



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### HB3513

Introduced 2/22/2021, by Rep. Justin Slaughter

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.935 new	
705 ILCS 405/5-750	
705 ILCS 405/5-815	
705 ILCS 405/5-820	
730 ILCS 5/3-2-2	from Ch. 38, par. 1003-2-2
730 ILCS 5/3-2.5-20	
730 ILCS 5/3-2.5-85	
730 ILCS 5/3-4-1	from Ch. 38, par. 1003-4-1
730 ILCS 5/3-6-2	from Ch. 38, par. 1003-6-2
730 ILCS 5/3-10-8	from Ch. 38, par. 1003-10-8
730 ILCS 5/5-8-4	from Ch. 38, par. 1005-8-4

Amends the Juvenile Court Act of 1987. Provides that if a minor is committed to the Department of Juvenile Justice the clerk of the court shall forward to the Department all police reports for sex offenses allegedly committed or committed by the minor. Amends the Unified Code of Corrections. Provides that the Department of Juvenile Justice shall maintain and administer all State youth centers. Deletes provision permitting a person committed to the Department of Juvenile Justice to be isolated for disciplinary reasons. Provides that all sentences imposed by an Illinois court under the Code shall run concurrent to any and all sentences under the Juvenile Court Act of 1987. Provides that the target release date for youth committed to the Department as a Habitual Juvenile Offender or Violent Juvenile Offender under the Juvenile Court Act of 1987 shall be extended by not less than 12 months. Creates the Department of Juvenile Justice Reimbursement and Education Fund in the State treasury. Amends the State Finance Act to make conforming changes.

LRB102 14063 RLC 19415 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by adding  
5 Section 5.935 as follows:

6 (30 ILCS 105/5.935 new)

7 Sec. 5.935. The Department of Juvenile Justice  
8 Reimbursement and Education Fund.

9 Section 10. The Juvenile Court Act of 1987 is amended by  
10 changing Sections 5-750, 5-815, and 5-820 as follows:

11 (705 ILCS 405/5-750)

12 Sec. 5-750. Commitment to the Department of Juvenile  
13 Justice.

14 (1) Except as provided in subsection (2) of this Section,  
15 when any delinquent has been adjudged a ward of the court under  
16 this Act, the court may commit him or her to the Department of  
17 Juvenile Justice, if it finds that (a) his or her parents,  
18 guardian or legal custodian are unfit or are unable, for some  
19 reason other than financial circumstances alone, to care for,  
20 protect, train or discipline the minor, or are unwilling to do  
21 so, and the best interests of the minor and the public will not

1 be served by placement under Section 5-740, or it is necessary  
2 to ensure the protection of the public from the consequences  
3 of criminal activity of the delinquent; and (b) commitment to  
4 the Department of Juvenile Justice is the least restrictive  
5 alternative based on evidence that efforts were made to locate  
6 less restrictive alternatives to secure confinement and the  
7 reasons why efforts were unsuccessful in locating a less  
8 restrictive alternative to secure confinement. Before the  
9 court commits a minor to the Department of Juvenile Justice,  
10 it shall make a finding that secure confinement is necessary,  
11 following a review of the following individualized factors:

12 (A) Age of the minor.

13 (B) Criminal background of the minor.

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

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

20 (E) Physical, mental and emotional health of the  
21 minor, indicating whether the minor has ever been  
22 diagnosed with a health issue and if so what services were  
23 provided and whether the minor was compliant with  
24 services.

25 (F) Community based services that have been provided  
26 to the minor, and whether the minor was compliant with the

1 services, and the reason the services were unsuccessful.

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

4 (1.5) Before the court commits a minor to the Department  
5 of Juvenile Justice, the court must find reasonable efforts  
6 have been made to prevent or eliminate the need for the minor  
7 to be removed from the home, or reasonable efforts cannot, at  
8 this time, for good cause, prevent or eliminate the need for  
9 removal, and removal from home is in the best interests of the  
10 minor, the minor's family, and the public.

11 (2) When a minor of the age of at least 13 years is  
12 adjudged delinquent for the offense of first degree murder,  
13 the court shall declare the minor a ward of the court and order  
14 the minor committed to the Department of Juvenile Justice  
15 until the minor's 21st birthday, without the possibility of  
16 aftercare release, furlough, or non-emergency authorized  
17 absence for a period of 5 years from the date the minor was  
18 committed to the Department of Juvenile Justice, except that  
19 the time that a minor spent in custody for the instant offense  
20 before being committed to the Department of Juvenile Justice  
21 shall be considered as time credited towards that 5 year  
22 period. Upon release from a Department facility, a minor  
23 adjudged delinquent for first degree murder shall be placed on  
24 aftercare release until the age of 21, unless sooner  
25 discharged from aftercare release or custodianship is  
26 otherwise terminated in accordance with this Act or as

1 otherwise provided for by law. Nothing in this subsection (2)  
2 shall preclude the State's Attorney from seeking to prosecute  
3 a minor as an adult as an alternative to proceeding under this  
4 Act.

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

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

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

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

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

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

16          (5) If a minor is committed to the Department of Juvenile  
17          Justice, the clerk of the court shall forward to the  
18          Department:

19               (a) the sentencing order and copies of committing  
20               petition;

21               (b) all reports;

22               (c) the court's statement of the basis for ordering  
23               the disposition;

24               (d) any sex offender evaluations;

25               (e) any risk assessment or substance abuse treatment  
26               eligibility screening and assessment of the minor by an

1 agent designated by the State to provide assessment  
2 services for the courts;

3 (f) the number of days, if any, which the minor has  
4 been in custody and for which he or she is entitled to  
5 credit against the sentence, which information shall be  
6 provided to the clerk by the sheriff;

7 (g) any medical or mental health records or summaries  
8 of the minor;

9 (h) the municipality where the arrest of the minor  
10 occurred, the commission of the offense occurred, and the  
11 minor resided at the time of commission;

12 (h-5) a report detailing the minor's criminal history  
13 in a manner and form prescribed by the Department of  
14 Juvenile Justice; ~~and~~

15 (i) all additional matters which the court directs the  
16 clerk to transmit; ~~and-~~

17 (j) all police reports for sex offenses as defined by  
18 the Sex Offender Management Board Act.

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

25 (7) If, while on aftercare release, a minor committed to  
26 the Department of Juvenile Justice who resides in this State

1 is charged under the criminal laws of this State, the criminal  
2 laws of any other state, or federal law with an offense that  
3 could result in a sentence of imprisonment within the  
4 Department of Corrections, the penal system of any state, or  
5 the federal Bureau of Prisons, the commitment to the  
6 Department of Juvenile Justice and all rights and duties  
7 created by that commitment are automatically suspended pending  
8 final disposition of the criminal charge. If the minor is  
9 found guilty of the criminal charge and sentenced to a term of  
10 imprisonment in the penitentiary system of the Department of  
11 Corrections, the penal system of any state, or the federal  
12 Bureau of Prisons, the commitment to the Department of  
13 Juvenile Justice shall be automatically terminated. If the  
14 criminal charge is dismissed, the minor is found not guilty,  
15 or the minor completes a criminal sentence other than  
16 imprisonment within the Department of Corrections, the penal  
17 system of any state, or the federal Bureau of Prisons, the  
18 previously imposed commitment to the Department of Juvenile  
19 Justice and the full aftercare release term shall be  
20 automatically reinstated unless custodianship is sooner  
21 terminated. Nothing in this subsection (7) shall preclude the  
22 court from ordering another sentence under Section 5-710 of  
23 this Act or from terminating the Department's custodianship  
24 while the commitment to the Department is suspended.

25 (Source: P.A. 100-765, eff. 8-10-18; 101-159, eff. 1-1-20.)



1 (705 ILCS 405/5-815)

2 Sec. 5-815. Habitual Juvenile Offender.

3 (a) Definition. Any minor having been twice adjudicated a  
4 delinquent minor for offenses which, had he or she been  
5 prosecuted as an adult, would have been felonies under the  
6 laws of this State, and who is thereafter adjudicated a  
7 delinquent minor for a third time shall be adjudged an  
8 Habitual Juvenile Offender where:

9 1. the third adjudication is for an offense occurring  
10 after adjudication on the second; and

11 2. the second adjudication was for an offense  
12 occurring after adjudication on the first; and

13 3. the third offense occurred after January 1, 1980;  
14 and

15 4. the third offense was based upon the commission of  
16 or attempted commission of the following offenses: first  
17 degree murder, second degree murder or involuntary  
18 manslaughter; criminal sexual assault or aggravated  
19 criminal sexual assault; aggravated or heinous battery  
20 involving permanent disability or disfigurement or great  
21 bodily harm to the victim; burglary of a home or other  
22 residence intended for use as a temporary or permanent  
23 dwelling place for human beings; home invasion; robbery or  
24 armed robbery; or aggravated arson.

25 Nothing in this Section shall preclude the State's  
26 Attorney from seeking to prosecute a minor as an adult as an

1 alternative to prosecution as an habitual juvenile offender.

2 A continuance under supervision authorized by Section  
3 5-615 of this Act shall not be permitted under this Section.

4 (b) Notice to minor. The State shall serve upon the minor  
5 written notice of intention to prosecute under the provisions  
6 of this Section within 5 judicial days of the filing of any  
7 delinquency petition, adjudication upon which would mandate  
8 the minor's disposition as an Habitual Juvenile Offender.

9 (c) Petition; service. A notice to seek adjudication as an  
10 Habitual Juvenile Offender shall be filed only by the State's  
11 Attorney.

12 The petition upon which such Habitual Juvenile Offender  
13 notice is based shall contain the information and averments  
14 required for all other delinquency petitions filed under this  
15 Act and its service shall be according to the provisions of  
16 this Act.

17 No prior adjudication shall be alleged in the petition.

18 (d) Trial. Trial on such petition shall be by jury unless  
19 the minor demands, in open court and with advice of counsel, a  
20 trial by the court without jury.

21 Except as otherwise provided herein, the provisions of  
22 this Act concerning delinquency proceedings generally shall be  
23 applicable to Habitual Juvenile Offender proceedings.

24 (e) Proof of prior adjudications. No evidence or other  
25 disclosure of prior adjudications shall be presented to the  
26 court or jury during any adjudicatory hearing provided for

1 under this Section unless otherwise permitted by the issues  
2 properly raised in such hearing. In the event the minor who is  
3 the subject of these proceedings elects to testify on his or  
4 her own behalf, it shall be competent to introduce evidence,  
5 for purposes of impeachment, that he or she has previously  
6 been adjudicated a delinquent minor upon facts which, had he  
7 been tried as an adult, would have resulted in his conviction  
8 of a felony or of any offense that involved dishonesty or false  
9 statement. Introduction of such evidence shall be according to  
10 the rules and procedures applicable to the impeachment of an  
11 adult defendant by prior conviction.

12 After an admission of the facts in the petition or  
13 adjudication of delinquency, the State's Attorney may file  
14 with the court a verified written statement signed by the  
15 State's Attorney concerning any prior adjudication of an  
16 offense set forth in subsection (a) of this Section which  
17 offense would have been a felony or of any offense that  
18 involved dishonesty or false statement had the minor been  
19 tried as an adult.

20 The court shall then cause the minor to be brought before  
21 it; shall inform him or her of the allegations of the statement  
22 so filed, and of his or her right to a hearing before the court  
23 on the issue of such prior adjudication and of his right to  
24 counsel at such hearing; and unless the minor admits such  
25 adjudication, the court shall hear and determine such issue,  
26 and shall make a written finding thereon.

1 A duly authenticated copy of the record of any such  
2 alleged prior adjudication shall be prima facie evidence of  
3 such prior adjudication or of any offense that involved  
4 dishonesty or false statement.

5 Any claim that a previous adjudication offered by the  
6 State's Attorney is not a former adjudication of an offense  
7 which, had the minor been prosecuted as an adult, would have  
8 resulted in his conviction of a felony or of any offense that  
9 involved dishonesty or false statement, is waived unless duly  
10 raised at the hearing on such adjudication, or unless the  
11 State's Attorney's proof shows that such prior adjudication  
12 was not based upon proof of what would have been a felony.

13 (f) Disposition. If the court finds that the prerequisites  
14 established in subsection (a) of this Section have been  
15 proven, it shall adjudicate the minor a ~~an~~ Habitual Juvenile  
16 Offender and commit him or her ~~him~~ to the Department of  
17 Juvenile Justice for a period of time as provided in  
18 subsection (3) of Section 5-750, subject to the target release  
19 date provisions as provided in subsection (c) of Section  
20 3-2.5-85 of the Unified Code of Corrections. ~~until his 21st~~  
21 ~~birthday, without possibility of aftercare release, furlough,~~  
22 ~~or non-emergency authorized absence. However, the minor shall~~  
23 ~~be entitled to earn one day of good conduct credit for each day~~  
24 ~~served as reductions against the period of his confinement.~~  
25 ~~Such good conduct credits shall be earned or revoked according~~  
26 ~~to the procedures applicable to the allowance and revocation~~

1 ~~of good conduct credit for adult prisoners serving determinate~~  
2 ~~sentences for felonies.~~

3 ~~For purposes of determining good conduct credit,~~  
4 ~~commitment as an Habitual Juvenile Offender shall be~~  
5 ~~considered a determinate commitment, and the difference~~  
6 ~~between the date of the commitment and the minor's 21st~~  
7 ~~birthday shall be considered the determinate period of his~~  
8 ~~confinement.~~

9 (Source: P.A. 98-558, eff. 1-1-14.)

10 (705 ILCS 405/5-820)

11 Sec. 5-820. Violent Juvenile Offender.

12 (a) Definition. A minor having been previously adjudicated  
13 a delinquent minor for an offense which, had he or she been  
14 prosecuted as an adult, would have been a Class 2 or greater  
15 felony involving the use or threat of physical force or  
16 violence against an individual or a Class 2 or greater felony  
17 for which an element of the offense is possession or use of a  
18 firearm, and who is thereafter adjudicated a delinquent minor  
19 for a second time for any of those offenses shall be  
20 adjudicated a Violent Juvenile Offender if:

21 (1) The second adjudication is for an offense  
22 occurring after adjudication on the first; and

23 (2) The second offense occurred on or after January 1,  
24 1995.

25 (b) Notice to minor. The State shall serve upon the minor

1 written notice of intention to prosecute under the provisions  
2 of this Section within 5 judicial days of the filing of a  
3 delinquency petition, adjudication upon which would mandate  
4 the minor's disposition as a Violent Juvenile Offender.

5 (c) Petition; service. A notice to seek adjudication as a  
6 Violent Juvenile Offender shall be filed only by the State's  
7 Attorney.

8 The petition upon which the Violent Juvenile Offender  
9 notice is based shall contain the information and averments  
10 required for all other delinquency petitions filed under this  
11 Act and its service shall be according to the provisions of  
12 this Act.

13 No prior adjudication shall be alleged in the petition.

14 (d) Trial. Trial on the petition shall be by jury unless  
15 the minor demands, in open court and with advice of counsel, a  
16 trial by the court without a jury.

17 Except as otherwise provided in this Section, the  
18 provisions of this Act concerning delinquency proceedings  
19 generally shall be applicable to Violent Juvenile Offender  
20 proceedings.

21 (e) Proof of prior adjudications. No evidence or other  
22 disclosure of prior adjudications shall be presented to the  
23 court or jury during an adjudicatory hearing provided for  
24 under this Section unless otherwise permitted by the issues  
25 properly raised in that hearing. In the event the minor who is  
26 the subject of these proceedings elects to testify on his or

1 her own behalf, it shall be competent to introduce evidence,  
2 for purposes of impeachment, that he or she has previously  
3 been adjudicated a delinquent minor upon facts which, had the  
4 minor been tried as an adult, would have resulted in the  
5 minor's conviction of a felony or of any offense that involved  
6 dishonesty or false statement. Introduction of such evidence  
7 shall be according to the rules and procedures applicable to  
8 the impeachment of an adult defendant by prior conviction.

9 After an admission of the facts in the petition or  
10 adjudication of delinquency, the State's Attorney may file  
11 with the court a verified written statement signed by the  
12 State's Attorney concerning any prior adjudication of an  
13 offense set forth in subsection (a) of this Section that would  
14 have been a felony or of any offense that involved dishonesty  
15 or false statement had the minor been tried as an adult.

16 The court shall then cause the minor to be brought before  
17 it; shall inform the minor of the allegations of the statement  
18 so filed, of his or her right to a hearing before the court on  
19 the issue of the prior adjudication and of his or her right to  
20 counsel at the hearing; and unless the minor admits the  
21 adjudication, the court shall hear and determine the issue,  
22 and shall make a written finding of the issue.

23 A duly authenticated copy of the record of any alleged  
24 prior adjudication shall be prima facie evidence of the prior  
25 adjudication or of any offense that involved dishonesty or  
26 false statement.

1 Any claim that a previous adjudication offered by the  
2 State's Attorney is not a former adjudication of an offense  
3 which, had the minor been prosecuted as an adult, would have  
4 resulted in his or her conviction of a Class 2 or greater  
5 felony involving the use or threat of force or violence, or a  
6 firearm, a felony or of any offense that involved dishonesty  
7 or false statement is waived unless duly raised at the hearing  
8 on the adjudication, or unless the State's Attorney's proof  
9 shows that the prior adjudication was not based upon proof of  
10 what would have been a felony.

11 (f) Disposition. If the court finds that the prerequisites  
12 established in subsection (a) of this Section have been  
13 proven, it shall adjudicate the minor a Violent Juvenile  
14 Offender and commit the minor to the Department of Juvenile  
15 Justice for a period of time as provided in subsection (3) of  
16 Section 5-750, subject to the target release date provisions  
17 in subsection (c) of Section 3-2.5-85 of the Unified Code of  
18 Corrections ~~until his or her 21st birthday, without~~  
19 ~~possibility of aftercare release, furlough, or non emergency~~  
20 ~~authorized absence. However, the minor shall be entitled to~~  
21 ~~earn one day of good conduct credit for each day served as~~  
22 ~~reductions against the period of his or her confinement. The~~  
23 ~~good conduct credits shall be earned or revoked according to~~  
24 ~~the procedures applicable to the allowance and revocation of~~  
25 ~~good conduct credit for adult prisoners serving determinate~~  
26 ~~sentences for felonies.~~



1 ~~For purposes of determining good conduct credit,~~  
2 ~~commitment as a Violent Juvenile Offender shall be considered~~  
3 ~~a determinate commitment, and the difference between the date~~  
4 ~~of the commitment and the minor's 21st birthday shall be~~  
5 ~~considered the determinate period of his or her confinement.~~

6 (g) Nothing in this Section shall preclude the State's  
7 Attorney from seeking to prosecute a minor as a habitual  
8 juvenile offender or as an adult as an alternative to  
9 prosecution as a Violent Juvenile Offender.

10 (h) A continuance under supervision authorized by Section  
11 5-615 of this Act shall not be permitted under this Section.

12 (Source: P.A. 98-558, eff. 1-1-14.)

13 Section 15. The Unified Code of Corrections is amended by  
14 changing Sections 3-2-2, 3-2.5-20, 3-2.5-85, 3-4-1, 3-6-2,  
15 3-10-8, and 5-8-4 as follows:

16 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

17 Sec. 3-2-2. Powers and duties of the Department.

18 (1) In addition to the powers, duties, and  
19 responsibilities which are otherwise provided by law, the  
20 Department shall have the following powers:

21 (a) To accept persons committed to it by the courts of  
22 this State for care, custody, treatment and  
23 rehabilitation, and to accept federal prisoners and aliens  
24 over whom the Office of the Federal Detention Trustee is

1 authorized to exercise the federal detention function for  
2 limited purposes and periods of time.

3 (b) To develop and maintain reception and evaluation  
4 units for purposes of analyzing the custody and  
5 rehabilitation needs of persons committed to it and to  
6 assign such persons to institutions and programs under its  
7 control or transfer them to other appropriate agencies. In  
8 consultation with the Department of Alcoholism and  
9 Substance Abuse (now the Department of Human Services),  
10 the Department of Corrections shall develop a master plan  
11 for the screening and evaluation of persons committed to  
12 its custody who have alcohol or drug abuse problems, and  
13 for making appropriate treatment available to such  
14 persons; the Department shall report to the General  
15 Assembly on such plan not later than April 1, 1987. The  
16 maintenance and implementation of such plan shall be  
17 contingent upon the availability of funds.

18 (b-1) To create and implement, on January 1, 2002, a  
19 pilot program to establish the effectiveness of  
20 pupillometer technology (the measurement of the pupil's  
21 reaction to light) as an alternative to a urine test for  
22 purposes of screening and evaluating persons committed to  
23 its custody who have alcohol or drug problems. The pilot  
24 program shall require the pupillometer technology to be  
25 used in at least one Department of Corrections facility.  
26 The Director may expand the pilot program to include an

1 additional facility or facilities as he or she deems  
2 appropriate. A minimum of 4,000 tests shall be included in  
3 the pilot program. The Department must report to the  
4 General Assembly on the effectiveness of the program by  
5 January 1, 2003.

6 (b-5) To develop, in consultation with the Department  
7 of State Police, a program for tracking and evaluating  
8 each inmate from commitment through release for recording  
9 his or her gang affiliations, activities, or ranks.

10 (c) To maintain and administer all State correctional  
11 institutions and facilities under its control and to  
12 establish new ones as needed. Pursuant to its power to  
13 establish new institutions and facilities, the Department  
14 may, with the written approval of the Governor, authorize  
15 the Department of Central Management Services to enter  
16 into an agreement of the type described in subsection (d)  
17 of Section 405-300 of the Department of Central Management  
18 Services Law (20 ILCS 405/405-300). The Department shall  
19 designate those institutions which shall constitute the  
20 State Penitentiary System. The Department of Juvenile  
21 Justice shall maintain and administer all State youth  
22 centers pursuant to subsection (d) of Section 3-2.5-20.

23 Pursuant to its power to establish new institutions  
24 and facilities, the Department may authorize the  
25 Department of Central Management Services to accept bids  
26 from counties and municipalities for the construction,

1 remodeling or conversion of a structure to be leased to  
2 the Department of Corrections for the purposes of its  
3 serving as a correctional institution or facility. Such  
4 construction, remodeling or conversion may be financed  
5 with revenue bonds issued pursuant to the Industrial  
6 Building Revenue Bond Act by the municipality or county.  
7 The lease specified in a bid shall be for a term of not  
8 less than the time needed to retire any revenue bonds used  
9 to finance the project, but not to exceed 40 years. The  
10 lease may grant to the State the option to purchase the  
11 structure outright.

12 Upon receipt of the bids, the Department may certify  
13 one or more of the bids and shall submit any such bids to  
14 the General Assembly for approval. Upon approval of a bid  
15 by a constitutional majority of both houses of the General  
16 Assembly, pursuant to joint resolution, the Department of  
17 Central Management Services may enter into an agreement  
18 with the county or municipality pursuant to such bid.

19 (c-5) To build and maintain regional juvenile  
20 detention centers and to charge a per diem to the counties  
21 as established by the Department to defray the costs of  
22 housing each minor in a center. In this subsection (c-5),  
23 "juvenile detention center" means a facility to house  
24 minors during pendency of trial who have been transferred  
25 from proceedings under the Juvenile Court Act of 1987 to  
26 prosecutions under the criminal laws of this State in

1           accordance with Section 5-805 of the Juvenile Court Act of  
2           1987, whether the transfer was by operation of law or  
3           permissive under that Section. The Department shall  
4           designate the counties to be served by each regional  
5           juvenile detention center.

6           (d) To develop and maintain programs of control,  
7           rehabilitation and employment of committed persons within  
8           its institutions.

9           (d-5) To provide a pre-release job preparation program  
10          for inmates at Illinois adult correctional centers.

11          (d-10) To provide educational and visitation  
12          opportunities to committed persons within its institutions  
13          through temporary access to content-controlled tablets  
14          that may be provided as a privilege to committed persons  
15          to induce or reward compliance.

16          (e) To establish a system of supervision and guidance  
17          of committed persons in the community.

18          (f) To establish in cooperation with the Department of  
19          Transportation to supply a sufficient number of prisoners  
20          for use by the Department of Transportation to clean up  
21          the trash and garbage along State, county, township, or  
22          municipal highways as designated by the Department of  
23          Transportation. The Department of Corrections, at the  
24          request of the Department of Transportation, shall furnish  
25          such prisoners at least annually for a period to be agreed  
26          upon between the Director of Corrections and the Secretary

1 of Transportation. The prisoners used on this program  
2 shall be selected by the Director of Corrections on  
3 whatever basis he deems proper in consideration of their  
4 term, behavior and earned eligibility to participate in  
5 such program - where they will be outside of the prison  
6 facility but still in the custody of the Department of  
7 Corrections. Prisoners convicted of first degree murder,  
8 or a Class X felony, or armed violence, or aggravated  
9 kidnapping, or criminal sexual assault, aggravated  
10 criminal sexual abuse or a subsequent conviction for  
11 criminal sexual abuse, or forcible detention, or arson, or  
12 a prisoner adjudged a Habitual Criminal shall not be  
13 eligible for selection to participate in such program. The  
14 prisoners shall remain as prisoners in the custody of the  
15 Department of Corrections and such Department shall  
16 furnish whatever security is necessary. The Department of  
17 Transportation shall furnish trucks and equipment for the  
18 highway cleanup program and personnel to supervise and  
19 direct the program. Neither the Department of Corrections  
20 nor the Department of Transportation shall replace any  
21 regular employee with a prisoner.

22 (g) To maintain records of persons committed to it and  
23 to establish programs of research, statistics and  
24 planning.

25 (h) To investigate the grievances of any person  
26 committed to the Department and to inquire into any

1       alleged misconduct by employees or committed persons; and  
2       for these purposes it may issue subpoenas and compel the  
3       attendance of witnesses and the production of writings and  
4       papers, and may examine under oath any witnesses who may  
5       appear before it; to also investigate alleged violations  
6       of a parolee's or releasee's conditions of parole or  
7       release; and for this purpose it may issue subpoenas and  
8       compel the attendance of witnesses and the production of  
9       documents only if there is reason to believe that such  
10      procedures would provide evidence that such violations  
11      have occurred.

12       If any person fails to obey a subpoena issued under  
13      this subsection, the Director may apply to any circuit  
14      court to secure compliance with the subpoena. The failure  
15      to comply with the order of the court issued in response  
16      thereto shall be punishable as contempt of court.

17       (i) To appoint and remove the chief administrative  
18      officers, and administer programs of training and  
19      development of personnel of the Department. Personnel  
20      assigned by the Department to be responsible for the  
21      custody and control of committed persons or to investigate  
22      the alleged misconduct of committed persons or employees  
23      or alleged violations of a parolee's or releasee's  
24      conditions of parole shall be conservators of the peace  
25      for those purposes, and shall have the full power of peace  
26      officers outside of the facilities of the Department in

1 the protection, arrest, retaking and reconfining of  
2 committed persons or where the exercise of such power is  
3 necessary to the investigation of such misconduct or  
4 violations. This subsection shall not apply to persons  
5 committed to the Department of Juvenile Justice under the  
6 Juvenile Court Act of 1987 on aftercare release.

7 (j) To cooperate with other departments and agencies  
8 and with local communities for the development of  
9 standards and programs for better correctional services in  
10 this State.

11 (k) To administer all moneys and properties of the  
12 Department.

13 (l) To report annually to the Governor on the  
14 committed persons, institutions and programs of the  
15 Department.

16 (l-5) (Blank).

17 (m) To make all rules and regulations and exercise all  
18 powers and duties vested by law in the Department.

19 (n) To establish rules and regulations for  
20 administering a system of sentence credits, established in  
21 accordance with Section 3-6-3, subject to review by the  
22 Prisoner Review Board.

23 (o) To administer the distribution of funds from the  
24 State Treasury to reimburse counties where State penal  
25 institutions are located for the payment of assistant  
26 state's attorneys' salaries under Section 4-2001 of the



1 Counties Code.

2 (p) To exchange information with the Department of  
3 Human Services and the Department of Healthcare and Family  
4 Services for the purpose of verifying living arrangements  
5 and for other purposes directly connected with the  
6 administration of this Code and the Illinois Public Aid  
7 Code.

8 (q) To establish a diversion program.

9 The program shall provide a structured environment for  
10 selected technical parole or mandatory supervised release  
11 violators and committed persons who have violated the  
12 rules governing their conduct while in work release. This  
13 program shall not apply to those persons who have  
14 committed a new offense while serving on parole or  
15 mandatory supervised release or while committed to work  
16 release.

17 Elements of the program shall include, but shall not  
18 be limited to, the following:

19 (1) The staff of a diversion facility shall  
20 provide supervision in accordance with required  
21 objectives set by the facility.

22 (2) Participants shall be required to maintain  
23 employment.

24 (3) Each participant shall pay for room and board  
25 at the facility on a sliding-scale basis according to  
26 the participant's income.

1 (4) Each participant shall:

2 (A) provide restitution to victims in  
3 accordance with any court order;

4 (B) provide financial support to his  
5 dependents; and

6 (C) make appropriate payments toward any other  
7 court-ordered obligations.

8 (5) Each participant shall complete community  
9 service in addition to employment.

10 (6) Participants shall take part in such  
11 counseling, educational and other programs as the  
12 Department may deem appropriate.

13 (7) Participants shall submit to drug and alcohol  
14 screening.

15 (8) The Department shall promulgate rules  
16 governing the administration of the program.

17 (r) To enter into intergovernmental cooperation  
18 agreements under which persons in the custody of the  
19 Department may participate in a county impact  
20 incarceration program established under Section 3-6038 or  
21 3-15003.5 of the Counties Code.

22 (r-5) (Blank).

23 (r-10) To systematically and routinely identify with  
24 respect to each streetgang active within the correctional  
25 system: (1) each active gang; (2) every existing  
26 inter-gang affiliation or alliance; and (3) the current

1 leaders in each gang. The Department shall promptly  
2 segregate leaders from inmates who belong to their gangs  
3 and allied gangs. "Segregate" means no physical contact  
4 and, to the extent possible under the conditions and space  
5 available at the correctional facility, prohibition of  
6 visual and sound communication. For the purposes of this  
7 paragraph (r-10), "leaders" means persons who:

8 (i) are members of a criminal streetgang;

9 (ii) with respect to other individuals within the  
10 streetgang, occupy a position of organizer,  
11 supervisor, or other position of management or  
12 leadership; and

13 (iii) are actively and personally engaged in  
14 directing, ordering, authorizing, or requesting  
15 commission of criminal acts by others, which are  
16 punishable as a felony, in furtherance of streetgang  
17 related activity both within and outside of the  
18 Department of Corrections.

19 "Streetgang", "gang", and "streetgang related" have the  
20 meanings ascribed to them in Section 10 of the Illinois  
21 Streetgang Terrorism Omnibus Prevention Act.

22 (s) To operate a super-maximum security institution,  
23 in order to manage and supervise inmates who are  
24 disruptive or dangerous and provide for the safety and  
25 security of the staff and the other inmates.

26 (t) To monitor any unprivileged conversation or any

1 unprivileged communication, whether in person or by mail,  
2 telephone, or other means, between an inmate who, before  
3 commitment to the Department, was a member of an organized  
4 gang and any other person without the need to show cause or  
5 satisfy any other requirement of law before beginning the  
6 monitoring, except as constitutionally required. The  
7 monitoring may be by video, voice, or other method of  
8 recording or by any other means. As used in this  
9 subdivision (1)(t), "organized gang" has the meaning  
10 ascribed to it in Section 10 of the Illinois Streetgang  
11 Terrorism Omnibus Prevention Act.

12 As used in this subdivision (1)(t), "unprivileged  
13 conversation" or "unprivileged communication" means a  
14 conversation or communication that is not protected by any  
15 privilege recognized by law or by decision, rule, or order  
16 of the Illinois Supreme Court.

17 (u) To establish a Women's and Children's Pre-release  
18 Community Supervision Program for the purpose of providing  
19 housing and services to eligible female inmates, as  
20 determined by the Department, and their newborn and young  
21 children.

22 (u-5) To issue an order, whenever a person committed  
23 to the Department absconds or absents himself or herself,  
24 without authority to do so, from any facility or program  
25 to which he or she is assigned. The order shall be  
26 certified by the Director, the Supervisor of the

1 Apprehension Unit, or any person duly designated by the  
2 Director, with the seal of the Department affixed. The  
3 order shall be directed to all sheriffs, coroners, and  
4 police officers, or to any particular person named in the  
5 order. Any order issued pursuant to this subdivision (1)  
6 (u-5) shall be sufficient warrant for the officer or  
7 person named in the order to arrest and deliver the  
8 committed person to the proper correctional officials and  
9 shall be executed the same as criminal process.

10 (v) To do all other acts necessary to carry out the  
11 provisions of this Chapter.

12 (2) The Department of Corrections shall by January 1,  
13 1998, consider building and operating a correctional facility  
14 within 100 miles of a county of over 2,000,000 inhabitants,  
15 especially a facility designed to house juvenile participants  
16 in the impact incarceration program.

17 (3) When the Department lets bids for contracts for  
18 medical services to be provided to persons committed to  
19 Department facilities by a health maintenance organization,  
20 medical service corporation, or other health care provider,  
21 the bid may only be let to a health care provider that has  
22 obtained an irrevocable letter of credit or performance bond  
23 issued by a company whose bonds have an investment grade or  
24 higher rating by a bond rating organization.

25 (4) When the Department lets bids for contracts for food  
26 or commissary services to be provided to Department

1 facilities, the bid may only be let to a food or commissary  
2 services provider that has obtained an irrevocable letter of  
3 credit or performance bond issued by a company whose bonds  
4 have an investment grade or higher rating by a bond rating  
5 organization.

6 (5) On and after the date 6 months after August 16, 2013  
7 (the effective date of Public Act 98-488), as provided in the  
8 Executive Order 1 (2012) Implementation Act, all of the  
9 powers, duties, rights, and responsibilities related to State  
10 healthcare purchasing under this Code that were transferred  
11 from the Department of Corrections to the Department of  
12 Healthcare and Family Services by Executive Order 3 (2005) are  
13 transferred back to the Department of Corrections; however,  
14 powers, duties, rights, and responsibilities related to State  
15 healthcare purchasing under this Code that were exercised by  
16 the Department of Corrections before the effective date of  
17 Executive Order 3 (2005) but that pertain to individuals  
18 resident in facilities operated by the Department of Juvenile  
19 Justice are transferred to the Department of Juvenile Justice.  
20 (Source: P.A. 100-198, eff. 1-1-18; 100-863, eff. 8-14-18;  
21 101-235, eff. 1-1-20.)

22 (730 ILCS 5/3-2.5-20)

23 Sec. 3-2.5-20. General powers and duties.

24 (a) In addition to the powers, duties, and  
25 responsibilities which are otherwise provided by law or

1 transferred to the Department as a result of this Article, the  
2 Department, as determined by the Director, shall have, but is  
3 ~~are~~ not limited to, the following rights, powers, functions,  
4 and duties:

5 (1) To accept juveniles committed to it by the courts  
6 of this State for care, custody, treatment, and  
7 rehabilitation.

8 (2) To maintain and administer all State juvenile  
9 youth centers ~~correctional institutions~~ previously under  
10 the control of the Juvenile and Women's & Children  
11 Divisions of the Department of Corrections, and to  
12 establish and maintain youth centers ~~institutions~~ as  
13 needed to meet the needs of the youth committed to its  
14 care.

15 (3) To identify the need for and recommend the funding  
16 and implementation of an appropriate mix of programs and  
17 services within the juvenile justice continuum, including,  
18 but not limited to, prevention, nonresidential and  
19 residential commitment programs, day treatment, and  
20 conditional release programs and services, with the  
21 support of educational, vocational, alcohol, drug abuse,  
22 and mental health services where appropriate.

23 (3.5) To assist youth committed to the Department of  
24 Juvenile Justice under the Juvenile Court Act of 1987 with  
25 successful reintegration into society, the Department  
26 shall retain custody and control of all adjudicated

1 delinquent juveniles released under Section 3-2.5-85 or  
2 3-3-10 of this Code, shall provide a continuum of  
3 post-release treatment and services to those youth, and  
4 shall supervise those youth during their release period in  
5 accordance with the conditions set by the Department or  
6 the Prisoner Review Board.

7 (4) To establish and provide transitional and  
8 post-release treatment programs for juveniles committed to  
9 the Department. Services shall include, but are not  
10 limited to:

11 (i) family and individual counseling and treatment  
12 placement;

13 (ii) referral services to any other State or local  
14 agencies;

15 (iii) mental health services;

16 (iv) educational services;

17 (v) family counseling services; and

18 (vi) substance abuse services.

19 (5) To access vital records of juveniles for the  
20 purposes of providing necessary documentation for  
21 transitional services such as obtaining identification,  
22 educational enrollment, employment, and housing.

23 (6) To develop staffing and workload standards and  
24 coordinate staff development and training appropriate for  
25 juvenile populations.

26 (6.5) To develop policies and procedures promoting



1 family engagement and visitation appropriate for juvenile  
2 populations.

3 (7) To develop, with the approval of the Office of the  
4 Governor and the Governor's Office of Management and  
5 Budget, annual budget requests.

6 (8) To administer the Interstate Compact for  
7 Juveniles, with respect to all juveniles under its  
8 jurisdiction, and to cooperate with the Department of  
9 Human Services with regard to all non-offender juveniles  
10 subject to the Interstate Compact for Juveniles.

11 (9) To decide the date of release on aftercare for  
12 youth committed to the Department under Section 5-750 of  
13 the Juvenile Court Act of 1987.

14 (10) To set conditions of aftercare release for all  
15 youth committed to the Department under the Juvenile Court  
16 Act of 1987.

17 (b) The Department may employ personnel in accordance with  
18 the Personnel Code and Section 3-2.5-15 of this Code, provide  
19 facilities, contract for goods and services, and adopt rules  
20 as necessary to carry out its functions and purposes, all in  
21 accordance with applicable State and federal law.

22 (c) On and after the date 6 months after August 16, 2013  
23 (the effective date of Public Act 98-488), as provided in the  
24 Executive Order 1 (2012) Implementation Act, all of the  
25 powers, duties, rights, and responsibilities related to State  
26 healthcare purchasing under this Code that were transferred

1 from the Department of Corrections to the Department of  
2 Healthcare and Family Services by Executive Order 3 (2005) are  
3 transferred back to the Department of Corrections; however,  
4 powers, duties, rights, and responsibilities related to State  
5 healthcare purchasing under this Code that were exercised by  
6 the Department of Corrections before the effective date of  
7 Executive Order 3 (2005) but that pertain to individuals  
8 resident in facilities operated by the Department of Juvenile  
9 Justice are transferred to the Department of Juvenile Justice.

10 (d) To maintain and administer all State youth centers and  
11 facilities under its control and to establish new ones as  
12 needed. Pursuant to its power to establish new youth centers  
13 and facilities, the Department may, with the written approval  
14 of the Governor, authorize the Department of Central  
15 Management Services to enter into an agreement of the type  
16 described in subsection (d) of Section 405-300 of the  
17 Department of Central Management Services Law. The Department  
18 shall designate those institutions which shall constitute the  
19 Youth Corrections System.

20 Pursuant to its power to establish new institutions and  
21 facilities, the Department may authorize the Department of  
22 Central Management Services to accept bids from counties and  
23 municipalities for the construction, remodeling or conversion  
24 of a structure to be leased to the Department of Juvenile  
25 Justice for the purposes of its serving as a youth center or  
26 facility. Such construction, remodeling or conversion may be

1 financed with revenue bonds issued pursuant to the Industrial  
2 Building Revenue Bond Act by the municipality or county. The  
3 lease specified in a bid shall be for a term of not less than  
4 the time needed to retire any revenue bonds used to finance the  
5 project, but not to exceed 40 years. The lease may grant to the  
6 State the option to purchase the structure outright.

7 Upon receipt of the bids, the Department may certify one  
8 or more of the bids and shall submit any such bids to the  
9 General Assembly for approval. Upon approval of a bid by a  
10 constitutional majority of both houses of the General  
11 Assembly, pursuant to joint resolution, the Department of  
12 Central Management Services may enter into an agreement with  
13 the county or municipality pursuant to such bid.

14 (Source: P.A. 101-219, eff. 1-1-20; revised 9-24-19.)

15 (730 ILCS 5/3-2.5-85)

16 Sec. 3-2.5-85. Eligibility for release; determination.

17 (a) Every youth committed to the Department of Juvenile  
18 Justice under Section 5-750 of the Juvenile Court Act of 1987,  
19 except those committed for first degree murder, shall be:

20 (1) Eligible for aftercare release without regard to  
21 the length of time the youth has been confined or whether  
22 the youth has served any minimum term imposed.

23 (2) Placed on aftercare release on or before his or  
24 her 20th birthday or upon completion of the maximum term  
25 of confinement ordered by the court under Section 5-710 of

1 the Juvenile Court Act of 1987, whichever is sooner.

2 (3) Considered for aftercare release at least 30 days  
3 prior to the expiration of the first year of confinement  
4 and at least annually thereafter.

5 (b) ~~This Section does not apply to the initial release of~~  
6 ~~youth committed to the Department under Section 5-815 or 5-820~~  
7 ~~of the Juvenile Court Act of 1987. Those youth shall be~~  
8 ~~released by the Department upon completion of the determinate~~  
9 ~~sentence established under this Code.~~ Subsections (d) through  
10 (1) of this Section do not apply when a youth is released under  
11 paragraph (2) of subsection (a) of this Section or the youth's  
12 release is otherwise required by law or ordered by the court.  
13 Youth who have been tried as an adult and committed to the  
14 Department under Section 5-8-6 of this Code are only eligible  
15 for mandatory supervised release as an adult under Section  
16 3-3-3 of this Code.

17 (c) The Department shall establish a process for deciding  
18 the date of release on aftercare for every youth committed to  
19 the Department of Juvenile Justice under Section 5-750 of the  
20 Juvenile Court Act of 1987. The process shall include  
21 establishing a target release date upon commitment to the  
22 Department, the regular review and appropriate adjustment of  
23 the target release date, and the final release consideration  
24 at least 30 days prior to the youth's target release date. The  
25 establishment, adjustment, and final consideration of the  
26 target release date shall include consideration of the

1 following factors:

2 (1) the nature and seriousness of the youth's offense;

3 (2) the likelihood the youth will reoffend or will  
4 pose a danger to the community based on an assessment of  
5 the youth's risks, strengths, and behavior; and

6 (3) the youth's progress since being committed to the  
7 Department.

8 The target release date for youth committed to the  
9 Department for first degree murder shall not precede the  
10 minimum period of confinement provided in Section 5-750 of the  
11 Juvenile Court Act of 1987. These youth shall be considered  
12 for release upon completion of their minimum term of  
13 confinement and at least annually thereafter. The target  
14 release date for youth committed to the Department as a  
15 Habitual Juvenile Offender or Violent Juvenile Offender under  
16 Section 5-815 or 5-820 of the Juvenile Court Act of 1987 shall  
17 be extended by not less than 12 months.

18 (d) If the youth being considered for aftercare release  
19 has a petition or any written submissions prepared on his or  
20 her behalf by an attorney or other representative, the  
21 attorney or representative for the youth must serve by  
22 certified mail the State's Attorney of the county where the  
23 youth was prosecuted with the petition or any written  
24 submissions 15 days prior to the youth's target release date.

25 (e) In making its determination of aftercare release, the  
26 Department shall consider:

1 (1) material transmitted to the Department by the  
2 clerk of the committing court under Section 5-750 of the  
3 Juvenile Court Act of 1987;

4 (2) the report under Section 3-10-2;

5 (3) a report by the Department and any report by the  
6 chief administrative officer of the institution or  
7 facility;

8 (4) an aftercare release progress report;

9 (5) a medical and psychological report, if available;

10 (6) material in writing, or on film, video tape or  
11 other electronic means in the form of a recording  
12 submitted by the youth whose aftercare release is being  
13 considered;

14 (7) material in writing, or on film, video tape or  
15 other electronic means in the form of a recording or  
16 testimony submitted by the State's Attorney and the victim  
17 or a concerned citizen under the Rights of Crime Victims  
18 and Witnesses Act; and

19 (8) the youth's eligibility for commitment under the  
20 Sexually Violent Persons Commitment Act.

21 (f) The prosecuting State's Attorney's office shall  
22 receive from the Department reasonable written notice not less  
23 than 30 days prior to the target release date and may submit  
24 relevant information by oral argument or testimony of victims  
25 and concerned citizens, or both, in writing, or on film, video  
26 tape or other electronic means or in the form of a recording to

1 the Department for its consideration. The State's Attorney may  
2 waive the written notice of the target release date at any  
3 time. Upon written request of the State's Attorney's office,  
4 provided the request is received within 15 days of receipt of  
5 the written notice of the target release date, the Department  
6 shall hear protests to aftercare release. If a State's  
7 Attorney requests a protest hearing, the committed youth's  
8 attorney or other representative shall also receive notice of  
9 the request and a copy of any information submitted by the  
10 State's Attorney. This hearing shall take place prior to the  
11 youth's aftercare release. The Department shall schedule the  
12 protest hearing date, providing at least 15 days' notice to  
13 the State's Attorney. If the protest hearing is rescheduled,  
14 the Department shall promptly notify the State's Attorney of  
15 the new date.

16 (g) The victim of the violent crime for which the youth has  
17 been sentenced shall receive notice of the target release date  
18 as provided in paragraph (4) of subsection (d) of Section 4.5  
19 of the Rights of Crime Victims and Witnesses Act.

20 (h) The Department shall not release any material to the  
21 youth, the youth's attorney, any third party, or any other  
22 person containing any information from the victim or from a  
23 person related to the victim by blood, adoption, or marriage  
24 who has written objections, testified at any hearing, or  
25 submitted audio or visual objections to the youth's aftercare  
26 release, unless provided with a waiver from that objecting

1 party. The Department shall not release the names or addresses  
2 of any person on its victim registry to any other person except  
3 the victim, a law enforcement agency, or other victim  
4 notification system.

5 (i) Any recording considered under the provisions of  
6 paragraph (6) or (7) of subsection (e) or subsection (f) of  
7 this Section shall be in the form designated by the  
8 Department. The recording shall be both visual and aural.  
9 Every voice on the recording and person present shall be  
10 identified and the recording shall contain either a visual or  
11 aural statement of the person submitting the recording, the  
12 date of the recording, and the name of the youth whose  
13 aftercare release is being considered. The recordings shall be  
14 retained by the Department and shall be considered during any  
15 subsequent aftercare release decision if the victim or State's  
16 Attorney submits in writing a declaration clearly identifying  
17 the recording as representing the position of the victim or  
18 State's Attorney regarding the release of the youth.

19 (j) The Department shall not release a youth eligible for  
20 aftercare release if it determines that:

21 (1) there is a substantial risk that he or she will not  
22 conform to reasonable conditions of aftercare release;

23 (2) his or her release at that time would deprecate  
24 the seriousness of his or her offense or promote  
25 disrespect for the law; or

26 (3) his or her release would have a substantially



1           adverse effect on institutional discipline.

2           (k) The Department shall render its release decision and  
3 shall state the basis therefor both in the records of the  
4 Department and in written notice to the youth who was  
5 considered for aftercare release. In its decision, the  
6 Department shall set the youth's time for aftercare release,  
7 or if it denies aftercare release it shall provide for  
8 reconsideration of aftercare release not less frequently than  
9 once each year.

10          (l) The Department shall ensure all evaluations and  
11 proceedings under the Sexually Violent Persons Commitment Act  
12 are completed prior to any youth's release, when applicable.

13          (m) Any youth whose aftercare release has been revoked by  
14 the Prisoner Review Board under Section 3-3-9.5 of this Code  
15 may be rereleased to the full aftercare release term by the  
16 Department at any time in accordance with this Section. Youth  
17 rereleased under this subsection shall be subject to Sections  
18 3-2.5-70, 3-2.5-75, 3-2.5-80, 3-2.5-90, 3-2.5-95, and 3-3-9.5  
19 of this Code.

20          (n) The Department shall adopt rules regarding the  
21 exercise of its discretion under this Section.

22          (Source: P.A. 99-628, eff. 1-1-17.)

23                 (730 ILCS 5/3-4-1) (from Ch. 38, par. 1003-4-1)

24                 Sec. 3-4-1. Gifts and Grants; Special Trusts Funds;  
25 Department of Corrections Reimbursement and Education Fund.

1 (a) The Department may accept, receive and use, for and in  
2 behalf of the State, any moneys, goods or services given for  
3 general purposes of this Code by the federal government or  
4 from any other source, public or private, including  
5 collections from inmates, reimbursement of payments under the  
6 Workers' Compensation Act, and commissions from inmate collect  
7 call telephone systems under an agreement with the Department  
8 of Central Management Services. For these purposes the  
9 Department may comply with such conditions and enter into such  
10 agreements upon such covenants, terms, and conditions as the  
11 Department may deem necessary or desirable, if the agreement  
12 is not in conflict with State law.

13 (a-5) Beginning January 1, 2018, the Department of Central  
14 Management Services shall contract with the qualified vendor  
15 who proposes the lowest per minute rate not exceeding 7 cents  
16 per minute for debit, prepaid, collect calls and who does not  
17 bill to any party any tax, service charge, or additional fee  
18 exceeding the per minute rate, including, but not limited to,  
19 any per call surcharge, account set up fee, bill statement  
20 fee, monthly account maintenance charge, or refund fee as  
21 established by the Federal Communications Commission Order for  
22 state prisons in the Matter of Rates for Interstate Inmate  
23 Calling Services, Second Report and Order, WC Docket 12-375,  
24 FCC 15-136 (adopted Oct. 22, 2015). Telephone services made  
25 available through a prepaid or collect call system shall  
26 include international calls; those calls shall be made

1 available at reasonable rates subject to Federal  
2 Communications Commission rules and regulations, but not to  
3 exceed 23 cents per minute. This amendatory Act of the 99th  
4 General Assembly applies to any new or renewal contract for  
5 inmate calling services.

6 (b) On July 1, 1998, the Department of Corrections  
7 Reimbursement Fund and the Department of Corrections Education  
8 Fund shall be combined into a single fund to be known as the  
9 Department of Corrections Reimbursement and Education Fund,  
10 which is hereby created as a special fund in the State  
11 Treasury. The moneys deposited into the Department of  
12 Corrections Reimbursement and Education Fund shall be  
13 appropriated to the Department of Corrections for the expenses  
14 of the Department.

15 The following shall be deposited into the Department of  
16 Corrections Reimbursement and Education Fund:

17 (i) Moneys received or recovered by the Department of  
18 Corrections as reimbursement for expenses incurred for the  
19 incarceration of committed persons.

20 (ii) Moneys received or recovered by the Department as  
21 reimbursement of payments made under the Workers'  
22 Compensation Act.

23 (iii) Moneys received by the Department as commissions  
24 from inmate collect call telephone systems.

25 (iv) Moneys received or recovered by the Department as  
26 reimbursement for expenses incurred by the employment of

1 persons referred to the Department as participants in the  
2 federal Job Training Partnership Act programs.

3 (v) Federal moneys, including reimbursement and  
4 advances for services rendered or to be rendered and  
5 moneys for other than educational purposes, under grant or  
6 contract.

7 (vi) Moneys identified for deposit into the Fund under  
8 Section 13-44.4 of the School Code.

9 (vii) Moneys in the Department of Corrections  
10 Reimbursement Fund and the Department of Corrections  
11 Education Fund at the close of business on June 30, 1998.

12 (c) The Department of Juvenile Justice Reimbursement and  
13 Education Fund is created as a special fund in the State  
14 Treasury. The moneys deposited into the Department of Juvenile  
15 Justice Reimbursement Fund and Education shall be appropriated  
16 to the Department of Juvenile Justice for the expenses of the  
17 Department. The following moneys shall be deposited into the  
18 Department of Juvenile Justice Reimbursement Fund and  
19 Education Fund:

20 (i) received or recovered by the Department of  
21 Juvenile Justice as reimbursement for expenses incurred  
22 for the incarceration of committed youth;

23 (ii) received or recovered by the Department as  
24 reimbursement of payments made under the Workers'  
25 Compensation Act;

26 (iii) received or recovered by the Department as

1       reimbursement for expenses incurred by the employment of  
2       persons referred to the Department as participants in the  
3       federal Job Training Partnership Act programs;

4       (iv) federal moneys, including reimbursement and  
5       advances for services rendered or to be rendered and  
6       moneys for other than educational purposes, under grant or  
7       contract; and

8       (v) moneys identified for deposit into the Fund under  
9       Section 13-44.4 of the School Code.

10      (Source: P.A. 99-878, eff. 1-1-17.)

11           (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

12           Sec. 3-6-2. Institutions and facility administration.

13           (a) Each institution and facility of the Department shall  
14      be administered by a chief administrative officer appointed by  
15      the Director. A chief administrative officer shall be  
16      responsible for all persons assigned to the institution or  
17      facility. The chief administrative officer shall administer  
18      the programs of the Department for the custody and treatment  
19      of such persons.

20           (b) The chief administrative officer shall have such  
21      assistants as the Department may assign.

22           (c) The Director or Assistant Director shall have the  
23      emergency powers to temporarily transfer individuals without  
24      formal procedures to any State, county, municipal or regional  
25      correctional or detention institution or facility in the

1 State, subject to the acceptance of such receiving institution  
2 or facility, or to designate any reasonably secure place in  
3 the State as such an institution or facility and to make  
4 transfers thereto. However, transfers made under emergency  
5 powers shall be reviewed as soon as practicable under Article  
6 8, and shall be subject to Section 5-905 of the Juvenile Court  
7 Act of 1987. This Section shall not apply to transfers to the  
8 Department of Human Services which are provided for under  
9 Section 3-8-5 or Section 3-10-5.

10 (d) The Department of Juvenile Justice shall provide  
11 educational programs for all committed youth persons so that  
12 all youth persons have an opportunity to attain the  
13 achievement level equivalent to the completion of the twelfth  
14 grade in the public school system in this State. Other higher  
15 levels of attainment shall be encouraged and professional  
16 instruction shall be maintained wherever possible. The  
17 Department may establish programs of mandatory education and  
18 may establish rules and regulations for the administration of  
19 such programs. A person committed to the Department of  
20 Corrections who, during the period of his or her  
21 incarceration, participates in an educational program provided  
22 by or through the Department of Corrections and through that  
23 program is awarded or earns the number of hours of credit  
24 required for the award of an associate, baccalaureate, or  
25 higher degree from a community college, college, or university  
26 located in Illinois shall reimburse the State, through the

1 Department of Corrections, for the costs incurred by the State  
2 in providing that person during his or her incarceration with  
3 the education that qualifies him or her for the award of that  
4 degree. The costs for which reimbursement is required under  
5 this subsection shall be determined and computed by the  
6 Department of Corrections under rules and regulations that it  
7 shall establish for that purpose. However, interest at the  
8 rate of 6% per annum shall be charged on the balance of those  
9 costs from time to time remaining unpaid, from the date of the  
10 person's parole, mandatory supervised release, or release  
11 constituting a final termination of his or her commitment to  
12 the Department of Corrections until paid.

13 (d-5) A person committed to the Department is entitled to  
14 confidential testing for infection with human immunodeficiency  
15 virus (HIV) and to counseling in connection with such testing,  
16 with no copay to the committed person. A person committed to  
17 the Department who has tested positive for infection with HIV  
18 is entitled to medical care while incarcerated, counseling,  
19 and referrals to support services, in connection with that  
20 positive test result. Implementation of this subsection (d-5)  
21 is subject to appropriation.

22 (e) A person committed to the Department who becomes in  
23 need of medical or surgical treatment but is incapable of  
24 giving consent thereto shall receive such medical or surgical  
25 treatment by the chief administrative officer consenting on  
26 the person's behalf. Before the chief administrative officer

1 consents, he or she shall obtain the advice of one or more  
2 physicians licensed to practice medicine in all its branches  
3 in this State. If such physician or physicians advise:

4 (1) that immediate medical or surgical treatment is  
5 required relative to a condition threatening to cause  
6 death, damage or impairment to bodily functions, or  
7 disfigurement; and

8 (2) that the person is not capable of giving consent  
9 to such treatment; the chief administrative officer may  
10 give consent for such medical or surgical treatment, and  
11 such consent shall be deemed to be the consent of the  
12 person for all purposes, including, but not limited to,  
13 the authority of a physician to give such treatment.

14 (e-5) If a physician providing medical care to a committed  
15 person on behalf of the Department advises the chief  
16 administrative officer that the committed person's mental or  
17 physical health has deteriorated as a result of the cessation  
18 of ingestion of food or liquid to the point where medical or  
19 surgical treatment is required to prevent death, damage, or  
20 impairment to bodily functions, the chief administrative  
21 officer may authorize such medical or surgical treatment.

22 (f) In the event that the person requires medical care and  
23 treatment at a place other than the institution or facility,  
24 the person may be removed therefrom under conditions  
25 prescribed by the Department. Neither the Department of  
26 Corrections nor the Department of Juvenile Justice may require



1 a committed person or person committed to any facility  
2 operated by the Department of Juvenile Justice, as set forth  
3 in Section 3-2.5-15 of this Code, to pay any co-payment for  
4 receiving medical or dental services.

5 (f-5) The Department shall comply with the Health Care  
6 Violence Prevention Act.

7 (g) Any person having sole custody of a child at the time  
8 of commitment or any woman giving birth to a child after her  
9 commitment, may arrange through the Department of Children and  
10 Family Services for suitable placement of the child outside of  
11 the Department of Corrections. The Director of the Department  
12 of Corrections may determine that there are special reasons  
13 why the child should continue in the custody of the mother  
14 until the child is 6 years old.

15 (h) The Department may provide Family Responsibility  
16 Services which may consist of, but not be limited to the  
17 following:

- 18 (1) family advocacy counseling;
- 19 (2) parent self-help group;
- 20 (3) parenting skills training;
- 21 (4) parent and child overnight program;
- 22 (5) parent and child reunification counseling, either  
23 separately or together, preceding the inmate's release;  
24 and
- 25 (6) a prerelease reunification staffing involving the  
26 family advocate, the inmate and the child's counselor, or

1 both and the inmate.

2 (i) (Blank).

3 (j) Any person convicted of a sex offense as defined in the  
4 Sex Offender Management Board Act shall be required to receive  
5 a sex offender evaluation prior to release into the community  
6 from the Department of Corrections. The sex offender  
7 evaluation shall be conducted in conformance with the  
8 standards and guidelines developed under the Sex Offender  
9 Management Board Act and by an evaluator approved by the  
10 Board.

11 (k) Any minor committed to the Department of Juvenile  
12 Justice for a sex offense as defined by the Sex Offender  
13 Management Board Act shall be required to undergo sex offender  
14 treatment by a treatment provider approved by the Board and  
15 conducted in conformance with the Sex Offender Management  
16 Board Act.

17 (l) Prior to the release of any inmate committed to a  
18 facility of the Department or the Department of Juvenile  
19 Justice, the Department must provide the inmate with  
20 appropriate information verbally, in writing, by video, or  
21 other electronic means, concerning HIV and AIDS. The  
22 Department shall develop the informational materials in  
23 consultation with the Department of Public Health. At the same  
24 time, the Department must also offer the committed person the  
25 option of testing for infection with human immunodeficiency  
26 virus (HIV), with no copayment for the test. Pre-test

1 information shall be provided to the committed person and  
2 informed consent obtained as required in subsection (d) of  
3 Section 3 and Section 5 of the AIDS Confidentiality Act. The  
4 Department may conduct opt-out HIV testing as defined in  
5 Section 4 of the AIDS Confidentiality Act. If the Department  
6 conducts opt-out HIV testing, the Department shall place signs  
7 in English, Spanish and other languages as needed in multiple,  
8 highly visible locations in the area where HIV testing is  
9 conducted informing inmates that they will be tested for HIV  
10 unless they refuse, and refusal or acceptance of testing shall  
11 be documented in the inmate's medical record. The Department  
12 shall follow procedures established by the Department of  
13 Public Health to conduct HIV testing and testing to confirm  
14 positive HIV test results. All testing must be conducted by  
15 medical personnel, but pre-test and other information may be  
16 provided by committed persons who have received appropriate  
17 training. The Department, in conjunction with the Department  
18 of Public Health, shall develop a plan that complies with the  
19 AIDS Confidentiality Act to deliver confidentially all  
20 positive or negative HIV test results to inmates or former  
21 inmates. Nothing in this Section shall require the Department  
22 to offer HIV testing to an inmate who is known to be infected  
23 with HIV, or who has been tested for HIV within the previous  
24 180 days and whose documented HIV test result is available to  
25 the Department electronically. The testing provided under this  
26 subsection (1) shall consist of a test approved by the

1 Illinois Department of Public Health to determine the presence  
2 of HIV infection, based upon recommendations of the United  
3 States Centers for Disease Control and Prevention. If the test  
4 result is positive, a reliable supplemental test based upon  
5 recommendations of the United States Centers for Disease  
6 Control and Prevention shall be administered.

7 Prior to the release of an inmate who the Department knows  
8 has tested positive for infection with HIV, the Department in  
9 a timely manner shall offer the inmate transitional case  
10 management, including referrals to other support services.

11 (m) The chief administrative officer of each institution  
12 or facility of the Department shall make a room in the  
13 institution or facility available for substance use disorder  
14 services to be provided to committed persons on a voluntary  
15 basis. The services shall be provided for one hour once a week  
16 at a time specified by the chief administrative officer of the  
17 institution or facility if the following conditions are met:

18 (1) the substance use disorder service contacts the  
19 chief administrative officer to arrange the meeting;

20 (2) the committed person may attend the meeting for  
21 substance use disorder services only if the committed  
22 person uses pre-existing free time already available to  
23 the committed person;

24 (3) all disciplinary and other rules of the  
25 institution or facility remain in effect;

26 (4) the committed person is not given any additional

1 privileges to attend substance use disorder services;

2 (5) if the substance use disorder service does not  
3 arrange for scheduling a meeting for that week, no  
4 substance use disorder services shall be provided to the  
5 committed person in the institution or facility for that  
6 week;

7 (6) the number of committed persons who may attend a  
8 substance use disorder meeting shall not exceed 40 during  
9 any session held at the correctional institution or  
10 facility;

11 (7) a volunteer seeking to provide substance use  
12 disorder services under this subsection (m) must submit an  
13 application to the Department of Corrections under  
14 existing Department rules and the Department must review  
15 the application within 60 days after submission of the  
16 application to the Department; and

17 (8) each institution and facility of the Department  
18 shall manage the substance use disorder services program  
19 according to its own processes and procedures.

20 For the purposes of this subsection (m), "substance use  
21 disorder services" means recovery services for persons with  
22 substance use disorders provided by volunteers of recovery  
23 support services recognized by the Department of Human  
24 Services.

25 (Source: P.A. 100-759, eff. 1-1-19; 100-1051, eff. 1-1-19;  
26 101-81, eff. 7-12-19; 101-86, eff. 1-1-20.)

1 (730 ILCS 5/3-10-8) (from Ch. 38, par. 1003-10-8)  
2 Sec. 3-10-8. Discipline.)

3 (a)(1) Corporal punishment and disciplinary restrictions  
4 on diet, medical or sanitary facilities, clothing, bedding or  
5 mail are prohibited, as are reductions in the frequency of use  
6 of toilets, washbowls and showers.

7 (2) Disciplinary restrictions on visitation, work,  
8 education or program assignments, the use of toilets,  
9 washbowls and showers shall be related as closely as  
10 practicable to abuse of such privileges or facilities. This  
11 paragraph shall not apply to segregation or isolation of  
12 persons for purposes of institutional control.

13 (3) No person committed to the Department of Juvenile  
14 Justice may be isolated for disciplinary reasons ~~for more than~~  
15 ~~7 consecutive days nor more than 15 days out of any 30 day~~  
16 ~~period except in cases of violence or attempted violence~~  
17 ~~committed against another person or property when an~~  
18 ~~additional period of isolation for disciplinary reasons is~~  
19 ~~approved by the chief administrative officer. A person who has~~  
20 ~~been isolated for 24 hours or more shall be interviewed daily~~  
21 ~~by his staff counselor or other staff member.~~

22 (b) The Department of Juvenile Justice shall establish  
23 rules and regulations governing disciplinary practices, the  
24 penalties for violation thereof, and the disciplinary  
25 procedure by which such penalties may be imposed. The rules of

1 behavior shall be made known to each committed person, and the  
2 discipline shall be suited to the infraction and fairly  
3 applied.

4 (c) All disciplinary action imposed upon persons in  
5 institutions and facilities of the Department of Juvenile  
6 Justice shall be consistent with this Section and Department  
7 rules and regulations adopted hereunder.

8 (d) Disciplinary action imposed under this Section shall  
9 be reviewed by the grievance procedure under Section 3-8-8.

10 (e) A written report of any infraction for which  
11 discipline is imposed shall be filed with the chief  
12 administrative officer within 72 hours of the occurrence of  
13 the infraction or the discovery of it and such report shall be  
14 placed in the file of the institution or facility.

15 (f) All institutions and facilities of the Department of  
16 Juvenile Justice shall establish, subject to the approval of  
17 the Director of Juvenile Justice, procedures for disciplinary  
18 cases except those that may involve ~~the imposition of~~  
19 ~~disciplinary isolation,~~ delay in referral to the Prisoner  
20 Review Parole and Pardon Board or a change in work, education  
21 or other program assignment of more than 7 days duration.

22 (g) In disciplinary cases which may involve ~~the imposition~~  
23 ~~of disciplinary isolation,~~ delay in referral to the Prisoner  
24 Review Parole and Pardon Board, or a change in work, education  
25 or other program assignment of more than 7 days duration, the  
26 Director shall establish disciplinary procedures consistent

1 with the following principles:

2 (1) Any person or persons who initiate a disciplinary  
3 charge against a person shall not decide the charge. To  
4 the extent possible, a person representing the counseling  
5 staff of the institution or facility shall participate in  
6 deciding the disciplinary case.

7 (2) Any committed person charged with a violation of  
8 Department rules of behavior shall be given notice of the  
9 charge including a statement of the misconduct alleged and  
10 of the rules this conduct is alleged to violate.

11 (3) Any person charged with a violation of rules is  
12 entitled to a hearing on that charge at which time he shall  
13 have an opportunity to appear before and address the  
14 person or persons deciding the charge.

15 (4) The person or persons deciding the charge may also  
16 summon to testify any witnesses or other persons with  
17 relevant knowledge of the incident. The person charged may  
18 be permitted to question any person so summoned.

19 (5) If the charge is sustained, the person charged is  
20 entitled to a written statement of the decision by the  
21 persons deciding the charge which shall include the basis  
22 for the decision and the disciplinary action, if any, to  
23 be imposed.

24 (6) A change in work, education, or other program  
25 assignment shall not be used for disciplinary purposes  
26 except as provided in paragraph (a) of the Section and



1           then only after review and approval under Section 3-10-3.

2           (Source: P.A. 94-696, eff. 6-1-06.)

3           (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

4           Sec. 5-8-4. Concurrent and consecutive terms of  
5 imprisonment.

6           (a) Concurrent terms; multiple or additional sentences.

7           When an Illinois court (i) imposes multiple sentences of  
8 imprisonment on a defendant at the same time or (ii) imposes a  
9 sentence of imprisonment on a defendant who is already subject  
10 to a sentence of imprisonment imposed by an Illinois court, a  
11 court of another state, or a federal court, then the sentences  
12 shall run concurrently unless otherwise determined by the  
13 Illinois court under this Section.

14           (b) Concurrent terms; misdemeanor and felony. A defendant  
15 serving a sentence for a misdemeanor who is convicted of a  
16 felony and sentenced to imprisonment shall be transferred to  
17 the Department of Corrections, and the misdemeanor sentence  
18 shall be merged in and run concurrently with the felony  
19 sentence.

20           (c) Consecutive terms; permissive. The court may impose  
21 consecutive sentences in any of the following circumstances:

22           (1) If, having regard to the nature and circumstances  
23 of the offense and the history and character of the  
24 defendant, it is the opinion of the court that consecutive  
25 sentences are required to protect the public from further

1 criminal conduct by the defendant, the basis for which the  
2 court shall set forth in the record.

3 (2) If one of the offenses for which a defendant was  
4 convicted was a violation of Section 32-5.2 (aggravated  
5 false personation of a peace officer) of the Criminal Code  
6 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision  
7 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of  
8 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the  
9 offense was committed in attempting or committing a  
10 forcible felony.

11 (d) Consecutive terms; mandatory. The court shall impose  
12 consecutive sentences in each of the following circumstances:

13 (1) One of the offenses for which the defendant was  
14 convicted was first degree murder or a Class X or Class 1  
15 felony and the defendant inflicted severe bodily injury.

16 (2) The defendant was convicted of a violation of  
17 Section 11-1.20 or 12-13 (criminal sexual assault),  
18 11-1.30 or 12-14 (aggravated criminal sexual assault), or  
19 11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
20 child) of the Criminal Code of 1961 or the Criminal Code of  
21 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,  
22 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or  
23 5/12-14.1).

24 (2.5) The defendant was convicted of a violation of  
25 paragraph (1), (2), (3), (4), (5), or (7) of subsection  
26 (a) of Section 11-20.1 (child pornography) or of paragraph

1 (1), (2), (3), (4), (5), or (7) of subsection (a) of  
2 Section 11-20.1B or 11-20.3 (aggravated child pornography)  
3 of the Criminal Code of 1961 or the Criminal Code of 2012;  
4 or the defendant was convicted of a violation of paragraph  
5 (6) of subsection (a) of Section 11-20.1 (child  
6 pornography) or of paragraph (6) of subsection (a) of  
7 Section 11-20.1B or 11-20.3 (aggravated child pornography)  
8 of the Criminal Code of 1961 or the Criminal Code of 2012,  
9 when the child depicted is under the age of 13.

10 (3) The defendant was convicted of armed violence  
11 based upon the predicate offense of any of the following:  
12 solicitation of murder, solicitation of murder for hire,  
13 heinous battery as described in Section 12-4.1 or  
14 subdivision (a)(2) of Section 12-3.05, aggravated battery  
15 of a senior citizen as described in Section 12-4.6 or  
16 subdivision (a)(4) of Section 12-3.05, criminal sexual  
17 assault, a violation of subsection (g) of Section 5 of the  
18 Cannabis Control Act (720 ILCS 550/5), cannabis  
19 trafficking, a violation of subsection (a) of Section 401  
20 of the Illinois Controlled Substances Act (720 ILCS  
21 570/401), controlled substance trafficking involving a  
22 Class X felony amount of controlled substance under  
23 Section 401 of the Illinois Controlled Substances Act (720  
24 ILCS 570/401), a violation of the Methamphetamine Control  
25 and Community Protection Act (720 ILCS 646/), calculated  
26 criminal drug conspiracy, or streetgang criminal drug

1 conspiracy.

2 (4) The defendant was convicted of the offense of  
3 leaving the scene of a motor vehicle accident involving  
4 death or personal injuries under Section 11-401 of the  
5 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)  
6 aggravated driving under the influence of alcohol, other  
7 drug or drugs, or intoxicating compound or compounds, or  
8 any combination thereof under Section 11-501 of the  
9 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
10 homicide under Section 9-3 of the Criminal Code of 1961 or  
11 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an  
12 offense described in item (A) and an offense described in  
13 item (B).

14 (5) The defendant was convicted of a violation of  
15 Section 9-3.1 or Section 9-3.4 (concealment of homicidal  
16 death) or Section 12-20.5 (dismembering a human body) of  
17 the Criminal Code of 1961 or the Criminal Code of 2012 (720  
18 ILCS 5/9-3.1 or 5/12-20.5).

19 (5.5) The defendant was convicted of a violation of  
20 Section 24-3.7 (use of a stolen firearm in the commission  
21 of an offense) of the Criminal Code of 1961 or the Criminal  
22 Code of 2012.

23 (6) If the defendant was in the custody of the  
24 Department of Corrections at the time of the commission of  
25 the offense, the sentence shall be served consecutive to  
26 the sentence under which the defendant is held by the

1 Department of Corrections. If, however, the defendant is  
2 sentenced to punishment by death, the sentence shall be  
3 executed at such time as the court may fix without regard  
4 to the sentence under which the defendant may be held by  
5 the Department.

6 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)  
7 for escape or attempted escape shall be served consecutive  
8 to the terms under which the offender is held by the  
9 Department of Corrections.

10 (8) If a person charged with a felony commits a  
11 separate felony while on pretrial release or in pretrial  
12 detention in a county jail facility or county detention  
13 facility, then the sentences imposed upon conviction of  
14 these felonies shall be served consecutively regardless of  
15 the order in which the judgments of conviction are  
16 entered.

17 (8.5) If a person commits a battery against a county  
18 correctional officer or sheriff's employee while serving a  
19 sentence or in pretrial detention in a county jail  
20 facility, then the sentence imposed upon conviction of the  
21 battery shall be served consecutively with the sentence  
22 imposed upon conviction of the earlier misdemeanor or  
23 felony, regardless of the order in which the judgments of  
24 conviction are entered.

25 (9) If a person admitted to bail following conviction  
26 of a felony commits a separate felony while free on bond or

1 if a person detained in a county jail facility or county  
2 detention facility following conviction of a felony  
3 commits a separate felony while in detention, then any  
4 sentence following conviction of the separate felony shall  
5 be consecutive to that of the original sentence for which  
6 the defendant was on bond or detained.

7 (10) If a person is found to be in possession of an  
8 item of contraband, as defined in Section 31A-0.1 of the  
9 Criminal Code of 2012, while serving a sentence in a  
10 county jail or while in pre-trial detention in a county  
11 jail, the sentence imposed upon conviction for the offense  
12 of possessing contraband in a penal institution shall be  
13 served consecutively to the sentence imposed for the  
14 offense in which the person is serving sentence in the  
15 county jail or serving pretrial detention, regardless of  
16 the order in which the judgments of conviction are  
17 entered.

18 (11) If a person is sentenced for a violation of bail  
19 bond under Section 32-10 of the Criminal Code of 1961 or  
20 the Criminal Code of 2012, any sentence imposed for that  
21 violation shall be served consecutive to the sentence  
22 imposed for the charge for which bail had been granted and  
23 with respect to which the defendant has been convicted.

24 (e) Consecutive terms; subsequent non-Illinois term. If an  
25 Illinois court has imposed a sentence of imprisonment on a  
26 defendant and the defendant is subsequently sentenced to a

1 term of imprisonment by a court of another state or a federal  
2 court, then the Illinois sentence shall run consecutively to  
3 the sentence imposed by the court of the other state or the  
4 federal court. That same Illinois court, however, may order  
5 that the Illinois sentence run concurrently with the sentence  
6 imposed by the court of the other state or the federal court,  
7 but only if the defendant applies to that same Illinois court  
8 within 30 days after the sentence imposed by the court of the  
9 other state or the federal court is finalized.

10 (f) Consecutive terms; aggregate maximums and minimums.  
11 The aggregate maximum and aggregate minimum of consecutive  
12 sentences shall be determined as follows:

13 (1) For sentences imposed under law in effect prior to  
14 February 1, 1978, the aggregate maximum of consecutive  
15 sentences shall not exceed the maximum term authorized  
16 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
17 Chapter V for the 2 most serious felonies involved. The  
18 aggregate minimum period of consecutive sentences shall  
19 not exceed the highest minimum term authorized under  
20 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter  
21 V for the 2 most serious felonies involved. When sentenced  
22 only for misdemeanors, a defendant shall not be  
23 consecutively sentenced to more than the maximum for one  
24 Class A misdemeanor.

25 (2) For sentences imposed under the law in effect on  
26 or after February 1, 1978, the aggregate of consecutive

1 sentences for offenses that were committed as part of a  
2 single course of conduct during which there was no  
3 substantial change in the nature of the criminal objective  
4 shall not exceed the sum of the maximum terms authorized  
5 under Article 4.5 of Chapter V for the 2 most serious  
6 felonies involved, but no such limitation shall apply for  
7 offenses that were not committed as part of a single  
8 course of conduct during which there was no substantial  
9 change in the nature of the criminal objective. When  
10 sentenced only for misdemeanors, a defendant shall not be  
11 consecutively sentenced to more than the maximum for one  
12 Class A misdemeanor.

13 (g) Consecutive terms; manner served. In determining the  
14 manner in which consecutive sentences of imprisonment, one or  
15 more of which is for a felony, will be served, the Department  
16 of Corrections shall treat the defendant as though he or she  
17 had been committed for a single term subject to each of the  
18 following:

19 (1) The maximum period of a term of imprisonment shall  
20 consist of the aggregate of the maximums of the imposed  
21 indeterminate terms, if any, plus the aggregate of the  
22 imposed determinate sentences for felonies, plus the  
23 aggregate of the imposed determinate sentences for  
24 misdemeanors, subject to subsection (f) of this Section.

25 (2) The parole or mandatory supervised release term  
26 shall be as provided in paragraph (e) of Section 5-4.5-50



1 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
2 involved.

3 (3) The minimum period of imprisonment shall be the  
4 aggregate of the minimum and determinate periods of  
5 imprisonment imposed by the court, subject to subsection  
6 (f) of this Section.

7 (4) The defendant shall be awarded credit against the  
8 aggregate maximum term and the aggregate minimum term of  
9 imprisonment for all time served in an institution since  
10 the commission of the offense or offenses and as a  
11 consequence thereof at the rate specified in Section 3-6-3  
12 (730 ILCS 5/3-6-3).

13 (h) Notwithstanding any other provisions of this Section,  
14 all sentences imposed by an Illinois court under this Code  
15 shall run concurrent to any and all sentences imposed under  
16 the Juvenile Court Act of 1987.

17 (Source: P.A. 97-475, eff. 8-22-11; 97-1108, eff. 1-1-13;  
18 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-437, eff.  
19 1-1-14.)