investigations, intelligence,  
12 legislative services, emergency response capability, statewide  
13 transportation services, and general office support.

14 (f) The Department of Juvenile Justice may enter into  
15 intergovernmental cooperation agreements under which minors  
16 adjudicated delinquent and committed to the Department of  
17 Juvenile Justice may participate in county juvenile impact  
18 incarceration programs established under Section 3-6039 of the  
19 Counties Code.

20 (g) The Department of Juvenile Justice must comply with the  
21 ethnic and racial background data collection procedures  
22 provided in Section 4.5 of the Criminal Identification Act.

23 (Source: P.A. 98-528, eff. 1-1-15.)

24 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

25 Sec. 3-10-2. Examination of Persons Committed to the

1 Department of Juvenile Justice.

2 (a) A person committed to the Department of Juvenile  
3 Justice shall be examined in regard to his medical,  
4 psychological, social, educational and vocational condition  
5 and history, including the use of alcohol and other drugs, the  
6 circumstances of his offense and any other information as the  
7 Department of Juvenile Justice may determine.

8 (a-5) Upon admission of a person committed to the  
9 Department of Juvenile Justice, the Department of Juvenile  
10 Justice must provide the person with appropriate information  
11 concerning HIV and AIDS in writing, verbally, or by video or  
12 other electronic means. The Department of Juvenile Justice  
13 shall develop the informational materials in consultation with  
14 the Department of Public Health. At the same time, the  
15 Department of Juvenile Justice also must offer the person the  
16 option of being tested, at no charge to the person, for  
17 infection with human immunodeficiency virus (HIV). Pre-test  
18 information shall be provided to the committed person and  
19 informed consent obtained as required in subsection (d) of  
20 Section 3 and Section 5 of the AIDS Confidentiality Act. The  
21 Department of Juvenile Justice may conduct opt-out HIV testing  
22 as defined in Section 4 of the AIDS Confidentiality Act. If the  
23 Department conducts opt-out HIV testing, the Department shall  
24 place signs in English, Spanish and other languages as needed  
25 in multiple, highly visible locations in the area where HIV  
26 testing is conducted informing inmates that they will be tested

1 for HIV unless they refuse, and refusal or acceptance of  
2 testing shall be documented in the inmate's medical record. The  
3 Department shall follow procedures established by the  
4 Department of Public Health to conduct HIV testing and testing  
5 to confirm positive HIV test results. All testing must be  
6 conducted by medical personnel, but pre-test and other  
7 information may be provided by committed persons who have  
8 received appropriate training. The Department, in conjunction  
9 with the Department of Public Health, shall develop a plan that  
10 complies with the AIDS Confidentiality Act to deliver  
11 confidentially all positive or negative HIV test results to  
12 inmates or former inmates. Nothing in this Section shall  
13 require the Department to offer HIV testing to an inmate who is  
14 known to be infected with HIV, or who has been tested for HIV  
15 within the previous 180 days and whose documented HIV test  
16 result is available to the Department electronically. The  
17 testing provided under this subsection (a-5) shall consist of a  
18 test approved by the Illinois Department of Public Health to  
19 determine the presence of HIV infection, based upon  
20 recommendations of the United States Centers for Disease  
21 Control and Prevention. If the test result is positive, a  
22 reliable supplemental test based upon recommendations of the  
23 United States Centers for Disease Control and Prevention shall  
24 be administered.

25 Also upon admission of a person committed to the Department  
26 of Juvenile Justice, the Department of Juvenile Justice must

1 inform the person of the Department's obligation to provide the  
2 person with medical care.

3 (b) Based on its examination, the Department of Juvenile  
4 Justice may exercise the following powers in developing a  
5 treatment program of any person committed to the Department of  
6 Juvenile Justice:

7 (1) Require participation by him in vocational,  
8 physical, educational and corrective training and  
9 activities to return him to the community.

10 (2) Place him in any institution or facility of the  
11 Department of Juvenile Justice.

12 (3) Order replacement or referral to the Parole and  
13 Pardon Board as often as it deems desirable. The Department  
14 of Juvenile Justice shall refer the person to the Parole  
15 and Pardon Board as required under Section 3-3-4.

16 (4) Enter into agreements with the Secretary of Human  
17 Services and the Director of Children and Family Services,  
18 with courts having probation officers, and with private  
19 agencies or institutions for separate care or special  
20 treatment of persons subject to the control of the  
21 Department of Juvenile Justice.

22 (c) The Department of Juvenile Justice shall make periodic  
23 reexamination of all persons under the control of the  
24 Department of Juvenile Justice to determine whether existing  
25 orders in individual cases should be modified or continued.  
26 This examination shall be made with respect to every person at

1 least once annually.

2 (d) A record of the treatment decision including any  
3 modification thereof and the reason therefor, shall be part of  
4 the committed person's master record file.

5 (e) The Department of Juvenile Justice shall by certified  
6 mail and telephone or electronic message ~~, return receipt~~  
7 ~~requested,~~ notify the parent, guardian or nearest relative of  
8 any person committed to the Department of Juvenile Justice of  
9 his or her physical location and any change thereof.

10 (Source: P.A. 97-244, eff. 8-4-11; 97-323, eff. 8-12-11;  
11 97-813, eff. 7-13-12.)".