



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB0202

Introduced 1/31/2019, by Sen. Dale A. Righter

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-750

Amends the Juvenile Court Act. Provides that when a minor of the age of at least 13 years is adjudged delinquent for the offense of: (1) attempted first degree murder; or (2) any offense involving a use or discharge of a firearm upon school grounds or any part of a building or grounds used for school purposes, including any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity that results in bodily injury or death to any person (in addition to first degree murder), the court shall declare the minor a ward of the court and order the minor committed to the Department of Juvenile Justice until the minor's 21st birthday, without the possibility of aftercare release, furlough, or non-emergency authorized absence for a period of 5 years from the date the minor was committed to the Department, except that the time that a minor spent in custody for the instant offense before being committed to the Department shall be considered as time credited towards that 5 year period.

LRB101 07075 SLF 52112 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 Juvenile Court Act of 1987 is amended by  
5 changing Section 5-750 as follows:

6 (705 ILCS 405/5-750)

7 Sec. 5-750. Commitment to the Department of Juvenile  
8 Justice.

9 (1) Except as provided in subsection (2) of this Section,  
10 when any delinquent has been adjudged a ward of the court under  
11 this Act, the court may commit him or her to the Department of  
12 Juvenile Justice, if it finds that (a) his or her parents,  
13 guardian or legal custodian are unfit or are unable, for some  
14 reason other than financial circumstances alone, to care for,  
15 protect, train or discipline the minor, or are unwilling to do  
16 so, and the best interests of the minor and the public will not  
17 be served by placement under Section 5-740, or it is necessary  
18 to ensure the protection of the public from the consequences of  
19 criminal activity of the delinquent; and (b) commitment to the  
20 Department of Juvenile Justice is the least restrictive  
21 alternative based on evidence that efforts were made to locate  
22 less restrictive alternatives to secure confinement and the  
23 reasons why efforts were unsuccessful in locating a less

1 restrictive alternative to secure confinement. Before the  
2 court commits a minor to the Department of Juvenile Justice, it  
3 shall make a finding that secure confinement is necessary,  
4 following a review of the following individualized factors:

5 (A) Age of the minor.

6 (B) Criminal background of the minor.

7 (C) Review of results of any assessments of the minor,  
8 including child centered assessments such as the CANS.

9 (D) Educational background of the minor, indicating  
10 whether the minor has ever been assessed for a learning  
11 disability, and if so what services were provided as well  
12 as any disciplinary incidents at school.

13 (E) Physical, mental and emotional health of the minor,  
14 indicating whether the minor has ever been diagnosed with a  
15 health issue and if so what services were provided and  
16 whether the minor was compliant with services.

17 (F) Community based services that have been provided to  
18 the minor, and whether the minor was compliant with the  
19 services, and the reason the services were unsuccessful.

20 (G) Services within the Department of Juvenile Justice  
21 that will meet the individualized needs of the minor.

22 (1.5) Before the court commits a minor to the Department of  
23 Juvenile Justice, the court must find reasonable efforts have  
24 been made to prevent or eliminate the need for the minor to be  
25 removed from the home, or reasonable efforts cannot, at this  
26 time, for good cause, prevent or eliminate the need for

1 removal, and removal from home is in the best interests of the  
2 minor, the minor's family, and the public.

3 (2) When a minor of the age of at least 13 years is  
4 adjudged delinquent for the offense of: (i) first degree  
5 murder; (ii) attempted first degree murder; or (iii) any  
6 offense involving a use or discharge of a firearm upon school  
7 grounds or any part of a building or grounds used for school  
8 purposes, including any conveyance owned, leased, or  
9 contracted by a school to transport students to or from school  
10 or a school related activity that results in bodily injury or  
11 death to any person, the court shall declare the minor a ward  
12 of the court and order the minor committed to the Department of  
13 Juvenile Justice until the minor's 21st birthday, without the  
14 possibility of aftercare release, furlough, or non-emergency  
15 authorized absence for a period of 5 years from the date the  
16 minor was committed to the Department of Juvenile Justice,  
17 except that the time that a minor spent in custody for the  
18 instant offense before being committed to the Department of  
19 Juvenile Justice shall be considered as time credited towards  
20 that 5 year period. Upon release from a Department facility, a  
21 minor adjudged delinquent for first degree murder shall be  
22 placed on aftercare release until the age of 21, unless sooner  
23 discharged from aftercare release or custodianship is  
24 otherwise terminated in accordance with this Act or as  
25 otherwise provided for by law. Nothing in this subsection (2)  
26 shall preclude the State's Attorney from seeking to prosecute a

1 minor as an adult as an alternative to proceeding under this  
2 Act.

3 (3) Except as provided in subsection (2), the commitment of  
4 a delinquent to the Department of Juvenile Justice shall be for  
5 an indeterminate term which shall automatically terminate upon  
6 the delinquent attaining the age of 21 years or upon completion  
7 of that period for which an adult could be committed for the  
8 same act, whichever occurs sooner, unless the delinquent is  
9 sooner discharged from aftercare release or custodianship is  
10 otherwise terminated in accordance with this Act or as  
11 otherwise provided for by law.

12 (3.5) Every delinquent minor committed to the Department of  
13 Juvenile Justice under this Act shall be eligible for aftercare  
14 release without regard to the length of time the minor has been  
15 confined or whether the minor has served any minimum term  
16 imposed. Aftercare release shall be administered by the  
17 Department of Juvenile Justice, under the direction of the  
18 Director. Unless sooner discharged, the Department of Juvenile  
19 Justice shall discharge a minor from aftercare release upon  
20 completion of the following aftercare release terms:

21 (a) One and a half years from the date a minor is  
22 released from a Department facility, if the minor was  
23 committed for a Class X felony;

24 (b) One year from the date a minor is released from a  
25 Department facility, if the minor was committed for a Class  
26 1 or 2 felony; and

1           (c) Six months from the date a minor is released from a  
2           Department facility, if the minor was committed for a Class  
3           3 felony or lesser offense.

4           (4) When the court commits a minor to the Department of  
5           Juvenile Justice, it shall order him or her conveyed forthwith  
6           to the appropriate reception station or other place designated  
7           by the Department of Juvenile Justice, and shall appoint the  
8           Director of Juvenile Justice legal custodian of the minor. The  
9           clerk of the court shall issue to the Director of Juvenile  
10          Justice a certified copy of the order, which constitutes proof  
11          of the Director's authority. No other process need issue to  
12          warrant the keeping of the minor.

13          (5) If a minor is committed to the Department of Juvenile  
14          Justice, the clerk of the court shall forward to the  
15          Department:

16               (a) the sentencing order and copies of committing  
17               petition;

18               (b) all reports;

19               (c) the court's statement of the basis for ordering the  
20               disposition;

21               (d) any sex offender evaluations;

22               (e) any risk assessment or substance abuse treatment  
23               eligibility screening and assessment of the minor by an  
24               agent designated by the State to provide assessment  
25               services for the courts;

26               (f) the number of days, if any, which the minor has

1           been in custody and for which he or she is entitled to  
2           credit against the sentence, which information shall be  
3           provided to the clerk by the sheriff;

4           (g) any medical or mental health records or summaries  
5           of the minor;

6           (h) the municipality where the arrest of the minor  
7           occurred, the commission of the offense occurred, and the  
8           minor resided at the time of commission;

9           (h-5) a report detailing the minor's criminal history  
10          in a manner and form prescribed by the Department of  
11          Juvenile Justice; and

12          (i) all additional matters which the court directs the  
13          clerk to transmit.

14          (6) Whenever the Department of Juvenile Justice lawfully  
15          discharges from its custody and control a minor committed to  
16          it, the Director of Juvenile Justice shall petition the court  
17          for an order terminating his or her custodianship. The  
18          custodianship shall terminate automatically 30 days after  
19          receipt of the petition unless the court orders otherwise.

20          (7) If, while on aftercare release, a minor committed to  
21          the Department of Juvenile Justice is charged under the  
22          criminal laws of this State with an offense that could result  
23          in a sentence of imprisonment within the Department of  
24          Corrections, the commitment to the Department of Juvenile  
25          Justice and all rights and duties created by that commitment  
26          are automatically suspended pending final disposition of the

1 criminal charge. If the minor is found guilty of the criminal  
2 charge and sentenced to a term of imprisonment in the  
3 penitentiary system of the Department of Corrections, the  
4 commitment to the Department of Juvenile Justice shall be  
5 automatically terminated. If the criminal charge is dismissed,  
6 the minor is found not guilty, or the minor completes a  
7 criminal sentence other than imprisonment within the  
8 Department of Corrections, the previously imposed commitment  
9 to the Department of Juvenile Justice and the full aftercare  
10 release term shall be automatically reinstated unless  
11 custodianship is sooner terminated. Nothing in this subsection  
12 (7) shall preclude the court from ordering another sentence  
13 under Section 5-710 of this Act or from terminating the  
14 Department's custodianship while the commitment to the  
15 Department is suspended.

16 (Source: P.A. 99-268, eff. 1-1-16; 100-765, eff. 8-10-18.)