



Rep. Anthony DeLuca

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LRB099 04933 RLC 34106 a

1 AMENDMENT TO HOUSE BILL 1096

2 AMENDMENT NO. _____. Amend House Bill 1096 by replacing
3 everything after the enacting clause with the following:

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, a Class X felony or a forcible felony. The
13 juvenile court may terminate probation or conditional
14 discharge and discharge the minor at any time if warranted by
15 the conduct of the minor and the ends of justice; provided,
16 however, that the period of probation for a minor who is found

1 to be guilty for an offense which is first degree murder, a
2 Class X felony, or a forcible felony shall be at least 5 years.

3 (2) The court may as a condition of probation or of
4 conditional discharge require that the minor:

5 (a) not violate any criminal statute of any
6 jurisdiction;

7 (b) make a report to and appear in person before any
8 person or agency as directed by the court;

9 (c) work or pursue a course of study or vocational
10 training;

11 (d) undergo medical or psychiatric treatment, rendered
12 by a psychiatrist or psychological treatment rendered by a
13 clinical psychologist or social work services rendered by a
14 clinical social worker, or treatment for drug addiction or
15 alcoholism;

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

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

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

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

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

24 (j) attend school;

25 (j-5) with the consent of the superintendent of the
26 facility, attend an educational program at a facility other

1 than the school in which the offense was committed if he or
2 she committed a crime of violence as defined in Section 2
3 of the Crime Victims Compensation Act in a school, on the
4 real property comprising a school, or within 1,000 feet of
5 the real property comprising a school;

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

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

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

11 (n) perform some reasonable public or community
12 service;

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

17 (p) pay costs;

18 (q) serve a term of home confinement. In addition to
19 any other applicable condition of probation or conditional
20 discharge, the conditions of home confinement shall be that
21 the minor:

22 (i) remain within the interior premises of the
23 place designated for his or her confinement during the
24 hours designated by the court;

25 (ii) admit any person or agent designated by the
26 court into the minor's place of confinement at any time

1 for purposes of verifying the minor's compliance with
2 the conditions of his or her confinement; and

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

6 (r) refrain from entering into a designated geographic
7 area except upon terms as the court finds appropriate. The
8 terms may include consideration of the purpose of the
9 entry, the time of day, other persons accompanying the
10 minor, and advance approval by a probation officer, if the
11 minor has been placed on probation, or advance approval by
12 the court, if the minor has been placed on conditional
13 discharge;

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

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

21 (t) refrain from having in his or her body the presence
22 of any illicit drug prohibited by the Cannabis Control Act,
23 the Illinois Controlled Substances Act, or the
24 Methamphetamine Control and Community Protection Act,
25 unless prescribed by a physician, and shall submit samples
26 of his or her blood or urine or both for tests to determine

1 the presence of any illicit drug; or

2 (u) comply with other conditions as may be ordered by
3 the court.

4 (3) The court may as a condition of probation or of
5 conditional discharge require that a minor found guilty on any
6 alcohol, cannabis, methamphetamine, or controlled substance
7 violation, refrain from acquiring a driver's license during the
8 period of probation or conditional discharge. If the minor is
9 in possession of a permit or license, the court may require
10 that the minor refrain from driving or operating any motor
11 vehicle during the period of probation or conditional
12 discharge, except as may be necessary in the course of the
13 minor's lawful employment.

14 (3.5) The court shall, as a condition of probation or of
15 conditional discharge, require that a minor found to be guilty
16 and placed on probation for reasons that include a violation of
17 Section 3.02 or Section 3.03 of the Humane Care for Animals Act
18 or paragraph (4) of subsection (a) of Section 21-1 of the
19 Criminal Code of 2012 undergo medical or psychiatric treatment
20 rendered by a psychiatrist or psychological treatment rendered
21 by a clinical psychologist. The condition may be in addition to
22 any other condition.

23 (3.10) The court shall order that a minor placed on
24 probation or conditional discharge for a sex offense as defined
25 in the Sex Offender Management Board Act undergo and
26 successfully complete sex offender treatment. The treatment

1 shall be in conformance with the standards developed under the
2 Sex Offender Management Board Act and conducted by a treatment
3 provider approved by the Board. The treatment shall be at the
4 expense of the person evaluated based upon that person's
5 ability to pay for the treatment.

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

9 (5) The court shall impose upon a minor placed on probation
10 or conditional discharge, as a condition of the probation or
11 conditional discharge, a fee of \$50 for each month of probation
12 or conditional discharge supervision ordered by the court,
13 unless after determining the inability of the minor placed on
14 probation or conditional discharge to pay the fee, the court
15 assesses a lesser amount. The court may not impose the fee on a
16 minor who is made a ward of the State under this Act while the
17 minor is in placement. The fee shall be imposed only upon a
18 minor who is actively supervised by the probation and court
19 services department. The court may order the parent, guardian,
20 or legal custodian of the minor to pay some or all of the fee on
21 the minor's behalf.

22 (5.5) Jurisdiction over an offender may be transferred from
23 the sentencing court to the court of another circuit with the
24 concurrence of both courts. Further transfers or retransfers of
25 jurisdiction are also authorized in the same manner. The court
26 to which jurisdiction has been transferred shall have the same

1 powers as the sentencing court. The probation department within
2 the circuit to which jurisdiction has been transferred, or
3 which has agreed to provide supervision, may impose probation
4 fees upon receiving the transferred offender, as provided in
5 subsection (i) of Section 5-6-3 of the Unified Code of
6 Corrections. For all transfer cases, as defined in Section 9b
7 of the Probation and Probation Officers Act, the probation
8 department from the original sentencing court shall retain all
9 probation fees collected prior to the transfer. After the
10 transfer, all probation fees shall be paid to the probation
11 department within the circuit to which jurisdiction has been
12 transferred.

13 If the transfer case originated in another state and has
14 been transferred under the Interstate Compact for Juveniles to
15 the jurisdiction of an Illinois circuit court for supervision
16 by an Illinois probation department, probation fees may be
17 imposed only if permitted by the Interstate Commission for
18 Juveniles.

19 (6) The General Assembly finds that in order to protect the
20 public, the juvenile justice system must compel compliance with
21 the conditions of probation by responding to violations with
22 swift, certain, and fair punishments and intermediate
23 sanctions. The Chief Judge of each circuit shall adopt a system
24 of structured, intermediate sanctions for violations of the
25 terms and conditions of a sentence of supervision, probation or
26 conditional discharge, under this Act.

1 The court shall provide as a condition of a disposition of
2 probation, conditional discharge, or supervision, that the
3 probation agency may invoke any sanction from the list of
4 intermediate sanctions adopted by the chief judge of the
5 circuit court for violations of the terms and conditions of the
6 sentence of probation, conditional discharge, or supervision,
7 subject to the provisions of Section 5-720 of this Act.

8 (7) If a minor has previously been placed on probation for
9 an offense that involves the use or possession of a firearm,
10 the court may not place the minor on probation for any
11 subsequent offense involving the use or possession of a
12 firearm.

13 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13;
14 98-575, eff. 1-1-14.)".