



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4613

Introduced 2/5/2020, 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 it is the goal of the Act to ensure that detention is the last resort and for as short a time as possible. Provides that on and after July 1, 2021, 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 in light of a serious threat to the physical safety of a person or persons in the community or to secure the presence of the minor at the next hearing, as evidenced by a demonstrable record of willful failure to appear at a scheduled court hearing within the last 12 months, may be kept or detained in an authorized detention facility. Provides that a minor must be at least 13 (rather than 10) years of age to be placed in detention.

LRB101 17311 RLC 69284 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, 2021, 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 custody is a matter of immediate and urgent
6 necessity for the protection of the minor or of the person or
7 property of another, (ii) the minor is likely to flee the
8 jurisdiction of the court, or (iii) the minor was taken into
9 custody under a warrant, may be kept or detained in an
10 authorized detention facility. Prior to July 1, 2021, 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, 2021.

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) It is the goal of this Act to ensure that detention
2 is the last resort and for as short a time as possible. On and
3 after July 1, 2021, any minor 13 years of age or older arrested
4 under this Act where there is probable cause to believe that
5 the minor is a delinquent minor and that (i) secure custody is
6 a matter of immediate and urgent necessity in light of a
7 serious threat to the physical safety of a person or persons in
8 the community or to secure the presence of the minor at the
9 next hearing, as evidenced by a demonstrable record of willful
10 failure to appear at a scheduled court hearing within the last
11 12 months, may be kept or detained in an authorized detention
12 facility.

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

22 (b-4) The consultation required by paragraph (b-5) shall
23 not be applicable if the probation officer or detention officer
24 (or other public officer designated by the court in a county
25 having 3,000,000 or more inhabitants) utilizes a scorable
26 detention screening instrument, which has been developed with

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

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

23 (c) Except as otherwise provided in paragraph (a), (d), or
24 (e), no minor shall be detained in a county jail or municipal
25 lockup for more than 12 hours, unless the offense is a crime of
26 violence in which case the minor may be detained up to 24

1 hours. For the purpose of this paragraph, "crime of violence"
2 has the meaning ascribed to it in Section 1-10 of the
3 Alcoholism and Other Drug Abuse and Dependency Act.

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

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

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

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

21 (v) Violation of the time limit on detention in a
22 county jail or municipal lockup shall not, in and of
23 itself, render inadmissible evidence obtained as a result
24 of the violation of this time limit. Minors under 18 years
25 of age shall be kept separate from confined adults and may
26 not at any time be kept in the same cell, room, or yard

1 with adults confined pursuant to criminal law. Persons 18
2 years of age and older who have a petition of delinquency
3 filed against them may be confined in an adult detention
4 facility. In making a determination whether to confine a
5 person 18 years of age or older who has a petition of
6 delinquency filed against the person, these factors, among
7 other matters, shall be considered:

8 (A) the age of the person;

9 (B) any previous delinquent or criminal history of
10 the person;

11 (C) any previous abuse or neglect history of the
12 person; and

13 (D) any mental health or educational history of the
14 person, or both.

15 (d) (i) If prior to July 1, 2021 a minor 12 years of age or
16 older or on and after July 1, 2021 a minor 13 years of age or
17 older is confined in a county jail in a county with a
18 population below 3,000,000 inhabitants, then the minor's
19 confinement shall be implemented in such a manner that there
20 will be no contact by sight, sound, or otherwise between the
21 minor and adult prisoners. The minor ~~Minors 12 years of age or~~
22 ~~older~~ must be kept separate from confined adults and may not at
23 any time be kept in the same cell, room, or yard with confined
24 adults. This paragraph (d) (i) shall only apply to confinement
25 pending an adjudicatory hearing and shall not exceed 40 hours,
26 excluding Saturdays, Sundays, and court-designated holidays.

1 To accept or hold minors during this time period, county jails
2 shall comply with all monitoring standards adopted by the
3 Department of Corrections and training standards approved by
4 the Illinois Law Enforcement Training Standards Board.

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

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

18 (e) When a minor who is at least 15 years of age is
19 prosecuted under the criminal laws of this State, the court may
20 enter an order directing that the juvenile be confined in the
21 county jail. However, any juvenile confined in the county jail
22 under this provision shall be separated from adults who are
23 confined in the county jail in such a manner that there will be
24 no contact by sight, sound or otherwise between the juvenile
25 and adult prisoners.

26 (f) For purposes of appearing in a physical lineup, the

1 minor may be taken to a county jail or municipal lockup under
2 the direct and constant supervision of a juvenile police
3 officer. During such time as is necessary to conduct a lineup,
4 and while supervised by a juvenile police officer, the sight
5 and sound separation provisions shall not apply.

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

13 (3) If the probation officer or State's Attorney (or such
14 other public officer designated by the court in a county having
15 3,000,000 or more inhabitants) determines that the minor may be
16 a delinquent minor as described in subsection (3) of Section
17 5-105, and should be retained in custody but does not require
18 physical restriction, the minor may be placed in non-secure
19 custody for up to 40 hours pending a detention hearing.

20 (4) Any minor taken into temporary custody, not requiring
21 secure detention, may, however, be detained in the home of his
22 or her parent or guardian subject to such conditions as the
23 court may impose.

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

1 98-61).

2 (Source: P.A. 100-745, eff. 8-10-18; 101-81, eff. 7-12-19.)

3 (705 ILCS 405/5-710)

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

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

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

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

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

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

24 (iv) on and after January 1, 2015 (the effective
25 date of Public Act 98-803) ~~this amendatory Act of the~~

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

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

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

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

24 (A) the age of the person;

25 (B) any previous delinquent or criminal
26 history of the person;

1 (C) any previous abuse or neglect history of
2 the person;

3 (D) any mental health history of the person;
4 and

5 (E) any educational history of the person;

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

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

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

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

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

26 (b) A minor found to be guilty may be committed to the

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

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

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

24 (3) Unless the sentencing order expressly so provides, it
25 does not operate to close proceedings on the pending petition,
26 but is subject to modification until final closing and

1 discharge of the proceedings under Section 5-750.

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

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

23 (6) Whenever the sentencing order requires the minor to
24 attend school or participate in a program of training, the
25 truant officer or designated school official shall regularly
26 report to the court if the minor is a chronic or habitual

1 truuant under Section 26-2a of the School Code. Notwithstanding
2 any other provision of this Act, in instances in which
3 educational services are to be provided to a minor in a
4 residential facility where the minor has been placed by the
5 court, costs incurred in the provision of those educational
6 services must be allocated based on the requirements of the
7 School Code.

8 (7) In no event shall a guilty minor be committed to the
9 Department of Juvenile Justice for a period of time in excess
10 of that period for which an adult could be committed for the
11 same act. The court shall include in the sentencing order a
12 limitation on the period of confinement not to exceed the
13 maximum period of imprisonment the court could impose under
14 Chapter V 5 of the Unified Code of Corrections.

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

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

26 (7.75) In no event shall a guilty minor be committed to the

1 Department of Juvenile Justice for an offense that is a Class 3
2 or Class 4 felony violation of the Illinois Controlled
3 Substances Act unless the commitment occurs upon a third or
4 subsequent judicial finding of a violation of probation for
5 substantial noncompliance with court-ordered treatment or
6 programming.

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

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

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

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

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

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

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

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

8 (12) (Blank).

9 (Source: P.A. 100-201, eff. 8-18-17; 100-431, eff. 8-25-17;
10 100-759, eff. 1-1-19; 101-2, eff. 7-1-19; 101-79, eff. 7-12-19;
11 101-159, eff. 1-1-20; revised 8-8-19.)

12 (705 ILCS 405/5-720)

13 Sec. 5-720. Probation revocation.

14 (1) If a petition is filed charging a violation of a
15 condition of probation or of conditional discharge, the court
16 shall:

17 (a) order the minor to appear; or

18 (b) order the minor's detention if the court finds that
19 the detention is a matter of immediate and urgent necessity
20 for the protection of the minor or of the person or
21 property of another or that the minor is likely to flee the
22 jurisdiction of the court, provided that any such detention
23 shall be in a juvenile detention home and the minor so
24 detained shall be 13 ~~14~~ years of age or older; and

25 (c) notify the persons named in the petition under

1 Section 5-520, in accordance with the provisions of Section
2 5-530.

3 In making its detention determination under paragraph (b)
4 of this subsection (1) of this Section, the court may use
5 information in its findings offered at such a hearing by way of
6 proffer based upon reliable information presented by the State,
7 probation officer, or the minor. The filing of a petition for
8 violation of a condition of probation or of conditional
9 discharge shall toll the period of probation or of conditional
10 discharge until the final determination of the charge, and the
11 term of probation or conditional discharge shall not run until
12 the hearing and disposition of the petition for violation.

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

17 (3) At the hearing, the State shall have the burden of
18 going forward with the evidence and proving the violation by a
19 preponderance of the evidence. The evidence shall be presented
20 in court with the right of confrontation, cross-examination,
21 and representation by counsel.

22 (4) If the court finds that the minor has violated a
23 condition at any time prior to the expiration or termination of
24 the period of probation or conditional discharge, it may
25 continue him or her on the existing sentence, with or without
26 modifying or enlarging the conditions, or may revoke probation

1 or conditional discharge and impose any other sentence that was
2 available under Section 5-710 at the time of the initial
3 sentence.

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

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

10 (7) Instead of filing a violation of probation or of
11 conditional discharge, the probation officer, with the
12 concurrence of his or her supervisor, may serve on the minor a
13 notice of intermediate sanctions. The notice shall contain the
14 technical violation or violations involved, the date or dates
15 of the violation or violations, and the intermediate sanctions
16 to be imposed. Upon receipt of the notice, the minor shall
17 immediately accept or reject the intermediate sanctions. If the
18 sanctions are accepted, they shall be imposed immediately. If
19 the intermediate sanctions are rejected or the minor does not
20 respond to the notice, a violation of probation or of
21 conditional discharge shall be immediately filed with the
22 court. The State's Attorney and the sentencing court shall be
23 notified of the notice of sanctions. Upon successful completion
24 of the intermediate sanctions, a court may not revoke probation
25 or conditional discharge or impose additional sanctions for the
26 same violation. A notice of intermediate sanctions may not be

1 issued for any violation of probation or conditional discharge
2 which could warrant an additional, separate felony charge.
3 (Source: P.A. 90-590, eff. 1-1-99.)