



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2361

Introduced 2/10/2023, by Sen. Rachel Ventura

SYNOPSIS AS INTRODUCED:

20 ILCS 55/5	
55 ILCS 75/Act title	
55 ILCS 75/1	from Ch. 23, par. 2681
55 ILCS 75/3	from Ch. 23, par. 2683
55 ILCS 75/10	from Ch. 23, par. 2690
105 ILCS 5/34-2.4b	from Ch. 122, par. 34-2.4b
305 ILCS 5/1-8.5	
705 ILCS 405/5-145	
705 ILCS 405/5-750	
705 ILCS 405/5-7A-105	
720 ILCS 5/12-2	from Ch. 38, par. 12-2
730 ILCS 5/3-2-2	from Ch. 38, par. 1003-2-2
730 ILCS 5/3-2.5-20	
730 ILCS 5/3-19-5	

Amends the Unified Code of Corrections. Provides that, 2 years after the effective date of the amendatory Act, the Department of Juvenile Justice shall exercise control and supervision of all county detention centers in the State. Provides that the Department shall adopt rules to close all juvenile detention centers in the State and shall establish a rehabilitation program for minors adjudicated delinquent which must be completed before the completion of their sentence. Amends the Juvenile Court Act of 1987. Provides that after the closure of all juvenile detention centers in the State and the establishment of the rehabilitation program by the Department, every minor committed to the Department must successfully complete a rehabilitation program established by the Department. Provides that the failure of the minor to successfully complete the program shall result in the minor remaining in custody of the Department until the minor's 21st birthday. Amends various Acts to make conforming changes. Effective immediately.

LRB103 28331 RLC 54710 b

1 AN ACT concerning juvenile detention centers.

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

4 Section 5. The State Agency Student Worker Opportunity Act
5 is amended by changing Section 5 as follows:

6 (20 ILCS 55/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Court-involved youth" means an individual who was
9 committed to the custody of the Department of Juvenile Justice
10 or a Department of Juvenile Justice ~~county~~ juvenile detention
11 center and has been released from that facility or discharged
12 from custody.

13 "Homeless youth" means an individual up to 21 years of
14 age, who has been verified as a homeless child or youth, as
15 defined under the federal McKinney-Vento Homeless Assistance
16 Act.

17 "Qualified applicant" means an individual who: (1) is 21
18 years of age or younger; (2) is qualified for the internship or
19 student worker position; and (3) is or has been a dependent
20 child in foster care, a homeless youth, or a court-involved
21 youth.

22 "State agency" means all boards, commissions, agencies,
23 institutions, authorities, bodies politic and corporate of the

1 State created by or pursuant to the constitution or statute,
2 of the executive branch of State government.

3 (Source: P.A. 100-141, eff. 1-1-18.)

4 Section 10. The County Shelter Care and Detention Home Act
5 is amended by changing the title of the Act and Sections 1, 3,
6 and 10 as follows:

7 (55 ILCS 75/Act title)

8 An Act to authorize county authorities to provide for the
9 care and custody of minors who are neglected, abused,
10 addicted, dependent, or require authoritative intervention ~~or~~
11 ~~delinquent~~, and to levy and collect a tax for that purpose.

12 (55 ILCS 75/1) (from Ch. 23, par. 2681)

13 Sec. 1. Establishment and maintenance of homes.

14 (a) The board of county commissioners or the county board
15 in any county in this State, may locate, purchase, erect,
16 lease, or otherwise provide and establish, support and
17 maintain a detention home for the care and custody of
18 delinquent minors and a shelter care home for the temporary
19 care of minors who are ~~delinquent~~, dependent, neglected,
20 addicted, abused or require authoritative intervention. They
21 may levy and collect a tax to pay the cost of its establishment
22 and maintenance in accordance with the terms and provisions of
23 this Act. In counties with 300,000 or less inhabitants, the

1 powers enumerated in this Act shall not be exercised unless
2 this Act is adopted by the legal voters of the county as
3 provided in this Act. In counties with over 300,000 but less
4 than 1,000,000 inhabitants the county board by majority vote
5 may establish county shelter care ~~and detention~~ homes without
6 adoption of this Act by the legal voters and without
7 referendum.

8 (b) In any county, if the board of county commissioners or
9 the county board, as the case may be, determines that a shelter
10 care ~~or detention~~ home presently in use is obsolete, it may
11 continue to operate the shelter care ~~or detention~~ home on a
12 temporary basis and, by majority vote of that board, may
13 rebuild or replace the home at its present location or
14 another.

15 (c) No county shall be required to discontinue the use of
16 any shelter care ~~or detention~~ home in existence or in use on
17 the effective date of this amendatory Act of 1975 because of
18 the fact that the proposition to establish and maintain the
19 shelter care ~~or detention~~ home has not been submitted to the
20 voters as provided in this Act.

21 This amendatory Act of 1975 is not a limit on any county
22 which is a home rule unit.

23 (d) Cook County is not required to discontinue the use of
24 ~~the Cook County Juvenile Temporary Detention Center~~ or of any
25 ~~other~~ shelter care home ~~or detention home~~ in existence or in
26 use on the effective date of this amendatory Act of the 95th

1 General Assembly because of the fact that the proposition to
2 establish and maintain it was not submitted to the voters as
3 provided in this Act.

4 (Source: P.A. 95-194, eff. 1-1-08.)

5 (55 ILCS 75/3) (from Ch. 23, par. 2683)

6 Sec. 3. Administrator; necessary personnel; supplies or
7 repairs.

8 (a) The administrator and all other necessary personnel of
9 the shelter care home ~~and detention home~~, shall be appointed
10 by the Chief Judge of the Circuit Court or any Judge of that
11 Circuit designated by the Chief Judge, to serve at the
12 pleasure of the appointing authority. Each shall receive a
13 monthly salary fixed by the county board. Personnel shall also
14 be reimbursed for their actual and necessary expenses incurred
15 in the performance of their duties. The expenses shall be
16 reimbursed at least monthly upon proper certification by the
17 court.

18 The supplies or repairs necessary to maintain, operate and
19 conduct the shelter care home and the detention home shall be
20 furnished upon the requisition of its administrator to the
21 chairman of a committee as may be designated by the county
22 board, and the bills therefor shall be audited, passed upon
23 and paid as other bills for supplies furnished for county
24 institutions.

25 (b) Within 180 days after the effective date of this

1 amendatory Act of the 95th General Assembly, the Chief Judge
2 of the Cook County Circuit Court, or any Judge of that Circuit
3 designated by the Chief Judge, shall appoint an administrator
4 to serve as the Superintendent of the Cook County Temporary
5 Juvenile Detention Center. The Chief Judge of the Cook County
6 Circuit Court, or any Judge of that Circuit designated by the
7 Chief Judge shall appoint all other necessary personnel of any
8 ~~the Cook County Juvenile Temporary Detention Center and any~~
9 ~~other~~ shelter care home ~~or detention home~~ in Cook County in
10 accordance with subsections (a) and (d) of this Section. The
11 term of the administrator and any personnel in office upon the
12 effective date of this amendatory Act of the 95th General
13 Assembly shall terminate upon the appointment of his or her
14 successor.

15 (c) The Chief Judge of the Cook County Circuit Court, or
16 any Judge of that Circuit designated by the Chief Judge, shall
17 have administrative control over the budget of ~~the Cook County~~
18 ~~Juvenile Temporary Detention Center and any other~~ shelter care
19 home ~~or detention home~~ in Cook County, subject to the approval
20 of the Cook County Board and in accordance with subsections
21 (a) and (d) of this Section.

22 (d) The supplies or repairs necessary to maintain,
23 operate, and conduct the shelter care home ~~and the detention~~
24 ~~home~~ shall be furnished upon the requisition of its
25 administrator to the chairman of a committee as may be
26 designated by the county board, however in Cook County the

1 administrator shall submit such requisitions to the County
2 Board and Office of the Purchasing Agent in accordance with
3 the ordinances established by the Cook County Board. Those
4 bills shall be audited, passed upon and paid as other bills for
5 supplies furnished for county institutions.

6 (Source: P.A. 95-194, eff. 1-1-08.)

7 (55 ILCS 75/10) (from Ch. 23, par. 2690)

8 Sec. 10. This Act shall be known and may be cited as the
9 ~~"County Shelter Care and Detention Home Act"~~.

10 (Source: P.A. 81-469.)

11 Section 15. The School Code is amended by changing Section
12 34-2.4b as follows:

13 (105 ILCS 5/34-2.4b) (from Ch. 122, par. 34-2.4b)

14 Sec. 34-2.4b. Limitation upon applicability. Beginning
15 with the first local school council election that occurs after
16 the effective date of this amendatory Act of the 102nd General
17 Assembly, the provisions of Sections 34-2.1, 34-2.2, 34-2.3,
18 34-2.3a, 34-2.4 and 34-8.3 and those provisions of paragraph 1
19 of Section 34-18 and paragraph (c) of Section 34A-201a
20 relating to the allocation or application -- by formula or
21 otherwise -- of lump sum amounts and other funds to attendance
22 centers shall not apply to the ~~Cook County Juvenile Detention~~
23 ~~Center and~~ Cook County Jail schools, nor to the district's

1 alternative schools for pregnant girls, nor to alternative
2 schools established under Article 13A, nor to a contract
3 school, nor to the Michael R. Durso School, the Jackson Adult
4 Center, the Hillard Adult Center, the Alternative Transitional
5 School, or any other attendance center designated by the Board
6 as an alternative school, nor to any school established as a
7 teacher training academy, nor to any school with a specialty
8 2-year programming model, nor to any school established as a
9 one-year school or program, nor to any school with a specialty
10 student focus or transient student population, provided that
11 the designation is not applied to an attendance center that
12 has in place a legally constituted local school council,
13 except for contract turnaround schools. The board of education
14 shall have and exercise with respect to those schools and with
15 respect to the conduct, operation, affairs and budgets of
16 those schools, and with respect to the principals, teachers
17 and other school staff there employed, the same powers which
18 are exercisable by local school councils with respect to the
19 other attendance centers, principals, teachers and school
20 staff within the district, together with all powers and duties
21 generally exercisable by the board of education with respect
22 to all attendance centers within the district. The board of
23 education shall develop appropriate alternative methods for
24 involving parents, community members and school staff to the
25 maximum extent possible in all of the activities of those
26 schools, and may delegate to the parents, community members

1 and school staff so involved the same powers which are
2 exercisable by local school councils with respect to other
3 attendance centers.

4 (Source: P.A. 102-677, eff. 12-3-21.)

5 Section 20. The Illinois Public Aid Code is amended by
6 changing Section 1-8.5 as follows:

7 (305 ILCS 5/1-8.5)

8 Sec. 1-8.5. Eligibility for medical assistance during
9 periods of incarceration or detention.

10 (a) To the extent permitted by federal law and
11 notwithstanding any other provision of this Code, the
12 Department of Healthcare and Family Services shall not cancel
13 a person's eligibility for medical assistance, nor shall the
14 Department deny a person's application for medical assistance,
15 solely because that person has become or is an inmate of a
16 public institution, including, but not limited to, a county
17 jail, Department of Juvenile Justice juvenile detention
18 center, or State correctional facility. The person may be and
19 remain enrolled for medical assistance as long as all other
20 eligibility criteria are met.

21 (b) The Department may adopt rules to permit a person to
22 apply for medical assistance while he or she is an inmate of a
23 public institution as described in subsection (a). The rules
24 may limit applications to persons who would be likely to

1 qualify for medical assistance if they resided in the
2 community. Any such person who is not already enrolled for
3 medical assistance may apply for medical assistance prior to
4 the date of scheduled release or discharge from a penal
5 institution or county jail or similar status.

6 (c) Except as provided under Section 17 of the County Jail
7 Act, the Department shall not be responsible to provide
8 medical assistance under this Code for any medical care,
9 services, or supplies provided to a person while he or she is
10 an inmate of a public institution as described in subsection
11 (a). The responsibility for providing medical care shall
12 remain as otherwise provided by law with the Department of
13 Corrections, county, or other arresting authority. The
14 Department may seek federal financial participation, to the
15 extent that it is available and with the cooperation of the
16 Department of Juvenile Justice, the Department of Corrections,
17 or the relevant county, for the costs of those services.

18 (d) To the extent permitted under State and federal law,
19 the Department shall develop procedures to expedite required
20 periodic reviews of continued eligibility for persons
21 described in subsection (a).

22 (e) Counties, the Department of Juvenile Justice, the
23 Department of Human Services, and the Department of
24 Corrections shall cooperate with the Department in
25 administering this Section. That cooperation shall include
26 managing eligibility processing and sharing information

1 sufficient to inform the Department, in a manner established
2 by the Department, that a person enrolled in the medical
3 assistance program has been detained or incarcerated.

4 (f) The Department shall resume responsibility for
5 providing medical assistance upon release of the person to the
6 community as long as all of the following apply:

7 (1) The person is enrolled for medical assistance at
8 the time of release.

9 (2) Neither a county, the Department of Juvenile
10 Justice, the Department of Corrections, nor any other
11 criminal justice authority continues to bear
12 responsibility for the person's medical care.

13 (3) The county, the Department of Juvenile Justice, or
14 the Department of Corrections provides timely notice of
15 the date of release in a manner established by the
16 Department.

17 (g) This Section applies on and after December 31, 2011.

18 (Source: P.A. 98-139, eff. 1-1-14; 99-415, eff. 8-20-15.)

19 Section 25. The Juvenile Court Act of 1987 is amended by
20 changing Sections 5-145, 5-750, and 5-7A-105 as follows:

21 (705 ILCS 405/5-145)

22 Sec. 5-145. Cooperation of agencies; Serious Habitual
23 Offender Comprehensive Action Program.

24 (a) The Serious Habitual Offender Comprehensive Action

1 Program (SHOCAP) is a multi-disciplinary interagency case
2 management and information sharing system that enables the
3 juvenile justice system, schools, and social service agencies
4 to make more informed decisions regarding a small number of
5 juveniles who repeatedly commit serious delinquent acts.

6 (b) Each county in the State of Illinois, other than Cook
7 County, may establish a multi-disciplinary agency (SHOCAP)
8 committee. In Cook County, each subcircuit or group of
9 subcircuits may establish a multi-disciplinary agency (SHOCAP)
10 committee. The committee shall consist of representatives from
11 the following agencies: local law enforcement, area school
12 district, state's attorney's office, and court services
13 (probation).

14 The chairman may appoint additional members to the
15 committee as deemed appropriate to accomplish the goals of
16 this program, including, but not limited to, representatives
17 from the Department of Juvenile Justice juvenile detention
18 center, mental health, the Illinois Department of Children and
19 Family Services, Department of Human Services and community
20 representatives at large.

21 (c) The SHOCAP committee shall adopt, by a majority of the
22 members:

23 (1) criteria that will identify those who qualify as a
24 serious habitual juvenile offender; and

25 (2) a written interagency information sharing
26 agreement to be signed by the chief executive officer of

1 each of the agencies represented on the committee. The
2 interagency information sharing agreement shall include a
3 provision that requires that all records pertaining to a
4 serious habitual offender (SHO) shall be confidential.
5 Disclosure of information may be made to other staff from
6 member agencies as authorized by the SHOCAP committee for
7 the furtherance of case management and tracking of the
8 SHO. Staff from the member agencies who receive this
9 information shall be governed by the confidentiality
10 provisions of this Act. The staff from the member agencies
11 who will qualify to have access to the SHOCAP information
12 must be limited to those individuals who provide direct
13 services to the SHO or who provide supervision of the SHO.

14 (d) The Chief Juvenile Circuit Judge, or the Chief Circuit
15 Judge, or his or her designee, may issue a comprehensive
16 information sharing court order. The court order shall allow
17 agencies who are represented on the SHOCAP committee and whose
18 chief executive officer has signed the interagency information
19 sharing agreement to provide and disclose information to the
20 SHOCAP committee. The sharing of information will ensure the
21 coordination and cooperation of all agencies represented in
22 providing case management and enhancing the effectiveness of
23 the SHOCAP efforts.

24 (e) Any person or agency who is participating in good
25 faith in the sharing of SHOCAP information under this Act
26 shall have immunity from any liability, civil, criminal, or

1 otherwise, that might result by reason of the type of
2 information exchanged. For the purpose of any proceedings,
3 civil or criminal, the good faith of any person or agency
4 permitted to share SHOCAP information under this Act shall be
5 presumed.

6 (f) All reports concerning SHOCAP clients made available
7 to members of the SHOCAP committee and all records generated
8 from these reports shall be confidential and shall not be
9 disclosed, except as specifically authorized by this Act or
10 other applicable law. It is a Class A misdemeanor to permit,
11 assist, or encourage the unauthorized release of any
12 information contained in SHOCAP reports or records.

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

14 (705 ILCS 405/5-750)

15 Sec. 5-750. Commitment to the Department of Juvenile
16 Justice.

17 (1) Except as provided in subsection (2) of this Section,
18 when any delinquent has been adjudged a ward of the court under
19 this Act, the court may commit him or her to the Department of
20 Juvenile Justice, if it finds that (a) his or her parents,
21 guardian or legal custodian are unfit or are unable, for some
22 reason other than financial circumstances alone, to care for,
23 protect, train or discipline the minor, or are unwilling to do
24 so, and the best interests of the minor and the public will not
25 be served by placement under Section 5-740, or it is necessary

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

11 (A) Age of the minor.

12 (B) Criminal background of the minor.

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

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

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

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

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

3 (1.5) Before the court commits a minor to the Department
4 of Juvenile Justice, the court must find reasonable efforts
5 have been made to prevent or eliminate the need for the minor
6 to be removed from the home, or reasonable efforts cannot, at
7 this time, for good cause, prevent or eliminate the need for
8 removal, and removal from home is in the best interests of the
9 minor, the minor's family, and the public.

10 (2) When a minor of the age of at least 13 years is
11 adjudged delinquent for the offense of first degree murder,
12 the court shall declare the minor a ward of the court and order
13 the minor committed to the Department of Juvenile Justice
14 until the minor's 21st birthday, without the possibility of
15 aftercare release, furlough, or non-emergency authorized
16 absence for a period of 5 years from the date the minor was
17 committed to the Department of Juvenile Justice, except that
18 the time that a minor spent in custody for the instant offense
19 before being committed to the Department of Juvenile Justice
20 shall be considered as time credited towards that 5 year
21 period. Upon release from a Department facility, a minor
22 adjudged delinquent for first degree murder shall be placed on
23 aftercare release until the age of 21, unless sooner
24 discharged from aftercare release or custodianship is
25 otherwise terminated in accordance with this Act or as
26 otherwise provided for by law. Nothing in this subsection (2)

1 shall preclude the State's Attorney from seeking to prosecute
2 a minor as an adult as an alternative to proceeding under this
3 Act.

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

13 (3.1) After the closure of all juvenile detention centers
14 in this State and the establishment of the rehabilitation
15 program by the Department of Juvenile Justice under subsection
16 (e) of Section 3-2.5-20 of the Unified Code of Corrections,
17 every minor committed to the Department of Juvenile Justice
18 must successfully complete a rehabilitation program
19 established by the Department. The failure of the minor to
20 successfully complete the program shall result in the minor
21 remaining in custody of the Department of Juvenile Justice
22 until the minor's 21st birthday.

23 (3.5) Every delinquent minor committed to the Department
24 of Juvenile Justice under this Act shall be eligible for
25 aftercare release without regard to the length of time the
26 minor has been confined or whether the minor has served any

1 minimum term imposed. Aftercare release shall be administered
2 by the Department of Juvenile Justice, under the direction of
3 the Director. Unless sooner discharged, the Department of
4 Juvenile Justice shall discharge a minor from aftercare
5 release upon completion of the following aftercare release
6 terms:

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

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

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

16 (4) When the court commits a minor to the Department of
17 Juvenile Justice, it shall order him or her conveyed forthwith
18 to the appropriate reception station or other place designated
19 by the Department of Juvenile Justice, and shall appoint the
20 Director of Juvenile Justice legal custodian of the minor. The
21 clerk of the court shall issue to the Director of Juvenile
22 Justice a certified copy of the order, which constitutes proof
23 of the Director's authority. No other process need issue to
24 warrant the keeping of the minor.

25 (5) If a minor is committed to the Department of Juvenile
26 Justice, the clerk of the court shall forward to the

1 Department:

2 (a) the sentencing order and copies of committing
3 petition;

4 (b) all reports;

5 (c) the court's statement of the basis for ordering
6 the disposition;

7 (d) any sex offender evaluations;

8 (e) any risk assessment or substance abuse treatment
9 eligibility screening and assessment of the minor by an
10 agent designated by the State to provide assessment
11 services for the courts;

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

16 (g) any medical or mental health records or summaries
17 of the minor;

18 (h) the municipality where the arrest of the minor
19 occurred, the commission of the offense occurred, and the
20 minor resided at the time of commission;

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

24 (i) all additional matters which the court directs the
25 clerk to transmit; and

26 (j) all police reports for sex offenses as defined by

1 the Sex Offender Management Board Act.

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

8 (7) If, while on aftercare release, a minor committed to
9 the Department of Juvenile Justice who resides in this State
10 is charged under the criminal laws of this State, the criminal
11 laws of any other state, or federal law with an offense that
12 could result in a sentence of imprisonment within the
13 Department of Corrections, the penal system of any state, or
14 the federal Bureau of Prisons, the commitment to the
15 Department of Juvenile Justice and all rights and duties
16 created by that commitment are automatically suspended pending
17 final disposition of the criminal charge. If the minor is
18 found guilty of the criminal charge and sentenced to a term of
19 imprisonment in the penitentiary system of the Department of
20 Corrections, the penal system of any state, or the federal
21 Bureau of Prisons, the commitment to the Department of
22 Juvenile Justice shall be automatically terminated. If the
23 criminal charge is dismissed, the minor is found not guilty,
24 or the minor completes a criminal sentence other than
25 imprisonment within the Department of Corrections, the penal
26 system of any state, or the federal Bureau of Prisons, the

1 previously imposed commitment to the Department of Juvenile
2 Justice and the full aftercare release term shall be
3 automatically reinstated unless custodianship is sooner
4 terminated. Nothing in this subsection (7) shall preclude the
5 court from ordering another sentence under Section 5-710 of
6 this Act or from terminating the Department's custodianship
7 while the commitment to the Department is suspended.

8 (Source: P.A. 101-159, eff. 1-1-20; 102-350, eff. 8-13-21.)

9 (705 ILCS 405/5-7A-105)

10 Sec. 5-7A-105. Definitions. As used in this Article:

11 (a) "Approved electronic monitoring device" means a device
12 approved by the supervising authority that is primarily
13 intended to record or transmit information as to the minor's
14 presence or nonpresence in the home. An approved electronic
15 monitoring device may record or transmit: oral or wire
16 communications or an auditory sound; visual images; or
17 information regarding the minor's activities while inside the
18 offender's home. These devices are subject to the required
19 consent as set forth in Section 5-7A-125 of this Article. An
20 approved electronic monitoring device may be used to record a
21 conversation between the participant and the monitoring
22 device, or the participant and the person supervising the
23 participant solely for the purpose of identification and not
24 for the purpose of eavesdropping or conducting any other
25 illegally intrusive monitoring.

1 (b) "Excluded offenses" means any act if committed by an
2 adult would constitute first degree murder, escape, aggravated
3 criminal sexual assault, criminal sexual assault, aggravated
4 battery with a firearm, bringing or possessing a firearm,
5 ammunition, or explosive in a penal institution, any "Super-X"
6 drug offense or calculated criminal drug conspiracy or
7 streetgang criminal drug conspiracy, or any predecessor or
8 successor offenses with the same or substantially the same
9 elements, or any inchoate offenses relating to the foregoing
10 offenses.

11 (c) "Home detention" means the confinement of a minor
12 adjudicated delinquent or subject to an adjudicatory hearing
13 under Article V for an act that if committed by an adult would
14 be an offense to his or her place of residence under the terms
15 and conditions established by the supervising authority.

16 (d) "Participant" means a minor placed into an electronic
17 monitoring program.

18 (e) "Supervising authority" means the Department of
19 Juvenile Justice, probation supervisory authority, sheriff,
20 ~~superintendent of a juvenile detention center,~~ or any other
21 officer or agency charged with authorizing and supervising
22 home detention.

23 (f) "Super-X drug offense" means a violation of clause
24 (a) (1) (B), (C), or (D) of Section 401; clause (a) (2) (B), (C),
25 or (D) of Section 401; clause (a) (3) (B), (C), or (D) of Section
26 401; or clause (a) (7) (B), (C), or (D) of Section 401 of the

1 Illinois Controlled Substances Act.

2 (Source: P.A. 96-293, eff. 1-1-10.)

3 Section 30. The Criminal Code of 2012 is amended by
4 changing Section 12-2 as follows:

5 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

6 Sec. 12-2. Aggravated assault.

7 (a) Offense based on location of conduct. A person commits
8 aggravated assault when he or she commits an assault against
9 an individual who is on or about a public way, public property,
10 a public place of accommodation or amusement, or a sports
11 venue, or in a church, synagogue, mosque, or other building,
12 structure, or place used for religious worship.

13 (b) Offense based on status of victim. A person commits
14 aggravated assault when, in committing an assault, he or she
15 knows the individual assaulted to be any of the following:

16 (1) A person with a physical disability or a person 60
17 years of age or older and the assault is without legal
18 justification.

19 (2) A teacher or school employee upon school grounds
20 or grounds adjacent to a school or in any part of a
21 building used for school purposes.

22 (3) A park district employee upon park grounds or
23 grounds adjacent to a park or in any part of a building
24 used for park purposes.

1 (4) A community policing volunteer, private security
2 officer, or utility worker:

3 (i) performing his or her official duties;

4 (ii) assaulted to prevent performance of his or
5 her official duties; or

6 (iii) assaulted in retaliation for performing his
7 or her official duties.

8 (4.1) A peace officer, fireman, emergency management
9 worker, or emergency medical services personnel:

10 (i) performing his or her official duties;

11 (ii) assaulted to prevent performance of his or
12 her official duties; or

13 (iii) assaulted in retaliation for performing his
14 or her official duties.

15 (5) A correctional officer or probation officer:

16 (i) performing his or her official duties;

17 (ii) assaulted to prevent performance of his or
18 her official duties; or

19 (iii) assaulted in retaliation for performing his
20 or her official duties.

21 (6) A Department of Juvenile Justice correctional
22 institution employee, ~~a county juvenile detention center~~
23 ~~employee~~ who provides direct and continuous supervision of
24 residents of a Department of Juvenile Justice juvenile
25 detention center, ~~including a county juvenile detention~~
26 ~~center employee who supervises recreational activity for~~

1 ~~residents of a juvenile detention center~~, or a Department
2 of Human Services employee, Department of Human Services
3 officer, or employee of a subcontractor of the Department
4 of Human Services supervising or controlling sexually
5 dangerous persons or sexually violent persons:

6 (i) performing his or her official duties;

7 (ii) assaulted to prevent performance of his or
8 her official duties; or

9 (iii) assaulted in retaliation for performing his
10 or her official duties.

11 (7) An employee of the State of Illinois, a municipal
12 corporation therein, or a political subdivision thereof,
13 performing his or her official duties.

14 (8) A transit employee performing his or her official
15 duties, or a transit passenger.

16 (9) A sports official or coach actively participating
17 in any level of athletic competition within a sports
18 venue, on an indoor playing field or outdoor playing
19 field, or within the immediate vicinity of such a facility
20 or field.

21 (10) A person authorized to serve process under
22 Section 2-202 of the Code of Civil Procedure or a special
23 process server appointed by the circuit court, while that
24 individual is in the performance of his or her duties as a
25 process server.

26 (c) Offense based on use of firearm, device, or motor

1 vehicle. A person commits aggravated assault when, in
2 committing an assault, he or she does any of the following:

3 (1) Uses a deadly weapon, an air rifle as defined in
4 Section 24.8-0.1 of this Act, or any device manufactured
5 and designed to be substantially similar in appearance to
6 a firearm, other than by discharging a firearm.

7 (2) Discharges a firearm, other than from a motor
8 vehicle.

9 (3) Discharges a firearm from a motor vehicle.

10 (4) Wears a hood, robe, or mask to conceal his or her
11 identity.

12 (5) Knowingly and without lawful justification shines
13 or flashes a laser gun sight or other laser device
14 attached to a firearm, or used in concert with a firearm,
15 so that the laser beam strikes near or in the immediate
16 vicinity of any person.

17 (6) Uses a firearm, other than by discharging the
18 firearm, against a peace officer, community policing
19 volunteer, fireman, private security officer, emergency
20 management worker, emergency medical services personnel,
21 employee of a police department, employee of a sheriff's
22 department, or traffic control municipal employee:

23 (i) performing his or her official duties;

24 (ii) assaulted to prevent performance of his or
25 her official duties; or

26 (iii) assaulted in retaliation for performing his

1 or her official duties.

2 (7) Without justification operates a motor vehicle in
3 a manner which places a person, other than a person listed
4 in subdivision (b) (4), in reasonable apprehension of being
5 struck by the moving motor vehicle.

6 (8) Without justification operates a motor vehicle in
7 a manner which places a person listed in subdivision
8 (b) (4), in reasonable apprehension of being struck by the
9 moving motor vehicle.

10 (9) Knowingly video or audio records the offense with
11 the intent to disseminate the recording.

12 (d) Sentence. Aggravated assault as defined in subdivision
13 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),
14 (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor, except
15 that aggravated assault as defined in subdivision (b) (4) and
16 (b) (7) is a Class 4 felony if a Category I, Category II, or
17 Category III weapon is used in the commission of the assault.
18 Aggravated assault as defined in subdivision (b) (4.1), (b) (5),
19 (b) (6), (b) (10), (c) (2), (c) (5), (c) (6), or (c) (7) is a Class
20 4 felony. Aggravated assault as defined in subdivision (c) (3)
21 or (c) (8) is a Class 3 felony.

22 (e) For the purposes of this Section, "Category I weapon",
23 "Category II weapon", and "Category III weapon" have the
24 meanings ascribed to those terms in Section 33A-1 of this
25 Code.

26 (Source: P.A. 101-223, eff. 1-1-20; 102-558, eff. 8-20-21.)

1 Section 35. The Unified Code of Corrections is amended by
2 changing Sections 3-2-2, 3-2.5-20, and 3-19-5 as follows:

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

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

5 (1) In addition to the powers, duties, and
6 responsibilities which are otherwise provided by law, the
7 Department shall have the following powers:

8 (a) To accept persons committed to it by the courts of
9 this State for care, custody, treatment, and
10 rehabilitation, and to accept federal prisoners and
11 noncitizens over whom the Office of the Federal Detention
12 Trustee is authorized to exercise the federal detention
13 function for limited purposes and periods of time.

14 (b) To develop and maintain reception and evaluation
15 units for purposes of analyzing the custody and
16 rehabilitation needs of persons committed to it and to
17 assign such persons to institutions and programs under its
18 control or transfer them to other appropriate agencies. In
19 consultation with the Department of Alcoholism and
20 Substance Abuse (now the Department of Human Services),
21 the Department of Corrections shall develop a master plan
22 for the screening and evaluation of persons committed to
23 its custody who have alcohol or drug abuse problems, and
24 for making appropriate treatment available to such

1 persons; the Department shall report to the General
2 Assembly on such plan not later than April 1, 1987. The
3 maintenance and implementation of such plan shall be
4 contingent upon the availability of funds.

5 (b-1) To create and implement, on January 1, 2002, a
6 pilot program to establish the effectiveness of
7 pupillometer technology (the measurement of the pupil's
8 reaction to light) as an alternative to a urine test for
9 purposes of screening and evaluating persons committed to
10 its custody who have alcohol or drug problems. The pilot
11 program shall require the pupillometer technology to be
12 used in at least one Department of Corrections facility.
13 The Director may expand the pilot program to include an
14 additional facility or facilities as he or she deems
15 appropriate. A minimum of 4,000 tests shall be included in
16 the pilot program. The Department must report to the
17 General Assembly on the effectiveness of the program by
18 January 1, 2003.

19 (b-5) To develop, in consultation with the Illinois
20 State Police, a program for tracking and evaluating each
21 inmate from commitment through release for recording his
22 or her gang affiliations, activities, or ranks.

23 (c) To maintain and administer all State correctional
24 institutions and facilities under its control and to
25 establish new ones as needed. Pursuant to its power to
26 establish new institutions and facilities, the Department

1 may, with the written approval of the Governor, authorize
2 the Department of Central Management Services to enter
3 into an agreement of the type described in subsection (d)
4 of Section 405-300 of the Department of Central Management
5 Services Law. The Department shall designate those
6 institutions which shall constitute the State Penitentiary
7 System. The Department of Juvenile Justice shall maintain
8 and administer all State youth centers pursuant to
9 subsection (d) of Section 3-2.5-20.

10 Pursuant to its power to establish new institutions
11 and facilities, the Department may authorize the
12 Department of Central Management Services to accept bids
13 from counties and municipalities for the construction,
14 remodeling, or conversion of a structure to be leased to
15 the Department of Corrections for the purposes of its
16 serving as a correctional institution or facility. Such
17 construction, remodeling, or conversion may be financed
18 with revenue bonds issued pursuant to the Industrial
19 Building Revenue Bond Act by the municipality or county.
20 The lease specified in a bid shall be for a term of not
21 less than the time needed to retire any revenue bonds used
22 to finance the project, but not to exceed 40 years. The
23 lease may grant to the State the option to purchase the
24 structure outright.

25 Upon receipt of the bids, the Department may certify
26 one or more of the bids and shall submit any such bids to

1 the General Assembly for approval. Upon approval of a bid
2 by a constitutional majority of both houses of the General
3 Assembly, pursuant to joint resolution, the Department of
4 Central Management Services may enter into an agreement
5 with the county or municipality pursuant to such bid.

6 (c-5) (Blank). ~~To build and maintain regional juvenile~~
7 ~~detention centers and to charge a per diem to the counties~~
8 ~~as established by the Department to defray the costs of~~
9 ~~housing each minor in a center. In this subsection (c-5),~~
10 ~~"juvenile detention center" means a facility to house~~
11 ~~minors during pendency of trial who have been transferred~~
12 ~~from proceedings under the Juvenile Court Act of 1987 to~~
13 ~~prosecutions under the criminal laws of this State in~~
14 ~~accordance with Section 5-805 of the Juvenile Court Act of~~
15 ~~1987, whether the transfer was by operation of law or~~
16 ~~permissive under that Section. The Department shall~~
17 ~~designate the counties to be served by each regional~~
18 ~~juvenile detention center.~~

19 (d) To develop and maintain programs of control,
20 rehabilitation, and employment of committed persons within
21 its institutions.

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

24 (d-10) To provide educational and visitation
25 opportunities to committed persons within its institutions
26 through temporary access to content-controlled tablets

1 that may be provided as a privilege to committed persons
2 to induce or reward compliance.

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

5 (f) To establish in cooperation with the Department of
6 Transportation to supply a sufficient number of prisoners
7 for use by the Department of Transportation to clean up
8 the trash and garbage along State, county, township, or
9 municipal highways as designated by the Department of
10 Transportation. The Department of Corrections, at the
11 request of the Department of Transportation, shall furnish
12 such prisoners at least annually for a period to be agreed
13 upon between the Director of Corrections and the Secretary
14 of Transportation. The prisoners used on this program
15 shall be selected by the Director of Corrections on
16 whatever basis he deems proper in consideration of their
17 term, behavior and earned eligibility to participate in
18 such program - where they will be outside of the prison
19 facility but still in the custody of the Department of
20 Corrections. Prisoners convicted of first degree murder,
21 or a Class X felony, or armed violence, or aggravated
22 kidnapping, or criminal sexual assault, aggravated
23 criminal sexual abuse or a subsequent conviction for
24 criminal sexual abuse, or forcible detention, or arson, or
25 a prisoner adjudged a Habitual Criminal shall not be
26 eligible for selection to participate in such program. The

1 prisoners shall remain as prisoners in the custody of the
2 Department of Corrections and such Department shall
3 furnish whatever security is necessary. The Department of
4 Transportation shall furnish trucks and equipment for the
5 highway cleanup program and personnel to supervise and
6 direct the program. Neither the Department of Corrections
7 nor the Department of Transportation shall replace any
8 regular employee with a prisoner.

9 (g) To maintain records of persons committed to it and
10 to establish programs of research, statistics, and
11 planning.

12 (h) To investigate the grievances of any person
13 committed to the Department and to inquire into any
14 alleged misconduct by employees or committed persons; and
15 for these purposes it may issue subpoenas and compel the
16 attendance of witnesses and the production of writings and
17 papers, and may examine under oath any witnesses who may
18 appear before it; to also investigate alleged violations
19 of a parolee's or releasee's conditions of parole or
20 release; and for this purpose it may issue subpoenas and
21 compel the attendance of witnesses and the production of
22 documents only if there is reason to believe that such
23 procedures would provide evidence that such violations
24 have occurred.

25 If any person fails to obey a subpoena issued under
26 this subsection, the Director may apply to any circuit

1 court to secure compliance with the subpoena. The failure
2 to comply with the order of the court issued in response
3 thereto shall be punishable as contempt of court.

4 (i) To appoint and remove the chief administrative
5 officers, and administer programs of training and
6 development of personnel of the Department. Personnel
7 assigned by the Department to be responsible for the
8 custody and control of committed persons or to investigate
9 the alleged misconduct of committed persons or employees
10 or alleged violations of a parolee's or releasee's
11 conditions of parole shall be conservators of the peace
12 for those purposes, and shall have the full power of peace
13 officers outside of the facilities of the Department in
14 the protection, arrest, retaking, and reconfining of
15 committed persons or where the exercise of such power is
16 necessary to the investigation of such misconduct or
17 violations. This subsection shall not apply to persons
18 committed to the Department of Juvenile Justice under the
19 Juvenile Court Act of 1987 on aftercare release.

20 (j) To cooperate with other departments and agencies
21 and with local communities for the development of
22 standards and programs for better correctional services in
23 this State.

24 (k) To administer all moneys and properties of the
25 Department.

26 (l) To report annually to the Governor on the

1 committed persons, institutions, and programs of the
2 Department.

3 (1-5) (Blank).

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

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

10 (o) To administer the distribution of funds from the
11 State Treasury to reimburse counties where State penal
12 institutions are located for the payment of assistant
13 state's attorneys' salaries under Section 4-2001 of the
14 Counties Code.

15 (p) To exchange information with the Department of
16 Human Services and the Department of Healthcare and Family
17 Services for the purpose of verifying living arrangements
18 and for other purposes directly connected with the
19 administration of this Code and the Illinois Public Aid
20 Code.

21 (q) To establish a diversion program.

22 The program shall provide a structured environment for
23 selected technical parole or mandatory supervised release
24 violators and committed persons who have violated the
25 rules governing their conduct while in work release. This
26 program shall not apply to those persons who have

1 committed a new offense while serving on parole or
2 mandatory supervised release or while committed to work
3 release.

4 Elements of the program shall include, but shall not
5 be limited to, the following:

6 (1) The staff of a diversion facility shall
7 provide supervision in accordance with required
8 objectives set by the facility.

9 (2) Participants shall be required to maintain
10 employment.

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

14 (4) Each participant shall:

15 (A) provide restitution to victims in
16 accordance with any court order;

17 (B) provide financial support to his
18 dependents; and

19 (C) make appropriate payments toward any other
20 court-ordered obligations.

21 (5) Each participant shall complete community
22 service in addition to employment.

23 (6) Participants shall take part in such
24 counseling, educational, and other programs as the
25 Department may deem appropriate.

26 (7) Participants shall submit to drug and alcohol

1 screening.

2 (8) The Department shall promulgate rules
3 governing the administration of the program.

4 (r) To enter into intergovernmental cooperation
5 agreements under which persons in the custody of the
6 Department may participate in a county impact
7 incarceration program established under Section 3-6038 or
8 3-15003.5 of the Counties Code.

9 (r-5) (Blank).

10 (r-10) To systematically and routinely identify with
11 respect to each streetgang active within the correctional
12 system: (1) each active gang; (2) every existing
13 inter-gang affiliation or alliance; and (3) the current
14 leaders in each gang. The Department shall promptly
15 segregate leaders from inmates who belong to their gangs
16 and allied gangs. "Segregate" means no physical contact
17 and, to the extent possible under the conditions and space
18 available at the correctional facility, prohibition of
19 visual and sound communication. For the purposes of this
20 paragraph (r-10), "leaders" means persons who:

21 (i) are members of a criminal streetgang;

22 (ii) with respect to other individuals within the
23 streetgang, occupy a position of organizer,
24 supervisor, or other position of management or
25 leadership; and

26 (iii) are actively and personally engaged in

1 directing, ordering, authorizing, or requesting
2 commission of criminal acts by others, which are
3 punishable as a felony, in furtherance of streetgang
4 related activity both within and outside of the
5 Department of Corrections.

6 "Streetgang", "gang", and "streetgang related" have the
7 meanings ascribed to them in Section 10 of the Illinois
8 Streetgang Terrorism Omnibus Prevention Act.

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

13 (t) To monitor any unprivileged conversation or any
14 unprivileged communication, whether in person or by mail,
15 telephone, or other means, between an inmate who, before
16 commitment to the Department, was a member of an organized
17 gang and any other person without the need to show cause or
18 satisfy any other requirement of law before beginning the
19 monitoring, except as constitutionally required. The
20 monitoring may be by video, voice, or other method of
21 recording or by any other means. As used in this
22 subdivision (1)(t), "organized gang" has the meaning
23 ascribed to it in Section 10 of the Illinois Streetgang
24 Terrorism Omnibus Prevention Act.

25 As used in this subdivision (1)(t), "unprivileged
26 conversation" or "unprivileged communication" means a

1 conversation or communication that is not protected by any
2 privilege recognized by law or by decision, rule, or order
3 of the Illinois Supreme Court.

4 (u) To establish a Women's and Children's Pre-release
5 Community Supervision Program for the purpose of providing
6 housing and services to eligible female inmates, as
7 determined by the Department, and their newborn and young
8 children.

9 (u-5) To issue an order, whenever a person committed
10 to the Department absconds or absents himself or herself,
11 without authority to do so, from any facility or program
12 to which he or she is assigned. The order shall be
13 certified by the Director, the Supervisor of the
14 Apprehension Unit, or any person duly designated by the
15 Director, with the seal of the Department affixed. The
16 order shall be directed to all sheriffs, coroners, and
17 police officers, or to any particular person named in the
18 order. Any order issued pursuant to this subdivision
19 (1)(u-5) shall be sufficient warrant for the officer or
20 person named in the order to arrest and deliver the
21 committed person to the proper correctional officials and
22 shall be executed the same as criminal process.

23 (u-6) To appoint a point of contact person who shall
24 receive suggestions, complaints, or other requests to the
25 Department from visitors to Department institutions or
26 facilities and from other members of the public.

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

3 (2) The Department of Corrections shall by January 1,
4 1998, consider building and operating a correctional facility
5 within 100 miles of a county of over 2,000,000 inhabitants,
6 especially a facility designed to house juvenile participants
7 in the impact incarceration program.

8 (3) When the Department lets bids for contracts for
9 medical services to be provided to persons committed to
10 Department facilities by a health maintenance organization,
11 medical service corporation, or other health care provider,
12 the bid may only be let to a health care provider that has
13 obtained an irrevocable letter of credit or performance bond
14 issued by a company whose bonds have an investment grade or
15 higher rating by a bond rating organization.

16 (4) When the Department lets bids for contracts for food
17 or commissary services to be provided to Department
18 facilities, the bid may only be let to a food or commissary
19 services provider that has obtained an irrevocable letter of
20 credit or performance bond issued by a company whose bonds
21 have an investment grade or higher rating by a bond rating
22 organization.

23 (5) On and after the date 6 months after August 16, 2013
24 (the effective date of Public Act 98-488), as provided in the
25 Executive Order 1 (2012) Implementation Act, all of the
26 powers, duties, rights, and responsibilities related to State

1 healthcare purchasing under this Code that were transferred
2 from the Department of Corrections to the Department of
3 Healthcare and Family Services by Executive Order 3 (2005) are
4 transferred back to the Department of Corrections; however,
5 powers, duties, rights, and responsibilities related to State
6 healthcare purchasing under this Code that were exercised by
7 the Department of Corrections before the effective date of
8 Executive Order 3 (2005) but that pertain to individuals
9 resident in facilities operated by the Department of Juvenile
10 Justice are transferred to the Department of Juvenile Justice.
11 (Source: P.A. 101-235, eff. 1-1-20; 102-350, eff. 8-13-21;
12 102-535, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff.
13 5-13-22; 102-1030, eff. 5-27-22.)

14 (730 ILCS 5/3-2.5-20)

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

16 (a) In addition to the powers, duties, and
17 responsibilities which are otherwise provided by law or
18 transferred to the Department as a result of this Article, the
19 Department, as determined by the Director, shall have, but is
20 not limited to, the following rights, powers, functions, and
21 duties:

22 (1) To accept juveniles committed to it by the courts
23 of this State for care, custody, treatment, and
24 rehabilitation.

25 (2) To maintain and administer all State juvenile

1 youth centers previously under the control of the Juvenile
2 and Women's & Children Divisions of the Department of
3 Corrections, and to establish and maintain youth centers
4 as needed to meet the needs of the youth committed to its
5 care.

6 (3) To identify the need for and recommend the funding
7 and implementation of an appropriate mix of programs and
8 services within the juvenile justice continuum, including,
9 but not limited to, prevention, nonresidential and
10 residential commitment programs, day treatment, and
11 conditional release programs and services, with the
12 support of educational, vocational, alcohol, drug abuse,
13 and mental health services where appropriate.

14 (3.5) To assist youth committed to the Department of
15 Juvenile Justice under the Juvenile Court Act of 1987 with
16 successful reintegration into society, the Department
17 shall retain custody and control of all adjudicated
18 delinquent juveniles released under Section 3-2.5-85 or
19 3-3-10 of this Code, shall provide a continuum of
20 post-release treatment and services to those youth, and
21 shall supervise those youth during their release period in
22 accordance with the conditions set by the Department or
23 the Prisoner Review Board.

24 (4) To establish and provide transitional and
25 post-release treatment programs for juveniles committed to
26 the Department. Services shall include, but are not

1 limited to:

2 (i) family and individual counseling and treatment
3 placement;

4 (ii) referral services to any other State or local
5 agencies;

6 (iii) mental health services;

7 (iv) educational services;

8 (v) family counseling services; and

9 (vi) substance abuse services.

10 (5) To access vital records of juveniles for the
11 purposes of providing necessary documentation for
12 transitional services such as obtaining identification,
13 educational enrollment, employment, and housing.

14 (6) To develop staffing and workload standards and
15 coordinate staff development and training appropriate for
16 juvenile populations.

17 (6.5) To develop policies and procedures promoting
18 family engagement and visitation appropriate for juvenile
19 populations.

20 (7) To develop, with the approval of the Office of the
21 Governor and the Governor's Office of Management and
22 Budget, annual budget requests.

23 (8) To administer the Interstate Compact for
24 Juveniles, with respect to all juveniles under its
25 jurisdiction, and to cooperate with the Department of
26 Human Services with regard to all non-offender juveniles

1 subject to the Interstate Compact for Juveniles.

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

5 (10) To set conditions of aftercare release for all
6 youth committed to the Department under the Juvenile Court
7 Act of 1987.

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

13 (c) On and after the date 6 months after August 16, 2013
14 (the effective date of Public Act 98-488), as provided in the
15 Executive Order 1 (2012) Implementation Act, all of the
16 powers, duties, rights, and responsibilities related to State
17 healthcare purchasing under this Code that were transferred
18 from the Department of Corrections to the Department of
19 Healthcare and Family Services by Executive Order 3 (2005) are
20 transferred back to the Department of Corrections; however,
21 powers, duties, rights, and responsibilities related to State
22 healthcare purchasing under this Code that were exercised by
23 the Department of Corrections before the effective date of
24 Executive Order 3 (2005) but that pertain to individuals
25 resident in facilities operated by the Department of Juvenile
26 Justice are transferred to the Department of Juvenile Justice.

1 (d) To maintain and administer all State youth centers and
2 facilities under its control and to establish new ones as
3 needed. Pursuant to its power to establish new youth centers
4 and facilities, the Department may, with the written approval
5 of the Governor, authorize the Department of Central
6 Management Services to enter into an agreement of the type
7 described in subsection (d) of Section 405-300 of the
8 Department of Central Management Services Law. The Department
9 shall designate those institutions which shall constitute the
10 Youth Corrections System.

11 Pursuant to its power to establish new institutions and
12 facilities, the Department may authorize the Department of
13 Central Management Services to accept bids from counties and
14 municipalities for the construction, remodeling or conversion
15 of a structure to be leased to the Department of Juvenile
16 Justice for the purposes of its serving as a youth center or
17 facility. Such construction, remodeling or conversion may be
18 financed with revenue bonds issued pursuant to the Industrial
19 Building Revenue Bond Act by the municipality or county. The
20 lease specified in a bid shall be for a term of not less than
21 the time needed to retire any revenue bonds used to finance the
22 project, but not to exceed 40 years. The lease may grant to the
23 State the option to purchase the structure outright.

24 Upon receipt of the bids, the Department may certify one
25 or more of the bids and shall submit any such bids to the
26 General Assembly for approval. Upon approval of a bid by a

1 constitutional majority of both houses of the General
2 Assembly, pursuant to joint resolution, the Department of
3 Central Management Services may enter into an agreement with
4 the county or municipality pursuant to such bid.

5 (e) Two years after the effective date of this amendatory
6 Act of the 103rd General Assembly, the Department of Juvenile
7 Justice shall exercise control and supervision of all county
8 detention centers in this State. The Department of Juvenile
9 Justice shall adopt rules to close all juvenile detention
10 centers in this State and shall establish a rehabilitation
11 program for minors adjudicated delinquent which must be
12 completed before the completion of their sentence.

13 (Source: P.A. 101-219, eff. 1-1-20; 102-350, eff. 8-13-21;
14 102-558, eff. 8-20-21.)

15 (730 ILCS 5/3-19-5)

16 Sec. 3-19-5. Methamphetamine abusers pilot program; the
17 Department of Juvenile Justice ~~Franklin County~~ Juvenile
18 Detention Center.

19 (a) There is created the Methamphetamine Abusers Pilot
20 Program at the Department of Juvenile Justice ~~Franklin County~~
21 Juvenile Detention Center located in Franklin County. ~~The~~
22 ~~Program shall be established upon adoption of a resolution or~~
23 ~~ordinance by the Franklin County Board and with the consent of~~
24 ~~the Secretary of Human Services.~~

25 (b) A person convicted of the unlawful possession of

1 methamphetamine under Section 60 of the Methamphetamine
2 Control and Community Protection Act, after an assessment by a
3 designated program licensed under the Substance Use Disorder
4 Act that the person has a substance use disorder as defined in
5 the Substance Use Disorder Act and may benefit from treatment
6 for his or her substance use disorder, may be ordered by the
7 court to be committed to the Program established under this
8 Section.

9 (c) The Program shall consist of medical and psychiatric
10 treatment for the substance use disorder for a period of at
11 least 90 days and not to exceed 180 days. A treatment plan for
12 each person participating in the Program shall be approved by
13 the court in consultation with the Department of Human
14 Services. The Secretary of Human Services shall appoint a
15 Program Administrator to operate the Program who shall be
16 licensed to provide residential treatment for substance use
17 disorders.

18 (d) Persons committed to the Program who are 17 years of
19 age or older shall be separated from minors under 17 years of
20 age who are detained in the Department of Juvenile Justice
21 Juvenile Detention Center and there shall be no contact
22 between them.

23 (e) Upon the establishment of the Pilot Program, the
24 Secretary of Human Services shall inform the chief judge of
25 each judicial circuit of this State of the existence of the
26 Program and its date of termination.

1 (f) The Secretary of Human Services, after consultation
2 with the Program Administrator, shall determine the
3 effectiveness of the Program in rehabilitating persons with
4 substance use disorders committed to the Program. The
5 Secretary shall prepare a report based on his or her
6 assessment of the effectiveness of the Program and shall
7 submit the report to the Governor and General Assembly within
8 one year after January 1, 2006 (the effective date of Public
9 Act 94-549) and each year thereafter that the Program
10 continues operation.

11 (Source: P.A. 100-759, eff. 1-1-19.)

12 Section 99. Effective date. This Act takes effect 2 years
13 after becoming law, except that this Section and the
14 amendatory changes to Section 3-2.5-20 of the Unified Code of
15 Corrections Act take effect upon becoming law.