



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB1468

by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

20 ILCS 505/17a-9 from Ch. 23, par. 5017a-9
705 ILCS 405/5-410
705 ILCS 405/5-710
705 ILCS 405/5-720

Amends the Children and Family Services Act. Provides that the Illinois Juvenile Justice Commission shall study and make recommendations to the General Assembly regarding the availability of youth services to reduce the use of detention and prevent deeper criminal involvement. Amends the Juvenile Court Act of 1987. Provides that a provision providing a minor 10 years of age or older arrested under the Act where there is probable cause to believe that the minor is a delinquent minor and that: (i) secure custody is a matter of immediate and urgent necessity for the protection of the minor or of the person or property of another; (ii) the minor is likely to flee the jurisdiction of the court; or (iii) the minor was taken into custody under a warrant, may be kept or detained in an authorized detention facility and that a minor under 13 years of age shall not be admitted, kept, or detained in a detention facility unless a local youth service provider has been contacted and has not been able to accept the minor for services shall be inoperative on and after July 1, 2019. Provides that on and after July 1, 2019, any minor 13 years of age or older arrested under this Act where there is probable cause to believe that the minor is a delinquent minor and that: (i) secure custody is a matter of immediate and urgent necessity for the protection of the minor or of the person or property of another; (ii) the minor is likely to flee the jurisdiction of the court; or (iii) the minor was taken into custody under a warrant, may be kept or detained in an authorized detention facility. Makes conforming changes.

LRB101 02963 SLF 47971 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 Children and Family Services Act is amended
5 by changing Section 17a-9 as follows:

6 (20 ILCS 505/17a-9) (from Ch. 23, par. 5017a-9)

7 Sec. 17a-9. Illinois Juvenile Justice Commission.

8 (a) There is hereby created the Illinois Juvenile Justice
9 Commission which shall consist of 25 persons appointed by the
10 Governor. The Chairperson of the Commission shall be appointed
11 by the Governor. Of the initial appointees, 8 shall serve a
12 one-year term, 8 shall serve a two-year term and 9 shall serve
13 a three-year term. Thereafter, each successor shall serve a
14 three-year term. Vacancies shall be filled in the same manner
15 as original appointments. Once appointed, members shall serve
16 until their successors are appointed and qualified. Members
17 shall serve without compensation, except they shall be
18 reimbursed for their actual expenses in the performance of
19 their duties. The Commission shall carry out the rights, powers
20 and duties established in subparagraph (3) of paragraph (a) of
21 Section 223 of the Federal "Juvenile Justice and Delinquency
22 Prevention Act of 1974", as now or hereafter amended. The
23 Commission shall determine the priorities for expenditure of

1 funds made available to the State by the Federal Government
2 pursuant to that Act. The Commission shall have the following
3 powers and duties:

4 (1) Development, review and final approval of the
5 State's juvenile justice plan for funds under the Federal
6 "Juvenile Justice and Delinquency Prevention Act of 1974";

7 (2) Review and approve or disapprove juvenile justice
8 and delinquency prevention grant applications to the
9 Department for federal funds under that Act;

10 (3) Annual submission of recommendations to the
11 Governor and the General Assembly concerning matters
12 relative to its function;

13 (4) Responsibility for the review of funds allocated to
14 Illinois under the "Juvenile Justice and Delinquency
15 Prevention Act of 1974" to ensure compliance with all
16 relevant federal laws and regulations;

17 (5) Function as the advisory committee for the State
18 Youth and Community Services Program as authorized under
19 Section 17 of this Act, and in that capacity be authorized
20 and empowered to assist and advise the Secretary of Human
21 Services on matters related to juvenile justice and
22 delinquency prevention programs and services; ~~and~~

23 (5.5) Study and make recommendations to the General
24 Assembly regarding the availability of youth services to
25 reduce the use of detention and prevent deeper criminal
26 involvement; and

1 (6) Study the impact of, develop timelines, and propose
2 a funding structure to accommodate the expansion of the
3 jurisdiction of the Illinois Juvenile Court to include
4 youth age 17 under the jurisdiction of the Juvenile Court
5 Act of 1987. The Commission shall submit a report by
6 December 31, 2011 to the General Assembly with
7 recommendations on extending juvenile court jurisdiction
8 to youth age 17 charged with felony offenses.

9 (b) On the effective date of this amendatory Act of the
10 96th General Assembly, the Illinois Juvenile Jurisdiction Task
11 Force created by Public Act 95-1031 is abolished and its duties
12 are transferred to the Illinois Juvenile Justice Commission as
13 provided in paragraph (6) of subsection (a) of this Section.

14 (Source: P.A. 96-1199, eff. 1-1-11.)

15 Section 10. The Juvenile Court Act of 1987 is amended by
16 changing Sections 5-410, 5-710, and 5-720 as follows:

17 (705 ILCS 405/5-410)

18 Sec. 5-410. Non-secure custody or detention.

19 (1) Placement of a minor away from his or her home must be
20 the last resort and be the least restrictive alternative
21 available. Any minor arrested or taken into custody pursuant to
22 this Act who requires care away from his or her home but who
23 does not require physical restriction shall be given temporary
24 care in a foster family home or other shelter facility

1 designated by the court.

2 (2) (a) Prior to July 1, 2019, any ~~Any~~ minor 10 years of
3 age or older arrested pursuant to this Act where there is
4 probable cause to believe that the minor is a delinquent minor
5 and that (i) secure ~~secured~~ custody is a matter of immediate
6 and urgent necessity for the protection of the minor or of the
7 person or property of another, (ii) the minor is likely to flee
8 the jurisdiction of the court, or (iii) the minor was taken
9 into custody under a warrant, may be kept or detained in an
10 authorized detention facility. Prior to July 1, 2019, a ~~A~~ minor
11 under 13 years of age shall not be admitted, kept, or detained
12 in a detention facility unless a local youth service provider,
13 ~~including a provider through the Comprehensive Community Based~~
14 ~~Youth Services network,~~ has been contacted and has not been
15 able to accept the minor for services. No minor under 12 years
16 of age shall be detained in a county jail or a municipal lockup
17 for more than 6 hours. The provisions of paragraph (a) of this
18 subsection (2), other than this sentence, are inoperative on
19 and after July 1, 2019.

20 (a-5) For a minor arrested or taken into custody for
21 vehicular hijacking or aggravated vehicular hijacking, a
22 previous finding of delinquency for vehicular hijacking or
23 aggravated vehicular hijacking shall be given greater weight in
24 determining whether secured custody of a minor is a matter of
25 immediate and urgent necessity for the protection of the minor
26 or of the person or property of another.

1 (a-10) On and after July 1, 2019, any minor 13 years of age
2 or older arrested under this Act when there is probable cause
3 to believe that the minor is a delinquent minor and that: (i)
4 secure custody is a matter of immediate and urgent necessity
5 for the protection of the minor or of the person or property of
6 another; (ii) the minor is likely to flee the jurisdiction of
7 the court; or (iii) the minor was taken into custody under a
8 warrant, may be kept or detained in an authorized detention
9 facility.

10 (b) The written authorization of the probation officer or
11 detention officer (or other public officer designated by the
12 court in a county having 3,000,000 or more inhabitants)
13 constitutes authority for the superintendent of any juvenile
14 detention home to detain and keep a minor for up to 40 hours,
15 excluding Saturdays, Sundays, and court-designated holidays.
16 These records shall be available to the same persons and
17 pursuant to the same conditions as are law enforcement records
18 as provided in Section 5-905.

19 It is the goal of this Act to ensure that detention is the
20 last resort and for as short of a time as possible. Studies
21 reveal that detention can be traumatic, especially for young
22 children, and can lead to deeper criminal involvement.

23 (b-4) The consultation required by paragraph ~~subsection~~
24 (b-5) shall not be applicable if the probation officer or
25 detention officer (or other public officer designated by the
26 court in a county having 3,000,000 or more inhabitants)

1 utilizes a scorable detention screening instrument, which has
2 been developed with input by the State's Attorney, to determine
3 whether a minor should be detained, however, paragraph
4 ~~subsection~~ (b-5) shall still be applicable where no such
5 screening instrument is used or where the probation officer,
6 detention officer (or other public officer designated by the
7 court in a county having 3,000,000 or more inhabitants)
8 deviates from the screening instrument.

9 (b-5) Subject to the provisions of paragraph ~~subsection~~
10 (b-4), if a probation officer or detention officer (or other
11 public officer designated by the court in a county having
12 3,000,000 or more inhabitants) does not intend to detain a
13 minor for an offense which constitutes one of the following
14 offenses he or she shall consult with the State's Attorney's
15 Office prior to the release of the minor: first degree murder,
16 second degree murder, involuntary manslaughter, criminal
17 sexual assault, aggravated criminal sexual assault, aggravated
18 battery with a firearm as described in Section 12-4.2 or
19 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section
20 12-3.05, aggravated or heinous battery involving permanent
21 disability or disfigurement or great bodily harm, robbery,
22 aggravated robbery, armed robbery, vehicular hijacking,
23 aggravated vehicular hijacking, vehicular invasion, arson,
24 aggravated arson, kidnapping, aggravated kidnapping, home
25 invasion, burglary, or residential burglary.

26 (c) Except as otherwise provided in paragraph (a), (d), or

1 (e), no minor shall be detained in a county jail or municipal
2 lockup for more than 12 hours, unless the offense is a crime of
3 violence in which case the minor may be detained up to 24
4 hours. For the purpose of this paragraph, "crime of violence"
5 has the meaning ascribed to it in Section 1-10 of the
6 Alcoholism and Other Drug Abuse and Dependency Act.

7 (i) The period of detention is deemed to have begun
8 once the minor has been placed in a locked room or cell or
9 handcuffed to a stationary object in a building housing a
10 county jail or municipal lockup. Time spent transporting a
11 minor is not considered to be time in detention or secure
12 custody.

13 (ii) Any minor so confined shall be under periodic
14 supervision and shall not be permitted to come into or
15 remain in contact with adults in custody in the building.

16 (iii) Upon placement in secure custody in a jail or
17 lockup, the minor shall be informed of the purpose of the
18 detention, the time it is expected to last and the fact
19 that it cannot exceed the time specified under this Act.

20 (iv) A log shall be kept which shows the offense which
21 is the basis for the detention, the reasons and
22 circumstances for the decision to detain, and the length of
23 time the minor was in detention.

24 (v) Violation of the time limit on detention in a
25 county jail or municipal lockup shall not, in and of
26 itself, render inadmissible evidence obtained as a result

1 of the violation of this time limit. Minors under 18 years
2 of age shall be kept separate from confined adults and may
3 not at any time be kept in the same cell, room, or yard
4 with adults confined pursuant to criminal law. Persons 18
5 years of age and older who have a petition of delinquency
6 filed against them may be confined in an adult detention
7 facility. In making a determination whether to confine a
8 person 18 years of age or older who has a petition of
9 delinquency filed against the person, these factors, among
10 other matters, shall be considered:

11 (A) the ~~The~~ age of the person;

12 (B) any ~~Any~~ previous delinquent or criminal
13 history of the person;

14 (C) any ~~Any~~ previous abuse or neglect history of
15 the person; and

16 (D) any ~~Any~~ mental health or educational history of
17 the person, or both.

18 (d) (i) If prior to July 1, 2019 a minor 12 years of age or
19 older or on and after July 1, 2019 a minor 13 years of age or
20 older is confined in a county jail in a county with a
21 population below 3,000,000 inhabitants, then the minor's
22 confinement shall be implemented in such a manner that there
23 will be no contact by sight, sound, or otherwise between the
24 minor and adult prisoners. The minor ~~Minors 12 years of age or~~
25 ~~older~~ must be kept separate from confined adults and may not at
26 any time be kept in the same cell, room, or yard with confined

1 adults. This paragraph (d)(i) shall only apply to confinement
2 pending an adjudicatory hearing and shall not exceed 40 hours,
3 excluding Saturdays, Sundays, and court-designated ~~court~~
4 ~~designated~~ holidays. To accept or hold minors during this time
5 period, county jails shall comply with all monitoring standards
6 adopted by the Department of Corrections and training standards
7 approved by the Illinois Law Enforcement Training Standards
8 Board.

9 (ii) To accept or hold minors, ~~12 years of age or older,~~
10 after the time period prescribed in paragraph (d)(i) of this
11 subsection (2) of this Section but not exceeding 7 days
12 including Saturdays, Sundays, and holidays pending an
13 adjudicatory hearing, county jails shall comply with all
14 temporary detention standards adopted by the Department of
15 Corrections and training standards approved by the Illinois Law
16 Enforcement Training Standards Board.

17 (iii) To accept or hold minors ~~12 years of age or older,~~
18 after the time period prescribed in paragraphs (d)(i) and
19 (d)(ii) of this subsection (2) of this Section, county jails
20 shall comply with all county juvenile detention standards
21 adopted by the Department of Juvenile Justice.

22 (e) When a minor who is at least 15 years of age is
23 prosecuted under the criminal laws of this State, the court may
24 enter an order directing that the juvenile be confined in the
25 county jail. However, any juvenile confined in the county jail
26 under this provision shall be separated from adults who are

1 confined in the county jail in such a manner that there will be
2 no contact by sight, sound or otherwise between the juvenile
3 and adult prisoners.

4 (f) For purposes of appearing in a physical lineup, the
5 minor may be taken to a county jail or municipal lockup under
6 the direct and constant supervision of a juvenile police
7 officer. During such time as is necessary to conduct a lineup,
8 and while supervised by a juvenile police officer, the sight
9 and sound separation provisions shall not apply.

10 (g) For purposes of processing a minor, the minor may be
11 taken to a county jail ~~County Jail~~ or municipal lockup under
12 the direct and constant supervision of a law enforcement
13 officer or correctional officer. During such time as is
14 necessary to process the minor, and while supervised by a law
15 enforcement officer or correctional officer, the sight and
16 sound separation provisions shall not apply.

17 (3) If the probation officer or State's Attorney (or such
18 other public officer designated by the court in a county having
19 3,000,000 or more inhabitants) determines that the minor may be
20 a delinquent minor as described in subsection (3) of Section
21 5-105, and should be retained in custody but does not require
22 physical restriction, the minor may be placed in non-secure
23 custody for up to 40 hours pending a detention hearing.

24 (4) Any minor taken into temporary custody, not requiring
25 secure detention, may, however, be detained in the home of his
26 or her parent or guardian subject to such conditions as the

1 court may impose.

2 (5) The changes made to this Section by Public Act 98-61
3 apply to a minor who has been arrested or taken into custody on
4 or after January 1, 2014 (the effective date of Public Act
5 98-61).

6 (Source: P.A. 99-254, eff. 1-1-16; 100-745, eff. 8-10-18;
7 revised 10-3-18.)

8 (705 ILCS 405/5-710)

9 (Text of Section before amendment by P.A. 100-759)

10 Sec. 5-710. Kinds of sentencing orders.

11 (1) The following kinds of sentencing orders may be made in
12 respect of wards of the court:

13 (a) Except as provided in Sections 5-805, 5-810, and
14 5-815, a minor who is found guilty under Section 5-620 may
15 be:

16 (i) put on probation or conditional discharge and
17 released to his or her parents, guardian or legal
18 custodian, provided, however, that any such minor who
19 is not committed to the Department of Juvenile Justice
20 under this subsection and who is found to be a
21 delinquent for an offense which is first degree murder,
22 a Class X felony, or a forcible felony shall be placed
23 on probation;

24 (ii) placed in accordance with Section 5-740, with
25 or without also being put on probation or conditional

1 discharge;

2 (iii) required to undergo a substance abuse
3 assessment conducted by a licensed provider and
4 participate in the indicated clinical level of care;

5 (iv) on and after the effective date of this
6 amendatory Act of the 98th General Assembly and before
7 January 1, 2017, placed in the guardianship of the
8 Department of Children and Family Services, but only if
9 the delinquent minor is under 16 years of age or,
10 pursuant to Article II of this Act, a minor for whom an
11 independent basis of abuse, neglect, or dependency
12 exists. On and after January 1, 2017, placed in the
13 guardianship of the Department of Children and Family
14 Services, but only if the delinquent minor is under 15
15 years of age or, pursuant to Article II of this Act, a
16 minor for whom an independent basis of abuse, neglect,
17 or dependency exists. An independent basis exists when
18 the allegations or adjudication of abuse, neglect, or
19 dependency do not arise from the same facts, incident,
20 or circumstances which give rise to a charge or
21 adjudication of delinquency;

22 (v) placed in detention for a period not to exceed
23 30 days, either as the exclusive order of disposition
24 or, where appropriate, in conjunction with any other
25 order of disposition issued under this paragraph,
26 provided that any such detention shall be in a juvenile

1 detention home and the minor so detained shall be 10
2 years of age or older. However, the 30-day limitation
3 may be extended by further order of the court for a
4 minor under age 15 committed to the Department of
5 Children and Family Services if the court finds that
6 the minor is a danger to himself or others. The minor
7 shall be given credit on the sentencing order of
8 detention for time spent in detention under Sections
9 5-501, 5-601, 5-710, or 5-720 of this Article as a
10 result of the offense for which the sentencing order
11 was imposed. The court may grant credit on a sentencing
12 order of detention entered under a violation of
13 probation or violation of conditional discharge under
14 Section 5-720 of this Article for time spent in
15 detention before the filing of the petition alleging
16 the violation. A minor shall not be deprived of credit
17 for time spent in detention before the filing of a
18 violation of probation or conditional discharge
19 alleging the same or related act or acts. The
20 limitation that the minor shall only be placed in a
21 juvenile detention home does not apply as follows:

22 Persons 18 years of age and older who have a
23 petition of delinquency filed against them may be
24 confined in an adult detention facility. In making a
25 determination whether to confine a person 18 years of
26 age or older who has a petition of delinquency filed

1 against the person, these factors, among other
2 matters, shall be considered:

3 (A) the age of the person;

4 (B) any previous delinquent or criminal
5 history of the person;

6 (C) any previous abuse or neglect history of
7 the person;

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

9 and

10 (E) any educational history of the person;

11 (vi) ordered partially or completely emancipated
12 in accordance with the provisions of the Emancipation
13 of Minors Act;

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

18 (viii) put on probation or conditional discharge
19 and placed in detention under Section 3-6039 of the
20 Counties Code for a period not to exceed the period of
21 incarceration permitted by law for adults found guilty
22 of the same offense or offenses for which the minor was
23 adjudicated delinquent, and in any event no longer than
24 upon attainment of age 21; this subdivision (viii)
25 notwithstanding any contrary provision of the law;

26 (ix) ordered to undergo a medical or other

1 procedure to have a tattoo symbolizing allegiance to a
2 street gang removed from his or her body; or

3 (x) placed in electronic monitoring or home
4 detention under Part 7A of this Article.

5 (b) A minor found to be guilty may be committed to the
6 Department of Juvenile Justice under Section 5-750 if the
7 minor is at least 13 years and under 20 years of age,
8 provided that the commitment to the Department of Juvenile
9 Justice shall be made only if the minor was found guilty of
10 a felony offense or first degree murder. The court shall
11 include in the sentencing order any pre-custody credits the
12 minor is entitled to under Section 5-4.5-100 of the Unified
13 Code of Corrections. The time during which a minor is in
14 custody before being released upon the request of a parent,
15 guardian or legal custodian shall also be considered as
16 time spent in custody.

17 (c) When a minor is found to be guilty for an offense
18 which is a violation of the Illinois Controlled Substances
19 Act, the Cannabis Control Act, or the Methamphetamine
20 Control and Community Protection Act and made a ward of the
21 court, the court may enter a disposition order requiring
22 the minor to undergo assessment, counseling or treatment in
23 a substance abuse program approved by the Department of
24 Human Services.

25 (2) Any sentencing order other than commitment to the
26 Department of Juvenile Justice may provide for protective

1 supervision under Section 5-725 and may include an order of
2 protection under Section 5-730.

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

7 (4) In addition to any other sentence, the court may order
8 any minor found to be delinquent to make restitution, in
9 monetary or non-monetary form, under the terms and conditions
10 of Section 5-5-6 of the Unified Code of Corrections, except
11 that the "presentencing hearing" referred to in that Section
12 shall be the sentencing hearing for purposes of this Section.
13 The parent, guardian or legal custodian of the minor may be
14 ordered by the court to pay some or all of the restitution on
15 the minor's behalf, pursuant to the Parental Responsibility
16 Law. The State's Attorney is authorized to act on behalf of any
17 victim in seeking restitution in proceedings under this
18 Section, up to the maximum amount allowed in Section 5 of the
19 Parental Responsibility Law.

20 (5) Any sentencing order where the minor is committed or
21 placed in accordance with Section 5-740 shall provide for the
22 parents or guardian of the estate of the minor to pay to the
23 legal custodian or guardian of the person of the minor such
24 sums as are determined by the custodian or guardian of the
25 person of the minor as necessary for the minor's needs. The
26 payments may not exceed the maximum amounts provided for by

1 Section 9.1 of the Children and Family Services Act.

2 (6) Whenever the sentencing order requires the minor to
3 attend school or participate in a program of training, the
4 truant officer or designated school official shall regularly
5 report to the court if the minor is a chronic or habitual
6 truant under Section 26-2a of the School Code. Notwithstanding
7 any other provision of this Act, in instances in which
8 educational services are to be provided to a minor in a
9 residential facility where the minor has been placed by the
10 court, costs incurred in the provision of those educational
11 services must be allocated based on the requirements of the
12 School Code.

13 (7) In no event shall a guilty minor be committed to the
14 Department of Juvenile Justice for a period of time in excess
15 of that period for which an adult could be committed for the
16 same act. The court shall include in the sentencing order a
17 limitation on the period of confinement not to exceed the
18 maximum period of imprisonment the court could impose under
19 Article V of the Unified Code of Corrections.

20 (7.5) In no event shall a guilty minor be committed to the
21 Department of Juvenile Justice or placed in detention when the
22 act for which the minor was adjudicated delinquent would not be
23 illegal if committed by an adult.

24 (7.6) In no event shall a guilty minor be committed to the
25 Department of Juvenile Justice for an offense which is a Class
26 4 felony under Section 19-4 (criminal trespass to a residence),

1 21-1 (criminal damage to property), 21-1.01 (criminal damage to
2 government supported property), 21-1.3 (criminal defacement of
3 property), 26-1 (disorderly conduct), or 31-4 (obstructing
4 justice) of the Criminal Code of 2012.

5 (7.75) In no event shall a guilty minor be committed to the
6 Department of Juvenile Justice for an offense that is a Class 3
7 or Class 4 felony violation of the Illinois Controlled
8 Substances Act unless the commitment occurs upon a third or
9 subsequent judicial finding of a violation of probation for
10 substantial noncompliance with court-ordered treatment or
11 programming.

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

23 (8.5) A minor found to be guilty for reasons that include a
24 violation of Section 3.02 or Section 3.03 of the Humane Care
25 for Animals Act or paragraph (d) of subsection (1) of Section
26 21-1 of the Criminal Code of 1961 or paragraph (4) of

1 subsection (a) of Section 21-1 of the Criminal Code of 2012
2 shall be ordered to undergo medical or psychiatric treatment
3 rendered by a psychiatrist or psychological treatment rendered
4 by a clinical psychologist. The order may be in addition to any
5 other order authorized by this Section.

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

1 shall notify the minor of the results of the test for infection
2 with the human immunodeficiency virus (HIV). The court shall
3 also notify the victim if requested by the victim, and if the
4 victim is under the age of 15 and if requested by the victim's
5 parents or legal guardian, the court shall notify the victim's
6 parents or the legal guardian, of the results of the test for
7 infection with the human immunodeficiency virus (HIV). The
8 court shall provide information on the availability of HIV
9 testing and counseling at the Department of Public Health
10 facilities to all parties to whom the results of the testing
11 are revealed. The court shall order that the cost of any test
12 shall be paid by the county and may be taxed as costs against
13 the minor.

14 (10) When a court finds a minor to be guilty the court
15 shall, before entering a sentencing order under this Section,
16 make a finding whether the offense committed either: (a) was
17 related to or in furtherance of the criminal activities of an
18 organized gang or was motivated by the minor's membership in or
19 allegiance to an organized gang, or (b) involved a violation of
20 subsection (a) of Section 12-7.1 of the Criminal Code of 1961
21 or the Criminal Code of 2012, a violation of any Section of
22 Article 24 of the Criminal Code of 1961 or the Criminal Code of
23 2012, or a violation of any statute that involved the wrongful
24 use of a firearm. If the court determines the question in the
25 affirmative, and the court does not commit the minor to the
26 Department of Juvenile Justice, the court shall order the minor

1 to perform community service for not less than 30 hours nor
2 more than 120 hours, provided that community service is
3 available in the jurisdiction and is funded and approved by the
4 county board of the county where the offense was committed. The
5 community service shall include, but need not be limited to,
6 the cleanup and repair of any damage caused by a violation of
7 Section 21-1.3 of the Criminal Code of 1961 or the Criminal
8 Code of 2012 and similar damage to property located in the
9 municipality or county in which the violation occurred. When
10 possible and reasonable, the community service shall be
11 performed in the minor's neighborhood. This order shall be in
12 addition to any other order authorized by this Section except
13 for an order to place the minor in the custody of the
14 Department of Juvenile Justice. For the purposes of this
15 Section, "organized gang" has the meaning ascribed to it in
16 Section 10 of the Illinois Streetgang Terrorism Omnibus
17 Prevention Act.

18 (11) If the court determines that the offense was committed
19 in furtherance of the criminal activities of an organized gang,
20 as provided in subsection (10), and that the offense involved
21 the operation or use of a motor vehicle or the use of a
22 driver's license or permit, the court shall notify the
23 Secretary of State of that determination and of the period for
24 which the minor shall be denied driving privileges. If, at the
25 time of the determination, the minor does not hold a driver's
26 license or permit, the court shall provide that the minor shall

1 not be issued a driver's license or permit until his or her
2 18th birthday. If the minor holds a driver's license or permit
3 at the time of the determination, the court shall provide that
4 the minor's driver's license or permit shall be revoked until
5 his or her 21st birthday, or until a later date or occurrence
6 determined by the court. If the minor holds a driver's license
7 at the time of the determination, the court may direct the
8 Secretary of State to issue the minor a judicial driving
9 permit, also known as a JDP. The JDP shall be subject to the
10 same terms as a JDP issued under Section 6-206.1 of the
11 Illinois Vehicle Code, except that the court may direct that
12 the JDP be effective immediately.

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

1 remit a fee for his or her attendance at a smoker's education
2 or youth diversion program.

3 For purposes of this Section, "smoker's education program"
4 or "youth diversion program" includes, but is not limited to, a
5 seminar designed to educate a person on the physical and
6 psychological effects of smoking tobacco products and the
7 health consequences of smoking tobacco products that can be
8 conducted with a locality's youth diversion program.

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

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

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

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

23 (d) Any second or subsequent violation not within the
24 12-month time period after the first violation is
25 punishable as provided for a first violation.

26 (Source: P.A. 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 99-879,

1 eff. 1-1-17; 100-201, eff. 8-18-17; 100-431, eff. 8-25-17.)

2 (Text of Section after amendment by P.A. 100-759)

3 Sec. 5-710. Kinds of sentencing orders.

4 (1) The following kinds of sentencing orders may be made in
5 respect of wards of the court:

6 (a) Except as provided in Sections 5-805, 5-810, and
7 5-815, a minor who is found guilty under Section 5-620 may
8 be:

9 (i) put on probation or conditional discharge and
10 released to his or her parents, guardian or legal
11 custodian, provided, however, that any such minor who
12 is not committed to the Department of Juvenile Justice
13 under this subsection and who is found to be a
14 delinquent for an offense which is first degree murder,
15 a Class X felony, or a forcible felony shall be placed
16 on probation;

17 (ii) placed in accordance with Section 5-740, with
18 or without also being put on probation or conditional
19 discharge;

20 (iii) required to undergo a substance abuse
21 assessment conducted by a licensed provider and
22 participate in the indicated clinical level of care;

23 (iv) on and after the effective date of this
24 amendatory Act of the 98th General Assembly and before
25 January 1, 2017, placed in the guardianship of the

1 Department of Children and Family Services, but only if
2 the delinquent minor is under 16 years of age or,
3 pursuant to Article II of this Act, a minor for whom an
4 independent basis of abuse, neglect, or dependency
5 exists. On and after January 1, 2017, placed in the
6 guardianship of the Department of Children and Family
7 Services, but only if the delinquent minor is under 15
8 years of age or, pursuant to Article II of this Act, a
9 minor for whom an independent basis of abuse, neglect,
10 or dependency exists. An independent basis exists when
11 the allegations or adjudication of abuse, neglect, or
12 dependency do not arise from the same facts, incident,
13 or circumstances which give rise to a charge or
14 adjudication of delinquency;

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

1 detention for time spent in detention under Sections
2 5-501, 5-601, 5-710, or 5-720 of this Article as a
3 result of the offense for which the sentencing order
4 was imposed. The court may grant credit on a sentencing
5 order of detention entered under a violation of
6 probation or violation of conditional discharge under
7 Section 5-720 of this Article for time spent in
8 detention before the filing of the petition alleging
9 the violation. A minor shall not be deprived of credit
10 for time spent in detention before the filing of a
11 violation of probation or conditional discharge
12 alleging the same or related act or acts. The
13 limitation that the minor shall only be placed in a
14 juvenile detention home does not apply as follows:

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

22 (A) the age of the person;

23 (B) any previous delinquent or criminal
24 history of the person;

25 (C) any previous abuse or neglect history of
26 the person;

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

2 and

3 (E) any educational history of the person;

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

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

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

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

22 (x) placed in electronic monitoring or home
23 detention under Part 7A of this Article.

24 (b) A minor found to be guilty may be committed to the
25 Department of Juvenile Justice under Section 5-750 if the
26 minor is at least 13 years and under 20 years of age,

1 provided that the commitment to the Department of Juvenile
2 Justice shall be made only if the minor was found guilty of
3 a felony offense or first degree murder. The court shall
4 include in the sentencing order any pre-custody credits the
5 minor is entitled to under Section 5-4.5-100 of the Unified
6 Code of Corrections. The time during which a minor is in
7 custody before being released upon the request of a parent,
8 guardian or legal custodian shall also be considered as
9 time spent in custody.

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

18 (2) Any sentencing order other than commitment to the
19 Department of Juvenile Justice may provide for protective
20 supervision under Section 5-725 and may include an order of
21 protection under Section 5-730.

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

26 (4) In addition to any other sentence, the court may order

1 any minor found to be delinquent to make restitution, in
2 monetary or non-monetary form, under the terms and conditions
3 of Section 5-5-6 of the Unified Code of Corrections, except
4 that the "presentencing hearing" referred to in that Section
5 shall be the sentencing hearing for purposes of this Section.
6 The parent, guardian or legal custodian of the minor may be
7 ordered by the court to pay some or all of the restitution on
8 the minor's behalf, pursuant to the Parental Responsibility
9 Law. The State's Attorney is authorized to act on behalf of any
10 victim in seeking restitution in proceedings under this
11 Section, up to the maximum amount allowed in Section 5 of the
12 Parental Responsibility Law.

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

21 (6) Whenever the sentencing order requires the minor to
22 attend school or participate in a program of training, the
23 truant officer or designated school official shall regularly
24 report to the court if the minor is a chronic or habitual
25 truant under Section 26-2a of the School Code. Notwithstanding
26 any other provision of this Act, in instances in which

1 educational services are to be provided to a minor in a
2 residential facility where the minor has been placed by the
3 court, costs incurred in the provision of those educational
4 services must be allocated based on the requirements of the
5 School Code.

6 (7) In no event shall a guilty minor be committed to the
7 Department of Juvenile Justice for a period of time in excess
8 of that period for which an adult could be committed for the
9 same act. The court shall include in the sentencing order a
10 limitation on the period of confinement not to exceed the
11 maximum period of imprisonment the court could impose under
12 Article V of the Unified Code of Corrections.

13 (7.5) In no event shall a guilty minor be committed to the
14 Department of Juvenile Justice or placed in detention when the
15 act for which the minor was adjudicated delinquent would not be
16 illegal if committed by an adult.

17 (7.6) In no event shall a guilty minor be committed to the
18 Department of Juvenile Justice for an offense which is a Class
19 4 felony under Section 19-4 (criminal trespass to a residence),
20 21-1 (criminal damage to property), 21-1.01 (criminal damage to
21 government supported property), 21-1.3 (criminal defacement of
22 property), 26-1 (disorderly conduct), or 31-4 (obstructing
23 justice) of the Criminal Code of 2012.

24 (7.75) In no event shall a guilty minor be committed to the
25 Department of Juvenile Justice for an offense that is a Class 3
26 or Class 4 felony violation of the Illinois Controlled

1 Substances Act unless the commitment occurs upon a third or
2 subsequent judicial finding of a violation of probation for
3 substantial noncompliance with court-ordered treatment or
4 programming.

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

16 (8.5) A minor found to be guilty for reasons that include a
17 violation of Section 3.02 or Section 3.03 of the Humane Care
18 for Animals Act or paragraph (d) of subsection (1) of Section
19 21-1 of the Criminal Code of 1961 or paragraph (4) of
20 subsection (a) of Section 21-1 of the Criminal Code of 2012
21 shall be ordered to undergo medical or psychiatric treatment
22 rendered by a psychiatrist or psychological treatment rendered
23 by a clinical psychologist. The order may be in addition to any
24 other order authorized by this Section.

25 (9) In addition to any other sentencing order, the court
26 shall order any minor found to be guilty for an act which would

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

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

7 (10) When a court finds a minor to be guilty the court
8 shall, before entering a sentencing order under this Section,
9 make a finding whether the offense committed either: (a) was
10 related to or in furtherance of the criminal activities of an
11 organized gang or was motivated by the minor's membership in or
12 allegiance to an organized gang, or (b) involved a violation of
13 subsection (a) of Section 12-7.1 of the Criminal Code of 1961
14 or the Criminal Code of 2012, a violation of any Section of
15 Article 24 of the Criminal Code of 1961 or the Criminal Code of
16 2012, or a violation of any statute that involved the wrongful
17 use of a firearm. If the court determines the question in the
18 affirmative, and the court does not commit the minor to the
19 Department of Juvenile Justice, the court shall order the minor
20 to perform community service for not less than 30 hours nor
21 more than 120 hours, provided that community service is
22 available in the jurisdiction and is funded and approved by the
23 county board of the county where the offense was committed. The
24 community service shall include, but need not be limited to,
25 the cleanup and repair of any damage caused by a violation of
26 Section 21-1.3 of the Criminal Code of 1961 or the Criminal

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

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

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

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

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

1 conducted with a locality's youth diversion program.

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

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

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

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

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

19 (Source: P.A. 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 99-879,
20 eff. 1-1-17; 100-201, eff. 8-18-17; 100-431, eff. 8-25-17;
21 100-759, eff. 1-1-19.)

22 (705 ILCS 405/5-720)

23 Sec. 5-720. Probation revocation.

24 (1) If a petition is filed charging a violation of a
25 condition of probation or of conditional discharge, the court

1 shall:

2 (a) order the minor to appear; or

3 (b) order the minor's detention if the court finds that
4 the detention is a matter of immediate and urgent necessity
5 for the protection of the minor or of the person or
6 property of another or that the minor is likely to flee the
7 jurisdiction of the court, provided that any such detention
8 shall be in a juvenile detention home and the minor so
9 detained shall be 13 ~~14~~ years of age or older; and

10 (c) notify the persons named in the petition under
11 Section 5-520, in accordance with the provisions of Section
12 5-530.

13 In making its detention determination under paragraph (b)
14 of this subsection (1) of this Section, the court may use
15 information in its findings offered at such a hearing by way of
16 proffer based upon reliable information presented by the State,
17 probation officer, or the minor. The filing of a petition for
18 violation of a condition of probation or of conditional
19 discharge shall toll the period of probation or of conditional
20 discharge until the final determination of the charge, and the
21 term of probation or conditional discharge shall not run until
22 the hearing and disposition of the petition for violation.

23 (2) The court shall conduct a hearing of the alleged
24 violation of probation or of conditional discharge. The minor
25 shall not be held in detention longer than 15 days pending the
26 determination of the alleged violation.

1 (3) At the hearing, the State shall have the burden of
2 going forward with the evidence and proving the violation by a
3 preponderance of the evidence. The evidence shall be presented
4 in court with the right of confrontation, cross-examination,
5 and representation by counsel.

6 (4) If the court finds that the minor has violated a
7 condition at any time prior to the expiration or termination of
8 the period of probation or conditional discharge, it may
9 continue him or her on the existing sentence, with or without
10 modifying or enlarging the conditions, or may revoke probation
11 or conditional discharge and impose any other sentence that was
12 available under Section 5-710 at the time of the initial
13 sentence.

14 (5) The conditions of probation and of conditional
15 discharge may be reduced or enlarged by the court on motion of
16 the probation officer or on its own motion or at the request of
17 the minor after notice and hearing under this Section.

18 (6) Sentencing after revocation of probation or of
19 conditional discharge shall be under Section 5-705.

20 (7) Instead of filing a violation of probation or of
21 conditional discharge, the probation officer, with the
22 concurrence of his or her supervisor, may serve on the minor a
23 notice of intermediate sanctions. The notice shall contain the
24 technical violation or violations involved, the date or dates
25 of the violation or violations, and the intermediate sanctions
26 to be imposed. Upon receipt of the notice, the minor shall

1 immediately accept or reject the intermediate sanctions. If the
2 sanctions are accepted, they shall be imposed immediately. If
3 the intermediate sanctions are rejected or the minor does not
4 respond to the notice, a violation of probation or of
5 conditional discharge shall be immediately filed with the
6 court. The State's Attorney and the sentencing court shall be
7 notified of the notice of sanctions. Upon successful completion
8 of the intermediate sanctions, a court may not revoke probation
9 or conditional discharge or impose additional sanctions for the
10 same violation. A notice of intermediate sanctions may not be
11 issued for any violation of probation or conditional discharge
12 which could warrant an additional, separate felony charge.

13 (Source: P.A. 90-590, eff. 1-1-99.)