

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 5-710 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) placed in the guardianship of the Department
4 of Children and Family Services, but only if the
5 delinquent minor is under 15 years of age or, pursuant
6 to Article II of this Act, a minor for whom an
7 independent basis of abuse, neglect, or dependency
8 exists. An independent basis exists when the
9 allegations or adjudication of abuse, neglect, or
10 dependency do not arise from the same facts, incident,
11 or circumstances which give rise to a charge or
12 adjudication of delinquency;

13 (v) placed in detention for a period not to exceed
14 30 days, either as the exclusive order of disposition
15 or, where appropriate, in conjunction with any other
16 order of disposition issued under this paragraph,
17 provided that any such detention shall be in a juvenile
18 detention home and the minor so detained shall be 10
19 years of age or older. However, the 30-day limitation
20 may be extended by further order of the court for a
21 minor under age 15 committed to the Department of
22 Children and Family Services if the court finds that
23 the minor is a danger to himself or others. The minor
24 shall be given credit on the sentencing order of
25 detention for time spent in detention under Sections
26 5-501, 5-601, 5-710, or 5-720 of this Article as a

1 result of the offense for which the sentencing order
2 was imposed. The court may grant credit on a sentencing
3 order of detention entered under a violation of
4 probation or violation of conditional discharge under
5 Section 5-720 of this Article for time spent in
6 detention before the filing of the petition alleging
7 the violation. A minor shall not be deprived of credit
8 for time spent in detention before the filing of a
9 violation of probation or conditional discharge
10 alleging the same or related act or acts. The
11 limitation that the minor shall only be placed in a
12 juvenile detention home does not apply as follows:

13 Persons 18 years of age and older who have a
14 petition of delinquency filed against them may be
15 confined in an adult detention facility. In making a
16 determination whether to confine a person 18 years of
17 age or older who has a petition of delinquency filed
18 against the person, these factors, among other
19 matters, shall be considered:

20 (A) the age of the person;

21 (B) any previous delinquent or criminal
22 history of the person;

23 (C) any previous abuse or neglect history of
24 the person;

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

26 and

1 (E) any educational history of the person;

2 (vi) ordered partially or completely emancipated
3 in accordance with the provisions of the Emancipation
4 of Minors Act;

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

9 (viii) put on probation or conditional discharge
10 and placed in detention under Section 3-6039 of the
11 Counties Code for a period not to exceed the period of
12 incarceration permitted by law for adults found guilty
13 of the same offense or offenses for which the minor was
14 adjudicated delinquent, and in any event no longer than
15 upon attainment of age 21; this subdivision (viii)
16 notwithstanding any contrary provision of the law;

17 (ix) ordered to undergo a medical or other
18 procedure to have a tattoo symbolizing allegiance to a
19 street gang removed from his or her body; or

20 (x) placed in electronic home detention under Part
21 7A of this Article.

22 (b) A minor found to be guilty may be committed to the
23 Department of Juvenile Justice under Section 5-750 if the
24 minor is 13 years of age or older, provided that the
25 commitment to the Department of Juvenile Justice shall be
26 made only if a term of incarceration is permitted by law

1 for adults found guilty of the offense for which the minor
2 was adjudicated delinquent. The time during which a minor
3 is in custody before being released upon the request of a
4 parent, guardian or legal custodian shall be considered as
5 time spent in detention.

6 (c) When a minor is found to be guilty for an offense
7 which is a violation of the Illinois Controlled Substances
8 Act, the Cannabis Control Act, or the Methamphetamine
9 Control and Community Protection Act and made a ward of the
10 court, the court may enter a disposition order requiring
11 the minor to undergo assessment, counseling or treatment in
12 a substance abuse program approved by the Department of
13 Human Services.

14 (2) Any sentencing order other than commitment to the
15 Department of Juvenile Justice may provide for protective
16 supervision under Section 5-725 and may include an order of
17 protection under Section 5-730.

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

22 (4) In addition to any other sentence, the court may order
23 any minor found to be delinquent to make restitution, in
24 monetary or non-monetary form, under the terms and conditions
25 of Section 5-5-6 of the Unified Code of Corrections, except
26 that the "presentencing hearing" referred to in that Section

1 shall be the sentencing hearing for purposes of this Section.
2 The parent, guardian or legal custodian of the minor may be
3 ordered by the court to pay some or all of the restitution on
4 the minor's behalf, pursuant to the Parental Responsibility
5 Law. The State's Attorney is authorized to act on behalf of any
6 victim in seeking restitution in proceedings under this
7 Section, up to the maximum amount allowed in Section 5 of the
8 Parental Responsibility Law.

9 (5) Any sentencing order where the minor is committed or
10 placed in accordance with Section 5-740 shall provide for the
11 parents or guardian of the estate of the minor to pay to the
12 legal custodian or guardian of the person of the minor such
13 sums as are determined by the custodian or guardian of the
14 person of the minor as necessary for the minor's needs. The
15 payments may not exceed the maximum amounts provided for by
16 Section 9.1 of the Children and Family Services Act.

17 (6) Whenever the sentencing order requires the minor to
18 attend school or participate in a program of training, the
19 truant officer or designated school official shall regularly
20 report to the court if the minor is a chronic or habitual
21 truant under Section 26-2a of the School Code. Notwithstanding
22 any other provision of this Act, in instances in which
23 educational services are to be provided to a minor in a
24 residential facility where the minor has been placed by the
25 court, costs incurred in the provision of those educational
26 services must be allocated based on the requirements of the

1 School Code.

2 (7) In no event shall a guilty minor be committed to the
3 Department of Juvenile Justice for a period of time in excess
4 of that period for which an adult could be committed for the
5 same act.

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

17 (8.5) A minor found to be guilty for reasons that include a
18 violation of Section 3.02 or Section 3.03 of the Humane Care
19 for Animals Act or paragraph (d) of subsection (1) of Section
20 21-1 of the Criminal Code of 1961 or paragraph (4) of
21 subsection (a) of Section 21-1 of the Criminal Code of 2012
22 shall be ordered to undergo medical or psychiatric treatment
23 rendered by a psychiatrist or psychological treatment rendered
24 by a clinical psychologist. The order may be in addition to any
25 other order authorized by this Section.

26 (9) In addition to any other sentencing order, the court

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

1 infection with the human immunodeficiency virus (HIV). The
2 court shall provide information on the availability of HIV
3 testing and counseling at the Department of Public Health
4 facilities to all parties to whom the results of the testing
5 are revealed. The court shall order that the cost of any test
6 shall be paid by the county and may be taxed as costs against
7 the minor.

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

1 Section 21-1.3 of the Criminal Code of 1961 or the Criminal
2 Code of 2012 and similar damage to property located in the
3 municipality or county in which the violation occurred. When
4 possible and reasonable, the community service shall be
5 performed in the minor's neighborhood. This order shall be in
6 addition to any other order authorized by this Section except
7 for an order to place the minor in the custody of the
8 Department of Juvenile Justice. For the purposes of this
9 Section, "organized gang" has the meaning ascribed to it in
10 Section 10 of the Illinois Streetgang Terrorism Omnibus
11 Prevention Act.

12 (11) If the court determines that the offense was committed
13 in furtherance of the criminal activities of an organized gang,
14 as provided in subsection (10), and that the offense involved
15 the operation or use of a motor vehicle or the use of a
16 driver's license or permit, the court shall notify the
17 Secretary of State of that determination and of the period for
18 which the minor shall be denied driving privileges. If, at the
19 time of the determination, the minor does not hold a driver's
20 license or permit, the court shall provide that the minor shall
21 not be issued a driver's license or permit until his or her
22 18th birthday. If the minor holds a driver's license or permit
23 at the time of the determination, the court shall provide that
24 the minor's driver's license or permit shall be revoked until
25 his or her 21st birthday, or until a later date or occurrence
26 determined by the court. If the minor holds a driver's license

1 at the time of the determination, the court may direct the
2 Secretary of State to issue the minor a judicial driving
3 permit, also known as a JDP. The JDP shall be subject to the
4 same terms as a JDP issued under Section 6-206.1 of the
5 Illinois Vehicle Code, except that the court may direct that
6 the JDP be effective immediately.

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

23 For purposes of this Section, "smoker's education program"
24 or "youth diversion program" includes, but is not limited to, a
25 seminar designed to educate a person on the physical and
26 psychological effects of smoking tobacco products and the

1 health consequences of smoking tobacco products that can be
2 conducted with a locality's youth diversion program.

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

5 (a) If a minor violates subsection (a-7) of Section 1
6 of the Prevention of Tobacco Use by Minors Act, the court
7 may impose a sentence of 15 hours of community service or a
8 fine of \$25 for a first violation.

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

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

17 (d) Any second or subsequent violation not within the
18 12-month time period after the first violation is
19 punishable as provided for a first violation.

20 (Source: P.A. 96-179, eff. 8-10-09; 96-293, eff. 1-1-10;
21 96-1000, eff. 7-2-10; 97-1150, eff. 1-25-13.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.