

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 Civil Administrative Code of Illinois is
5 amended by changing Sections 5-15, 5-20, and 5-335 and adding
6 Section 5-362 as follows:

7 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

8 Sec. 5-15. Departments of State government. The
9 Departments of State government are created as follows:

10 The Department on Aging.

11 The Department of Agriculture.

12 The Department of Central Management Services.

13 The Department of Children and Family Services.

14 The Department of Commerce and Economic Opportunity.

15 The Department of Corrections.

16 The Department of Employment Security.

17 The Emergency Management Agency.

18 The Department of Financial Institutions.

19 The Department of Human Rights.

20 The Department of Human Services.

21 The Department of Insurance.

22 The Department of Juvenile Justice.

23 The Department of Labor.

24 The Department of the Lottery.

25 The Department of Natural Resources.

26 The Department of Professional Regulation.

27 The Department of Public Aid.

28 The Department of Public Health.

29 The Department of Revenue.

30 The Department of State Police.

31 The Department of Transportation.

32 The Department of Veterans' Affairs.

1 (Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04.)

2 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

3 Sec. 5-20. Heads of departments. Each department shall have
4 an officer as its head who shall be known as director or
5 secretary and who shall, subject to the provisions of the Civil
6 Administrative Code of Illinois, execute the powers and
7 discharge the duties vested by law in his or her respective
8 department.

9 The following officers are hereby created:

10 Director of Aging, for the Department on Aging.

11 Director of Agriculture, for the Department of
12 Agriculture.

13 Director of Central Management Services, for the
14 Department of Central Management Services.

15 Director of Children and Family Services, for the
16 Department of Children and Family Services.

17 Director of Commerce and Economic Opportunity, for the
18 Department of Commerce and Economic Opportunity.

19 Director of Corrections, for the Department of
20 Corrections.

21 Director of Emergency Management Agency, for the Emergency
22 Management Agency.

23 Director of Employment Security, for the Department of
24 Employment Security.

25 Director of Financial Institutions, for the Department of
26 Financial Institutions.

27 Director of Human Rights, for the Department of Human
28 Rights.

29 Secretary of Human Services, for the Department of Human
30 Services.

31 Director of Insurance, for the Department of Insurance.

32 Director of Juvenile Justice, for the Department of
33 Juvenile Justice.

34 Director of Labor, for the Department of Labor.

35 Director of the Lottery, for the Department of the Lottery.

1 Director of Natural Resources, for the Department of
2 Natural Resources.

3 Director of Professional Regulation, for the Department of
4 Professional Regulation.

5 Director of Public Aid, for the Department of Public Aid.

6 Director of Public Health, for the Department of Public
7 Health.

8 Director of Revenue, for the Department of Revenue.

9 Director of State Police, for the Department of State
10 Police.

11 Secretary of Transportation, for the Department of
12 Transportation.

13 Director of Veterans' Affairs, for the Department of
14 Veterans' Affairs.

15 (Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04.)

16 (20 ILCS 5/5-335) (was 20 ILCS 5/9.11a)

17 Sec. 5-335. In the Department of Corrections. The Director
18 of Corrections shall receive an annual salary as set by the
19 Governor from time to time or as set by the Compensation Review
20 Board, whichever is greater.

21 ~~The Assistant Director of Corrections - Juvenile Division~~
22 ~~shall receive an annual salary as set by the Governor from time~~
23 ~~to time or as set by the Compensation Review Board, whichever~~
24 ~~is greater.~~

25 The Assistant Director of Corrections - Adult Division
26 shall receive an annual salary as set by the Governor from time
27 to time or as set by the Compensation Review Board, whichever
28 is greater.

29 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
30 eff. 6-28-01.)

31 (20 ILCS 5/5-362 new)

32 Sec. 5-362. In the Department of Juvenile Justice. The
33 Director of Juvenile Justice shall receive an annual salary as
34 set by the Governor from time to time or as set by the

1 Compensation Review Board, whichever is greater.

2 Section 6. The Children and Family Services Act is amended
3 by changing Section 17a-11 as follows:

4 (20 ILCS 505/17a-11) (from Ch. 23, par. 5017a-11)

5 Sec. 17a-11. Governor's Youth Services Initiative. In
6 cooperation with the Department of Juvenile Justice
7 ~~Corrections~~, the Department of Human Services and the Illinois
8 State Board of Education, the Department of Children and Family
9 Services shall establish the Governor's Youth Services
10 Initiative. This program shall offer assistance to
11 multi-problem youth whose difficulties are not the clear
12 responsibility of any one state agency, and who are referred to
13 the program by the juvenile court. The decision to establish
14 and to maintain an initiative program shall be based upon the
15 availability of program funds and the overall needs of the
16 service area.

17 A Policy Board shall be established as the decision-making
18 body of the Governor's Youth Services Initiative. The Board
19 shall be composed of State agency liaisons appointed by the
20 Secretary of Human Services, the Directors of the Department of
21 Children and Family Services and the Department of Juvenile
22 Justice ~~Corrections~~, and the State Superintendent of
23 Education. The Board shall meet at least quarterly.

24 The Department of Children and Family Services may
25 establish a system of regional interagency councils in the
26 various geographic regions of the State to address, at the
27 regional or local level, the delivery of services to
28 multi-problem youth.

29 The Department of Children and Family Services in
30 consultation with the aforementioned sponsors of the program
31 shall promulgate rules and regulations pursuant to the Illinois
32 Administrative Procedure Act, for the development of
33 initiative programs in densely populated areas of the State to
34 meet the needs of multi-problem youth.

1 (Source: P.A. 88-487; 89-507, eff. 7-1-97.)

2 Section 7. The Illinois Pension Code is amended by
3 changing Section 14-110 as follows:

4 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

5 Sec. 14-110. Alternative retirement annuity.

6 (a) Any member who has withdrawn from service with not less
7 than 20 years of eligible creditable service and has attained
8 age 55, and any member who has withdrawn from service with not
9 less than 25 years of eligible creditable service and has
10 attained age 50, regardless of whether the attainment of either
11 of the specified ages occurs while the member is still in
12 service, shall be entitled to receive at the option of the
13 member, in lieu of the regular or minimum retirement annuity, a
14 retirement annuity computed as follows:

15 (i) for periods of service as a noncovered employee: if
16 retirement occurs on or after January 1, 2001, 3% of final
17 average compensation for each year of creditable service;
18 if retirement occurs before January 1, 2001, 2 1/4% of
19 final average compensation for each of the first 10 years
20 of creditable service, 2 1/2% for each year above 10 years
21 to and including 20 years of creditable service, and 2 3/4%
22 for each year of creditable service above 20 years; and

23 (ii) for periods of eligible creditable service as a
24 covered employee: if retirement occurs on or after January
25 1, 2001, 2.5% of final average compensation for each year
26 of creditable service; if retirement occurs before January
27 1, 2001, 1.67% of final average compensation for each of
28 the first 10 years of such service, 1.90% for each of the
29 next 10 years of such service, 2.10% for each year of such
30 service in excess of 20 but not exceeding 30, and 2.30% for
31 each year in excess of 30.

32 Such annuity shall be subject to a maximum of 75% of final
33 average compensation if retirement occurs before January 1,
34 2001 or to a maximum of 80% of final average compensation if

1 retirement occurs on or after January 1, 2001.

2 These rates shall not be applicable to any service
3 performed by a member as a covered employee which is not
4 eligible creditable service. Service as a covered employee
5 which is not eligible creditable service shall be subject to
6 the rates and provisions of Section 14-108.

7 (b) For the purpose of this Section, "eligible creditable
8 service" means creditable service resulting from service in one
9 or more of the following positions:

- 10 (1) State policeman;
- 11 (2) fire fighter in the fire protection service of a
12 department;
- 13 (3) air pilot;
- 14 (4) special agent;
- 15 (5) investigator for the Secretary of State;
- 16 (6) conservation police officer;
- 17 (7) investigator for the Department of Revenue;
- 18 (8) security employee of the Department of Human
19 Services;
- 20 (9) Central Management Services security police
21 officer;
- 22 (10) security employee of the Department of
23 Corrections or the Department of Juvenile Justice;
- 24 (11) dangerous drugs investigator;
- 25 (12) investigator for the Department of State Police;
- 26 (13) investigator for the Office of the Attorney
27 General;
- 28 (14) controlled substance inspector;
- 29 (15) investigator for the Office of the State's
30 Attorneys Appellate Prosecutor;
- 31 (16) Commerce Commission police officer;
- 32 (17) arson investigator;
- 33 (18) State highway maintenance worker.

34 A person employed in one of the positions specified in this
35 subsection is entitled to eligible creditable service for
36 service credit earned under this Article while undergoing the

1 basic police training course approved by the Illinois Law
2 Enforcement Training Standards Board, if completion of that
3 training is required of persons serving in that position. For
4 the purposes of this Code, service during the required basic
5 police training course shall be deemed performance of the
6 duties of the specified position, even though the person is not
7 a sworn peace officer at the time of the training.

8 (c) For the purposes of this Section:

9 (1) The term "state policeman" includes any title or
10 position in the Department of State Police that is held by
11 an individual employed under the State Police Act.

12 (2) The term "fire fighter in the fire protection
13 service of a department" includes all officers in such fire
14 protection service including fire chiefs and assistant
15 fire chiefs.

16 (3) The term "air pilot" includes any employee whose
17 official job description on file in the Department of
18 Central Management Services, or in the department by which
19 he is employed if that department is not covered by the
20 Personnel Code, states that his principal duty is the
21 operation of aircraft, and who possesses a pilot's license;
22 however, the change in this definition made by this
23 amendatory Act of 1983 shall not operate to exclude any
24 noncovered employee who was an "air pilot" for the purposes
25 of this Section on January 1, 1984.

26 (4) The term "special agent" means any person who by
27 reason of employment by the Division of Narcotic Control,
28 the Bureau of Investigation or, after July 1, 1977, the
29 Division of Criminal Investigation, the Division of
30 Internal Investigation, the Division of Operations, or any
31 other Division or organizational entity in the Department
32 of State Police is vested by law with duties to maintain
33 public order, investigate violations of the criminal law of
34 this State, enforce the laws of this State, make arrests
35 and recover property. The term "special agent" includes any
36 title or position in the Department of State Police that is

1 held by an individual employed under the State Police Act.

2 (5) The term "investigator for the Secretary of State"
3 means any person employed by the Office of the Secretary of
4 State and vested with such investigative duties as render
5 him ineligible for coverage under the Social Security Act
6 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
7 218(1)(1) of that Act.

8 A person who became employed as an investigator for the
9 Secretary of State between January 1, 1967 and December 31,
10 1975, and who has served as such until attainment of age
11 60, either continuously or with a single break in service
12 of not more than 3 years duration, which break terminated
13 before January 1, 1976, shall be entitled to have his
14 retirement annuity calculated in accordance with
15 subsection (a), notwithstanding that he has less than 20
16 years of credit for such service.

17 (6) The term "Conservation Police Officer" means any
18 person employed by the Division of Law Enforcement of the
19 Department of Natural Resources and vested with such law
20 enforcement duties as render him ineligible for coverage
21 under the Social Security Act by reason of Sections
22 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
23 term "Conservation Police Officer" includes the positions
24 of Chief Conservation Police Administrator and Assistant
25 Conservation Police Administrator.

26 (7) The term "investigator for the Department of
27 Revenue" means any person employed by the Department of
28 Revenue and vested with such investigative duties as render
29 him ineligible for coverage under the Social Security Act
30 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
31 218(1)(1) of that Act.

32 (8) The term "security employee of the Department of
33 Human Services" means any person employed by the Department
34 of Human Services who (i) is employed at the Chester Mental
35 Health Center and has daily contact with the residents
36 thereof, (ii) is employed within a security unit at a

1 facility operated by the Department and has daily contact
2 with the residents of the security unit, (iii) is employed
3 at a facility operated by the Department that includes a
4 security unit and is regularly scheduled to work at least
5 50% of his or her working hours within that security unit,
6 or (iv) is a mental health police officer. "Mental health
7 police officer" means any person employed by the Department
8 of Human Services in a position pertaining to the
9 Department's mental health and developmental disabilities
10 functions who is vested with such law enforcement duties as
11 render the person ineligible for coverage under the Social
12 Security Act by reason of Sections 218(d)(5)(A),
13 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"
14 means that portion of a facility that is devoted to the
15 care, containment, and treatment of persons committed to
16 the Department of Human Services as sexually violent
17 persons, persons unfit to stand trial, or persons not
18 guilty by reason of insanity. With respect to past
19 employment, references to the Department of Human Services
20 include its predecessor, the Department of Mental Health
21 and Developmental Disabilities.

22 The changes made to this subdivision (c)(8) by Public
23 Act 92-14 apply to persons who retire on or after January
24 1, 2001, notwithstanding Section 1-103.1.

25 (9) "Central Management Services security police
26 officer" means any person employed by the Department of
27 Central Management Services who is vested with such law
28 enforcement duties as render him ineligible for coverage
29 under the Social Security Act by reason of Sections
30 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

31 (10) For a member who first became an employee under
32 this Article before July 1, 2005, the term "security
33 employee of the Department of Corrections or the Department
34 of Juvenile Justice" means any employee of the Department
35 of Corrections or the Department of Juvenile Justice or the
36 former Department of Personnel, and any member or employee

1 of the Prisoner Review Board, who has daily contact with
2 inmates or youth by working within a correctional facility
3 or Juvenile facility operated by the Department of Juvenile
4 Justice or who is a parole officer or an employee who has
5 direct contact with committed persons in the performance of
6 his or her job duties. For a member who first becomes an
7 employee under this Article on or after July 1, 2005, the
8 term means an employee of the Department of Corrections or
9 the Department of Juvenile Justice who is any of the
10 following: (i) officially headquartered at a correctional
11 facility or Juvenile facility operated by the Department of
12 Juvenile Justice, (ii) a parole officer, (iii) a member of
13 the apprehension unit, (iv) a member of the intelligence
14 unit, (v) a member of the sort team, or (vi) an
15 investigator.

16 (11) The term "dangerous drugs investigator" means any
17 person who is employed as such by the Department of Human
18 Services.

19 (12) The term "investigator for the Department of State
20 Police" means a person employed by the Department of State
21 Police who is vested under Section 4 of the Narcotic
22 Control Division Abolition Act with such law enforcement
23 powers as render him ineligible for coverage under the
24 Social Security Act by reason of Sections 218(d)(5)(A),
25 218(d)(8)(D) and 218(1)(1) of that Act.

26 (13) "Investigator for the Office of the Attorney
27 General" means any person who is employed as such by the
28 Office of the Attorney General and is vested with such
29 investigative duties as render him ineligible for coverage
30 under the Social Security Act by reason of Sections
31 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
32 the period before January 1, 1989, the term includes all
33 persons who were employed as investigators by the Office of
34 the Attorney General, without regard to social security
35 status.

36 (14) "Controlled substance inspector" means any person

1 who is employed as such by the Department of Professional
2 Regulation and is vested with such law enforcement duties
3 as render him ineligible for coverage under the Social
4 Security Act by reason of Sections 218(d)(5)(A),
5 218(d)(8)(D) and 218(1)(1) of that Act. The term
6 "controlled substance inspector" includes the Program
7 Executive of Enforcement and the Assistant Program
8 Executive of Enforcement.

9 (15) The term "investigator for the Office of the
10 State's Attorneys Appellate Prosecutor" means a person
11 employed in that capacity on a full time basis under the
12 authority of Section 7.06 of the State's Attorneys
13 Appellate Prosecutor's Act.

14 (16) "Commerce Commission police officer" means any
15 person employed by the Illinois Commerce Commission who is
16 vested with such law enforcement duties as render him
17 ineligible for coverage under the Social Security Act by
18 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
19 218(1)(1) of that Act.

20 (17) "Arson investigator" means any person who is
21 employed as such by the Office of the State Fire Marshal
22 and is vested with such law enforcement duties as render
23 the person ineligible for coverage under the Social
24 Security Act by reason of Sections 218(d)(5)(A),
25 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
26 employed as an arson investigator on January 1, 1995 and is
27 no longer in service but not yet receiving a retirement
28 annuity may convert his or her creditable service for
29 employment as an arson investigator into eligible
30 creditable service by paying to the System the difference
31 between the employee contributions actually paid for that
32 service and the amounts that would have been contributed if
33 the applicant were contributing at the rate applicable to
34 persons with the same social security status earning
35 eligible creditable service on the date of application.

36 (18) The term "State highway maintenance worker" means

1 a person who is either of the following:

2 (i) A person employed on a full-time basis by the
3 Illinois Department of Transportation in the position
4 of highway maintainer, highway maintenance lead
5 worker, highway maintenance lead/lead worker, heavy
6 construction equipment operator, power shovel
7 operator, or bridge mechanic; and whose principal
8 responsibility is to perform, on the roadway, the
9 actual maintenance necessary to keep the highways that
10 form a part of the State highway system in serviceable
11 condition for vehicular traffic.

12 (ii) A person employed on a full-time basis by the
13 Illinois State Toll Highway Authority in the position
14 of equipment operator/laborer H-4, equipment
15 operator/laborer H-6, welder H-4, welder H-6,
16 mechanical/electrical H-4, mechanical/electrical H-6,
17 water/sewer H-4, water/sewer H-6, sign maker/hanger
18 H-4, sign maker/hanger H-6, roadway lighting H-4,
19 roadway lighting H-6, structural H-4, structural H-6,
20 painter H-4, or painter H-6; and whose principal
21 responsibility is to perform, on the roadway, the
22 actual maintenance necessary to keep the Authority's
23 tollways in serviceable condition for vehicular
24 traffic.

25 (d) A security employee of the Department of Corrections or
26 the Department of Juvenile Justice, and a security employee of
27 the Department of Human Services who is not a mental health
28 police officer, shall not be eligible for the alternative
29 retirement annuity provided by this Section unless he or she
30 meets the following minimum age and service requirements at the
31 time of retirement:

32 (i) 25 years of eligible creditable service and age 55;
33 or

34 (ii) beginning January 1, 1987, 25 years of eligible
35 creditable service and age 54, or 24 years of eligible
36 creditable service and age 55; or

1 (iii) beginning January 1, 1988, 25 years of eligible
2 creditable service and age 53, or 23 years of eligible
3 creditable service and age 55; or

4 (iv) beginning January 1, 1989, 25 years of eligible
5 creditable service and age 52, or 22 years of eligible
6 creditable service and age 55; or

7 (v) beginning January 1, 1990, 25 years of eligible
8 creditable service and age 51, or 21 years of eligible
9 creditable service and age 55; or

10 (vi) beginning January 1, 1991, 25 years of eligible
11 creditable service and age 50, or 20 years of eligible
12 creditable service and age 55.

13 Persons who have service credit under Article 16 of this
14 Code for service as a security employee of the Department of
15 Corrections or the Department of Juvenile Justice, or the
16 Department of Human Services in a position requiring
17 certification as a teacher may count such service toward
18 establishing their eligibility under the service requirements
19 of this Section; but such service may be used only for
20 establishing such eligibility, and not for the purpose of
21 increasing or calculating any benefit.

22 (e) If a member enters military service while working in a
23 position in which eligible creditable service may be earned,
24 and returns to State service in the same or another such
25 position, and fulfills in all other respects the conditions
26 prescribed in this Article for credit for military service,
27 such military service shall be credited as eligible creditable
28 service for the purposes of the retirement annuity prescribed
29 in this Section.

30 (f) For purposes of calculating retirement annuities under
31 this Section, periods of service rendered after December 31,
32 1968 and before October 1, 1975 as a covered employee in the
33 position of special agent, conservation police officer, mental
34 health police officer, or investigator for the Secretary of
35 State, shall be deemed to have been service as a noncovered
36 employee, provided that the employee pays to the System prior

1 to retirement an amount equal to (1) the difference between the
2 employee contributions that would have been required for such
3 service as a noncovered employee, and the amount of employee
4 contributions actually paid, plus (2) if payment is made after
5 July 31, 1987, regular interest on the amount specified in item
6 (1) from the date of service to the date of payment.

7 For purposes of calculating retirement annuities under
8 this Section, periods of service rendered after December 31,
9 1968 and before January 1, 1982 as a covered employee in the
10 position of investigator for the Department of Revenue shall be
11 deemed to have been service as a noncovered employee, provided
12 that the employee pays to the System prior to retirement an
13 amount equal to (1) the difference between the employee
14 contributions that would have been required for such service as
15 a noncovered employee, and the amount of employee contributions
16 actually paid, plus (2) if payment is made after January 1,
17 1990, regular interest on the amount specified in item (1) from
18 the date of service to the date of payment.

19 (g) A State policeman may elect, not later than January 1,
20 1990, to establish eligible creditable service for up to 10
21 years of his service as a policeman under Article 3, by filing
22 a written election with the Board, accompanied by payment of an
23 amount to be determined by the Board, equal to (i) the
24 difference between the amount of employee and employer
25 contributions transferred to the System under Section 3-110.5,
26 and the amounts that would have been contributed had such
27 contributions been made at the rates applicable to State
28 policemen, plus (ii) interest thereon at the effective rate for
29 each year, compounded annually, from the date of service to the
30 date of payment.

31 Subject to the limitation in subsection (i), a State
32 policeman may elect, not later than July 1, 1993, to establish
33 eligible creditable service for up to 10 years of his service
34 as a member of the County Police Department under Article 9, by
35 filing a written election with the Board, accompanied by
36 payment of an amount to be determined by the Board, equal to

1 (i) the difference between the amount of employee and employer
2 contributions transferred to the System under Section 9-121.10
3 and the amounts that would have been contributed had those
4 contributions been made at the rates applicable to State
5 policemen, plus (ii) interest thereon at the effective rate for
6 each year, compounded annually, from the date of service to the
7 date of payment.

8 (h) Subject to the limitation in subsection (i), a State
9 policeman or investigator for the Secretary of State may elect
10 to establish eligible creditable service for up to 12 years of
11 his service as a policeman under Article 5, by filing a written
12 election with the Board on or before January 31, 1992, and
13 paying to the System by January 31, 1994 an amount to be
14 determined by the Board, equal to (i) the difference between
15 the amount of employee and employer contributions transferred
16 to the System under Section 5-236, and the amounts that would
17 have been contributed had such contributions been made at the
18 rates applicable to State policemen, plus (ii) interest thereon
19 at the effective rate for each year, compounded annually, from
20 the date of service to the date of payment.

21 Subject to the limitation in subsection (i), a State
22 policeman, conservation police officer, or investigator for
23 the Secretary of State may elect to establish eligible
24 creditable service for up to 10 years of service as a sheriff's
25 law enforcement employee under Article 7, by filing a written
26 election with the Board on or before January 31, 1993, and
27 paying to the System by January 31, 1994 an amount to be
28 determined by the Board, equal to (i) the difference between
29 the amount of employee and employer contributions transferred
30 to the System under Section 7-139.7, and the amounts that would
31 have been contributed had such contributions been made at the
32 rates applicable to State policemen, plus (ii) interest thereon
33 at the effective rate for each year, compounded annually, from
34 the date of service to the date of payment.

35 (i) The total amount of eligible creditable service
36 established by any person under subsections (g), (h), (j), (k),

1 and (l) of this Section shall not exceed 12 years.

2 (j) Subject to the limitation in subsection (i), an
3 investigator for the Office of the State's Attorneys Appellate
4 Prosecutor or a controlled substance inspector may elect to
5 establish eligible creditable service for up to 10 years of his
6 service as a policeman under Article 3 or a sheriff's law
7 enforcement employee under Article 7, by filing a written
8 election with the Board, accompanied by payment of an amount to
9 be determined by the Board, equal to (1) the difference between
10 the amount of employee and employer contributions transferred
11 to the System under Section 3-110.6 or 7-139.8, and the amounts
12 that would have been contributed had such contributions been
13 made at the rates applicable to State policemen, plus (2)
14 interest thereon at the effective rate for each year,
15 compounded annually, from the date of service to the date of
16 payment.

17 (k) Subject to the limitation in subsection (i) of this
18 Section, an alternative formula employee may elect to establish
19 eligible creditable service for periods spent as a full-time
20 law enforcement officer or full-time corrections officer
21 employed by the federal government or by a state or local
22 government located outside of Illinois, for which credit is not
23 held in any other public employee pension fund or retirement
24 system. To obtain this credit, the applicant must file a
25 written application with the Board by March 31, 1998,
26 accompanied by evidence of eligibility acceptable to the Board
27 and payment of an amount to be determined by the Board, equal
28 to (1) employee contributions for the credit being established,
29 based upon the applicant's salary on the first day as an
30 alternative formula employee after the employment for which
31 credit is being established and the rates then applicable to
32 alternative formula employees, plus (2) an amount determined by
33 the Board to be the employer's normal cost of the benefits
34 accrued for the credit being established, plus (3) regular
35 interest on the amounts in items (1) and (2) from the first day
36 as an alternative formula employee after the employment for

1 which credit is being established to the date of payment.

2 (1) Subject to the limitation in subsection (i), a security
3 employee of the Department of Corrections may elect, not later
4 than July 1, 1998, to establish eligible creditable service for
5 up to 10 years of his or her service as a policeman under
6 Article 3, by filing a written election with the Board,
7 accompanied by payment of an amount to be determined by the
8 Board, equal to (i) the difference between the amount of
9 employee and employer contributions transferred to the System
10 under Section 3-110.5, and the amounts that would have been
11 contributed had such contributions been made at the rates
12 applicable to security employees of the Department of
13 Corrections, plus (ii) interest thereon at the effective rate
14 for each year, compounded annually, from the date of service to
15 the date of payment.

16 (m) The amendatory changes to this Section made by this
17 amendatory Act of the 94th General Assembly apply only to: (1)
18 security employees of the Department of Juvenile Justice
19 employed by the Department of Corrections before the effective
20 date of this amendatory Act of the 94th General Assembly and
21 transferred to the Department of Juvenile Justice by this
22 amendatory Act of the 94th General Assembly; and (2) persons
23 employed by the Department of Juvenile Justice on or after the
24 effective date of this amendatory Act of the 94th General
25 Assembly who are required by subsection (b) of Section 3-2.5-15
26 of the Unified Code of Corrections to have a bachelor's or
27 advanced degree from an accredited college or university with a
28 specialization in criminal justice, education, psychology,
29 social work, or a closely related social science or, in the
30 case of persons who provide vocational training, who are
31 required to have adequate knowledge in the skill for which they
32 are providing the vocational training.

33 (Source: P.A. 94-4, eff. 6-1-05.)

34 Section 10. The Counties Code is amended by changing
35 Section 3-6039 as follows:

1 (55 ILCS 5/3-6039)

2 Sec. 3-6039. County juvenile impact incarceration program.

3 (a) With the approval of the county board, the Department
4 of Probation and Court Services in any county shall have the
5 power to operate a county juvenile impact incarceration program
6 for eligible delinquent minors. If the court finds that a minor
7 adjudicated a delinquent meets the eligibility requirements of
8 this Section, the court may in its dispositional order approve
9 the delinquent minor for placement in the county juvenile
10 impact incarceration program conditioned upon his or her
11 acceptance in the program by the Department of Probation and
12 Court Services. The dispositional order also shall provide that
13 if the Department of Probation and Court Services accepts the
14 delinquent minor in the program and determines that the
15 delinquent minor has successfully completed the county
16 juvenile impact incarceration program, the delinquent minor's
17 detention shall be reduced to time considered served upon
18 certification to the court by the Department of Probation and
19 Court Services that the delinquent minor has successfully
20 completed the program. If the delinquent minor is not accepted
21 for placement in the county juvenile impact incarceration
22 program or the delinquent minor does not successfully complete
23 the program, his or her term of commitment shall be as set
24 forth by the court in its dispositional order. If the
25 delinquent minor does not successfully complete the program,
26 time spent in the program does not count as time served against
27 the time limits as set forth in subsection (f) of this Section.

28 (b) In order to be eligible to participate in the county
29 juvenile impact incarceration program, the delinquent minor
30 must meet all of the following requirements:

31 (1) The delinquent minor is at least 13 years of age.

32 (2) The act for which the minor is adjudicated
33 delinquent does not constitute a Class X felony, criminal
34 sexual assault, first degree murder, aggravated
35 kidnapping, second degree murder, armed violence, arson,

1 forcible detention, aggravated criminal sexual abuse or a
2 subsequent conviction for criminal sexual abuse.

3 (3) The delinquent minor has not previously
4 participated in a county juvenile impact incarceration
5 program and has not previously served a prior commitment
6 for an act constituting a felony in a Department of
7 Juvenile Justice ~~Corrections~~ juvenile correctional
8 facility. This provision shall not exclude a delinquent
9 minor who is committed to the Illinois Department of
10 Juvenile Justice ~~Corrections~~ and is participating in the
11 county juvenile impact incarceration program under an
12 intergovernmental cooperation agreement with the Illinois
13 Department of Juvenile Justice ~~Corrections, Juvenile~~
14 ~~Division~~.

15 (4) The delinquent minor is physically able to
16 participate in strenuous physical activities or labor.

17 (5) The delinquent minor does not have a mental
18 disorder or disability that would prevent participation in
19 the county juvenile impact incarceration program.

20 (6) The delinquent minor is recommended and approved
21 for placement in the county juvenile impact incarceration
22 program in the court's dispositional order.

23 The court and the Department of Probation and Court
24 Services may also consider, among other matters, whether the
25 delinquent minor has a history of escaping or absconding,
26 whether participation in the county juvenile impact
27 incarceration program may pose a risk to the safety or security
28 of any person, and whether space is available.

29 (c) The county juvenile impact incarceration program shall
30 include, among other matters, mandatory physical training and
31 labor, military formation and drills, regimented activities,
32 uniformity of dress and appearance, education and counseling,
33 including drug counseling if appropriate, and must impart to
34 the delinquent minor principles of honor, integrity,
35 self-sufficiency, self-discipline, self-respect, and respect
36 for others.

1 (d) Privileges of delinquent minors participating in the
2 county juvenile impact incarceration program, including
3 visitation, commissary, receipt and retention of property and
4 publications, and access to television, radio, and a library,
5 may be suspended or restricted, at the discretion of the
6 Department of Probation and Court Services.

7 (e) Delinquent minors participating in the county juvenile
8 impact incarceration program shall adhere to all rules
9 promulgated by the Department of Probation and Court Services
10 and all requirements of the program. Delinquent minors shall be
11 informed of rules of behavior and conduct. Disciplinary
12 procedures required by any other law or county ordinance are
13 not applicable.

14 (f) Participation in the county juvenile impact
15 incarceration program by a minor adjudicated delinquent for an
16 act constituting a misdemeanor shall be for a period of at
17 least 7 days but less than 120 days as determined by the
18 Department of Probation and Court Services. Participation in
19 the county juvenile impact incarceration program by a minor
20 adjudicated delinquent for an act constituting a felony shall
21 be for a period of 120 to 180 days as determined by the
22 Department of Probation and Court Services.

23 (g) A delinquent minor may be removed from the program for
24 a violation of the terms or conditions of the program or if he
25 or she is for any reason unable to participate. The Department
26 of Probation and Court Services shall promulgate rules
27 governing conduct that could result in removal from the program
28 or in a determination that the delinquent minor has not
29 successfully completed the program. Delinquent minors shall
30 have access to these rules. The rules shall provide that the
31 delinquent minor shall receive notice and have the opportunity
32 to appear before and address the Department of Probation and
33 Court Services or a person appointed by the Department of
34 Probation and Court Services for this purpose. A delinquent
35 minor may be transferred to any juvenile facilities prior to
36 the hearing.

1 (h) If the Department of Probation and Court Services
2 accepts the delinquent minor in the program and determines that
3 the delinquent minor has successfully completed the county
4 juvenile impact incarceration program, the court shall
5 discharge the minor from custody upon certification to the
6 court by the Department of Probation and Court Services that
7 the delinquent minor has successfully completed the program. In
8 the event the delinquent minor is not accepted for placement in
9 the county juvenile impact incarceration program or the
10 delinquent minor does not successfully complete the program,
11 his or her commitment to the Department of Juvenile Justice
12 ~~Corrections, Juvenile Division,~~ or juvenile detention shall be
13 as set forth by the court in its dispositional order.

14 (i) The Department of Probation and Court Services, with
15 the approval of the county board, shall have the power to enter
16 into intergovernmental cooperation agreements with the
17 Illinois Department of Juvenile Justice ~~Corrections, Juvenile~~
18 ~~Division,~~ under which delinquent minors committed to the
19 Illinois Department of Juvenile Justice ~~Corrections, Juvenile~~
20 ~~Division,~~ may participate in the county juvenile impact
21 incarceration program. A delinquent minor who successfully
22 completes the county juvenile impact incarceration program
23 shall be discharged from custody upon certification to the
24 court by the Illinois Department of Juvenile Justice
25 ~~Corrections, Juvenile Division,~~ that the delinquent minor has
26 successfully completed the program.

27 (Source: P.A. 89-302, eff. 8-11-95; 89-626, eff. 8-9-96;
28 89-689, eff. 12-31-96; 90-256, eff. 1-1-98.)

29 Section 11. The County Shelter Care and Detention Home Act
30 is amended by changing Sections 2 and 9.1 as follows:

31 (55 ILCS 75/2) (from Ch. 23, par. 2682)

32 Sec. 2. Each county shelter care home and detention home
33 authorized and established by this Act shall comply with
34 minimum standards established by the Department of Juvenile

1 ~~Justice Corrections~~. No neglected or abused minor, addicted
2 minor, dependent minor or minor requiring authoritative
3 intervention, as defined in the Juvenile Court Act of 1987, or
4 minor alleged to be such, may be detained in any county
5 detention home.

6 (Source: P.A. 85-1209.)

7 (55 ILCS 75/9.1) (from Ch. 23, par. 2689.1)

8 Sec. 9.1. (a) Within 6 months after the effective date of
9 this amendatory Act of 1979, all county detention homes or
10 independent sections thereof established prior to such
11 effective date shall be designated as either shelter care or
12 detention homes or both, provided physical arrangements are
13 created clearly separating the two, in accordance with their
14 basic physical features, programs and functions, by the
15 Department of ~~Juvenile Justice Corrections~~ in cooperation with
16 the Chief Judge of the Circuit Court and the county board.
17 Within one year after receiving notification of such
18 designation by the Department of ~~Juvenile Justice Corrections~~,
19 all county shelter care homes and detention homes shall be in
20 compliance with this Act.

21 (b) Compliance with this amendatory Act of 1979 shall not
22 affect the validity of any prior referendum or the levy or
23 collection of any tax authorized under this Act. All county
24 shelter care homes and detention homes established and in
25 operation on the effective date of this amendatory Act of 1979
26 may continue to operate, subject to the provisions of this
27 amendatory Act of 1979, without further referendum.

28 (c) Compliance with this amendatory Act of 1987 shall not
29 affect the validity of any prior referendum or the levy or
30 collection of any tax authorized under this Act. All county
31 shelter care homes and detention homes established and in
32 operation on the effective date of this amendatory Act of 1987
33 may continue to operate, subject to the provisions of this
34 amendatory Act of 1987, without further referendum.

35 (Source: P.A. 85-637.)

1 Section 15. The School Code is amended by changing Sections
2 2-3.13a, 13-40, 13-41, 13-42, 13-43.8, 13-43.11, 13-43.18,
3 13-43.19, 13-43.20, 13-44, 13-44.3, 13-44.5, 13-45, 13B-20.15,
4 13B-35.5, and 13B-35.10 and the heading preceding Section 13-40
5 as follows:

6 (105 ILCS 5/2-3.13a) (from Ch. 122, par. 2-3.13a)

7 Sec. 2-3.13a. School records; transferring students.

8 (a) The State Board of Education shall establish and
9 implement rules requiring all of the public schools and all
10 private or nonpublic elementary and secondary schools located
11 in this State, whenever any such school has a student who is
12 transferring to any other public elementary or secondary school
13 located in this or in any other state, to forward within 10
14 days of notice of the student's transfer an unofficial record
15 of that student's grades to the school to which such student is
16 transferring. Each public school at the same time also shall
17 forward to the school to which the student is transferring the
18 remainder of the student's school student records as required
19 by the Illinois School Student Records Act. In addition, if a
20 student is transferring from a public school, whether located
21 in this or any other state, from which the student has been
22 suspended or expelled for knowingly possessing in a school
23 building or on school grounds a weapon as defined in the Gun
24 Free Schools Act (20 U.S.C. 8921 et seq.), for knowingly
25 possessing, selling, or delivering in a school building or on
26 school grounds a controlled substance or cannabis, or for
27 battering a staff member of the school, and if the period of
28 suspension or expulsion has not expired at the time the student
29 attempts to transfer into another public school in the same or
30 any other school district: (i) any school student records
31 required to be transferred shall include the date and duration
32 of the period of suspension or expulsion; and (ii) with the
33 exception of transfers into the Department of Juvenile Justice
34 ~~Corrections~~ school district, the student shall not be permitted

1 to attend class in the public school into which he or she is
2 transferring until the student has served the entire period of
3 the suspension or expulsion imposed by the school from which
4 the student is transferring, provided that the school board may
5 approve the placement of the student in an alternative school
6 program established under Article 13A of this Code. A school
7 district may adopt a policy providing that if a student is
8 suspended or expelled for any reason from any public or private
9 school in this or any other state, the student must complete
10 the entire term of the suspension or expulsion before being
11 admitted into the school district. This policy may allow
12 placement of the student in an alternative school program
13 established under Article 13A of this Code, if available, for
14 the remainder of the suspension or expulsion. Each public
15 school and each private or nonpublic elementary or secondary
16 school in this State shall within 10 days after the student has
17 paid all of his or her outstanding fines and fees and at its
18 own expense forward an official transcript of the scholastic
19 records of each student transferring from that school in strict
20 accordance with the provisions of this Section and the rules
21 established by the State Board of Education as herein provided.

22 (b) The State Board of Education shall develop a one-page
23 standard form that Illinois school districts are required to
24 provide to any student who is moving out of the school district
25 and that contains the information about whether or not the
26 student is "in good standing" and whether or not his or her
27 medical records are up-to-date and complete. As used in this
28 Section, "in good standing" means that the student is not being
29 disciplined by a suspension or expulsion, but is entitled to
30 attend classes. No school district is required to admit a new
31 student who is transferring from another Illinois school
32 district unless he or she can produce the standard form from
33 the student's previous school district enrollment. No school
34 district is required to admit a new student who is transferring
35 from an out-of-state public school unless the parent or
36 guardian of the student certifies in writing that the student

1 is not currently serving a suspension or expulsion imposed by
2 the school from which the student is transferring.

3 (c) The State Board of Education shall, by rule, establish
4 a system to provide for the accurate tracking of transfer
5 students. This system shall, at a minimum, require that a
6 student be counted as a dropout in the calculation of a
7 school's or school district's annual student dropout rate
8 unless the school or school district to which the student
9 transferred (known hereafter in this subsection (c) as the
10 transferee school or school district) sends notification to the
11 school or school district from which the student transferred
12 (known hereafter in this subsection (c) as the transferor
13 school or school district) documenting that the student has
14 enrolled in the transferee school or school district. This
15 notification must occur within 150 days after the date the
16 student withdraws from the transferor school or school district
17 or the student shall be counted in the calculation of the
18 transferor school's or school district's annual student
19 dropout rate. A request by the transferee school or school
20 district to the transferor school or school district seeking
21 the student's academic transcripts or medical records shall be
22 considered without limitation adequate documentation of
23 enrollment. Each transferor school or school district shall
24 keep documentation of such transfer students for the minimum
25 period provided in the Illinois School Student Records Act. All
26 records indicating the school or school district to which a
27 student transferred are subject to the Illinois School Student
28 Records Act.

29 (Source: P.A. 92-64, eff. 7-12-01; 93-859, eff. 1-1-05.)

30 (105 ILCS 5/prec. Sec. 13-40 heading)

31 DEPARTMENT OF JUVENILE JUSTICE ~~CORRECTIONS~~ SCHOOL DISTRICT
32 DISTRICTS

33 (105 ILCS 5/13-40) (from Ch. 122, par. 13-40)

34 Sec. 13-40. To increase the effectiveness of the Department

1 of Juvenile Justice ~~Corrections~~ and thereby to better serve the
2 interests of the people of Illinois the following bill is
3 presented.

4 Its purpose is to enhance the quality and scope of
5 education for inmates and wards within the Department of
6 Juvenile Justice ~~Corrections~~ so that they will be better
7 motivated and better equipped to restore themselves to
8 constructive and law abiding lives in the community. The
9 specific measure sought is the creation of a school district
10 within the Department so that its educational programs can meet
11 the needs of persons committed and so the resources of public
12 education at the state and federal levels are best used, all of
13 the same being contemplated within the provisions of the
14 Illinois State Constitution of 1970 which provides that "A
15 fundamental goal of the People of the State is the educational
16 development of all persons to the limits of their capacities."
17 Therefore, on July 1, 2006 ~~July 1, 1972~~, the ~~a~~ Department of
18 Corrections school district shall be transferred to the
19 Department of Juvenile Justice. It shall be responsible ~~is~~
20 ~~established~~ for the education of youth ~~inmates and wards~~ within
21 the Department of Juvenile Justice and inmates age 21 or under
22 within the Department of Corrections who have not yet earned a
23 high school diploma or a General Educational Development (GED)
24 certificate ~~Corrections~~ and the said district may establish
25 primary, secondary, vocational, adult, special and advanced
26 educational schools as provided in this Act. The Department of
27 Corrections retains authority as provided for in subsection (d)
28 of Section 3-6-2 of the Unified Code of Corrections. The Board
29 of Education for this district shall with the aid and advice of
30 professional educational personnel of the Department of
31 Juvenile Justice ~~Corrections~~ and the State Board of Education
32 determine the needs and type of schools and the curriculum for
33 each school within the school district and may proceed to
34 establish the same through existing means within present and
35 future appropriations, federal and state school funds,
36 vocational rehabilitation grants and funds and all other funds,

1 gifts and grants, private or public, including federal funds,
2 but not exclusive to the said sources but inclusive of all
3 funds which might be available for school purposes. ~~The school~~
4 ~~district shall first organize a school system for the Adult~~
5 ~~Division of the Department of Corrections to go into effect~~
6 ~~July 1, 1972. A school system for the Juvenile Division shall~~
7 ~~subsequently be organized and put into effect under this school~~
8 ~~district at such time as the school board shall determine~~
9 ~~necessary.~~

10 (Source: P.A. 81-1508.)

11 (105 ILCS 5/13-41) (from Ch. 122, par. 13-41)

12 Sec. 13-41. The Board of Education for this school district
13 shall be composed of the Director of the Department of Juvenile
14 Justice Corrections, ~~the Assistant Director of the Juvenile~~
15 ~~Division and the Assistant Director of the Adult Division of~~
16 ~~said Department. Of the remaining members, 2 members shall be~~
17 appointed by the Director of the Department of Juvenile Justice
18 Corrections and 4 members shall be appointed by the State Board
19 of Education, at least one of whom shall have knowledge of, or
20 experience in, vocational education and one of whom shall have
21 knowledge of, or experience in, higher and continuing
22 education. All subsequent to the initial appointments all
23 members of the Board shall hold office for a period of 3 years,
24 except that members shall continue to serve until their
25 replacements are appointed. ~~One of the initial appointees of~~
26 ~~the Director of the Department of Corrections and the State~~
27 ~~Board of Education shall be for a one year term. One of the~~
28 ~~initial appointees of the State Board of Education shall be for~~
29 ~~a two year term. The remaining initial appointees shall serve~~
30 ~~for a three year term.~~ Vacancies shall be filled in like manner
31 for the unexpired balance of the term. The members appointed
32 shall be selected so far as is practicable on the basis of
33 their knowledge of, or experience in, problems of education in
34 correctional, vocational and general educational institutions.
35 Members shall serve without compensation, but shall be

1 reimbursed for reasonable expenses incurred in the performance
2 of their duties.

3 (Source: P.A. 81-1508.)

4 (105 ILCS 5/13-42) (from Ch. 122, par. 13-42)

5 Sec. 13-42. The ~~President of the Board of Education shall~~
6 ~~be the~~ Director of the Department of Juvenile Justice shall be
7 the President of the Board of Education ~~Corrections~~ and the
8 Secretary of said Board of Education shall be designated at the
9 first regular meeting of said Board of Education. The Board
10 shall hold regular meetings upon the call of the Chairman or
11 any 3 members at such times as they may designate so long as
12 they meet at least 6 times a year. Public notice of meetings
13 must be given as prescribed in Sections 2.02 and 2.03 of "An
14 Act in relation to meetings", approved July 11, 1957, as
15 heretofore or hereafter amended. No official business shall be
16 transacted by the Board except at a regular or special meeting.
17 A majority of said Board shall constitute a quorum.

18 The Board shall keep a record of the official acts of the
19 Board and shall make reports as required by the State Board of
20 Education and any reports required which shall be applicable to
21 this type of school district and specifically shall maintain
22 records to substantiate all district claims for State aid in
23 accordance with regulations prescribed by the State Board of
24 Education and to retain such records for a period of three
25 years.

26 ~~The Board of Education may have its organizational meeting~~
27 ~~at any time after July 1, 1972, then fixing a time and place~~
28 ~~for regular meetings. It shall then enter upon the discharge of~~
29 ~~its duties. However, for the purpose of planning, and~~
30 ~~organizing said District, the Department of Corrections shall~~
31 ~~have authority to act after passage and approval of this Act.~~

32 The Board shall be supplied such clerical employee or
33 employees as are necessary for the efficient operation by the
34 Department of Juvenile Justice ~~Corrections~~.

35 (Source: P.A. 81-1508.)

1 (105 ILCS 5/13-43.8) (from Ch. 122, par. 13-43.8)

2 Sec. 13-43.8. To enter agreements with school districts,
3 private junior colleges and public community colleges, and
4 public and private colleges and universities for the purpose of
5 providing advanced vocational training of students who desire
6 preparation for a trade. Such program would utilize private
7 junior college and public community college facilities with
8 transportation to and from those facilities provided by the
9 participating school district, or by the participating school
10 district in conjunction with other school districts. The
11 duration of the advanced vocational training program shall be
12 such period as the school district may approve, but it may not
13 exceed 2 years. Participation in the program is accorded the
14 same credit toward a high school diploma as time spent in other
15 courses. If a student of this school district, because of his
16 educational needs, attends a class or school in another school
17 district or educational facility, the Department of Juvenile
18 Justice School District ~~Corrections school district~~ where he
19 resides shall be granted the proper permit, provide any
20 necessary transportation, and pay to the school district or
21 educational facility maintaining the educational facility the
22 proportional per capita cost of educating such student.

23 (Source: P.A. 82-622.)

24 (105 ILCS 5/13-43.11) (from Ch. 122, par. 13-43.11)

25 Sec. 13-43.11.

26 Subject to the rules and regulations of the Department of
27 Juvenile Justice ~~Corrections~~ and the laws and statutes
28 applicable, the Board shall have the power and the authority to
29 assign to schools within the district and to expel or suspend
30 pupils for disciplinary purposes or to assign or reassign them
31 as the needs of the district or the pupil shall be determined
32 best. Once a student commences a course of training he shall
33 attend all sessions unless restricted by illness, a reasonable
34 excuse or by direction of the Department of Juvenile Justice

1 ~~Corrections~~ or the facility at which he is located. Conferences
2 shall be held at regular periodic intervals with the ward or
3 the inmate and the school district authorities and facility
4 officials shall determine the extent the ward or inmate is
5 benefiting from the particular program, and shall further
6 determine whether the said ward or inmate shall continue in the
7 program to which he is assigned or be dropped from the same or
8 be transferred to another program more suited to his needs or
9 the school district's needs.

10 (Source: P.A. 77-1779.)

11 (105 ILCS 5/13-43.18) (from Ch. 122, par. 13-43.18)

12 Sec. 13-43.18. To develop through consultation with the
13 staff of the Department of Juvenile Justice ~~Corrections~~ and the
14 staff of the State Board of Education educational goals and
15 objectives for the correctional education programs planned for
16 or conducted by the district, along with the methods for
17 evaluating the extent to which the goals and objectives are or
18 have been achieved and to develop by July 1, 1973, a complete
19 financial control system for all educational funds and programs
20 operated by the school district.

21 (Source: P.A. 81-1508.)

22 (105 ILCS 5/13-43.19) (from Ch. 122, par. 13-43.19)

23 Sec. 13-43.19.

24 To develop and annually revise an educational plan for
25 achieving the goals and objectives called for in Section ~~Sec.~~
26 13-43.18 for ~~both the Adult and Juvenile Divisions of~~ the
27 Department of Juvenile Justice ~~Corrections~~ with specific
28 recommendations for inmate educational assessment, curriculum,
29 staffing and other necessary considerations.

30 (Source: P.A. 77-1779.)

31 (105 ILCS 5/13-43.20) (from Ch. 122, par. 13-43.20)

32 Sec. 13-43.20. To develop a method or methods for
33 allocating state funds to the Board for expenditure within the

1 various divisions and/or for programs conducted by the Board,
2 and to annually determine the average per capita cost of
3 students in the Department of Juvenile Justice ~~Juvenile~~
4 ~~Division~~ and the average per capita cost of students in the
5 Department of Corrections ~~Adult Division~~ for education classes
6 and/or programs required to accomplish the educational goals
7 and objectives and programs specified in Sections 13-43.18 and
8 13-43.19 and recommend to the State Board of Education by July
9 15 of each year the per capita amount necessary to operate the
10 Department of Juvenile Justice School District's ~~correction~~
11 ~~school district's~~ educational program for the following fiscal
12 year.

13 (Source: P.A. 81-1508.)

14 (105 ILCS 5/13-44) (from Ch. 122, par. 13-44)
15 Sec. 13-44.

16 Other provisions, duties and conditions of the Department
17 of Juvenile Justice ~~Corrections~~ School District are set out in
18 Sections 13-44.1 through 13-44.5.

19 (Source: P.A. 77-1779.)

20 (105 ILCS 5/13-44.3) (from Ch. 122, par. 13-44.3)

21 Sec. 13-44.3. In order to fully carry out the purpose of
22 this Act, the School District through its Board or designated
23 supervisory personnel, with the approval of the Director of the
24 Department of Juvenile Justice ~~Corrections~~, may authorize
25 field trips outside of the particular institution or facility
26 where a school is established and may remove students therefrom
27 or may with the approval of the Director of the Department of
28 Juvenile Justice ~~Corrections~~ transfer inmates and wards to
29 other schools and other facilities where particular subject
30 matter or facilities are more suited to or are needed to
31 complete the inmates' or wards' education. The ~~Assistant~~
32 ~~Director of the Adult Division~~ of the Department of Juvenile
33 Justice ~~Corrections~~ or the ~~Assistant Director of the Juvenile~~
34 ~~Division~~ may authorize an educational furlough for an inmate or

1 ward to attend institutions of higher education, other schools,
2 vocational or technical schools or enroll and attend classes in
3 subjects not available within the School District, to be
4 financed by the inmate or ward or any grant or scholarship
5 which may be available, including school aid funds of any kind
6 when approved by the Board and the Director of the Department.

7 The Department of Juvenile Justice ~~Corrections~~ may extend
8 the limits of the place of confinement of an inmate or ward
9 under the above conditions and for the above purposes, to leave
10 for the aforesaid reasons, the confines of such place,
11 accompanied or unaccompanied, in the discretion of the Director
12 of such Department by a custodial agent or educational
13 personnel.

14 The willful failure of an inmate or ward to remain within
15 the extended limits of his or her confinement or to return
16 within the time prescribed to the place of confinement
17 designated by the Department of Corrections or the Department
18 of Juvenile Justice in granting such extension or when ordered
19 to return by the custodial personnel or the educational
20 personnel or other departmental order shall be deemed an escape
21 from the custody of such Department and punishable as provided
22 in the Unified Code of Corrections as to the Department of
23 Corrections ~~Adult—Division~~ inmates, and the applicable
24 provision of the Juvenile Court Act of 1987 shall apply to
25 wards of the Department of Juvenile Justice ~~Division~~ who might
26 abscond.

27 (Source: P.A. 85-1209; 86-1475.)

28 (105 ILCS 5/13-44.5) (from Ch. 122, par. 13-44.5)

29 Sec. 13-44.5.

30 In all cases where an inmate or ward is to leave the
31 institution or facility where he or she is confined for
32 educational furloughs, vocational training, for field trips or
33 for any other reason herein stated, authority must first be
34 granted by the Department of Juvenile Justice ~~Corrections~~ and
35 the said authority shall be discretionary with the Department

1 of Juvenile Justice ~~Corrections~~. The question of whether or not
2 the said inmate or ward or group of inmates or wards shall be
3 accompanied or not accompanied by security personnel,
4 custodial agent or agents or only educational personnel shall
5 be in the discretion of the Department of Juvenile Justice
6 ~~Corrections~~. All transfers must be approved by the Department
7 of Juvenile Justice ~~Corrections~~.

8 (Source: P.A. 77-1779.)

9 (105 ILCS 5/13-45) (from Ch. 122, par. 13-45)

10 Sec. 13-45.

11 Other provisions of this Code shall not apply to the
12 Department of Juvenile Justice ~~Corrections~~ School District
13 being all of the following Articles and Sections: Articles 7,
14 8, 9, those sections of Article 10 in conflict with any
15 provisions of Sections 13-40 through 13-45, and Articles 11,
16 12, 15, 17, 18, 19, 19A, 20, 22, 24, 26, 31, 32, 33, 34, 35.
17 Also Article 28 shall not apply except that this School
18 District may use any funds available from State, Federal and
19 other funds for the purchase of textbooks, apparatus and
20 equipment.

21 (Source: P.A. 77-1779.)

22 (105 ILCS 5/13B-20.15)

23 Sec. 13B-20.15. Other eligible providers of alternative
24 learning opportunities. School districts may contract with
25 health, mental health, or human service organizations,
26 workforce development boards or agencies, juvenile court
27 services, juvenile justice agencies, juvenile detention
28 programs, programs operated by the Department of Juvenile
29 Justice ~~Corrections~~, or other appropriate agencies or
30 organizations to serve students whose needs are not being met
31 in the regular school program by providing alternative learning
32 opportunities.

33 (Source: P.A. 92-42, eff. 1-1-02.)

1 (105 ILCS 5/13B-35.5)

2 Sec. 13B-35.5. Local governance; cooperative agreements.

3 For an alternative learning opportunities program operated
4 jointly or offered under contract, the local governance of the
5 program shall be established by each local school board through
6 a cooperative or intergovernmental agreement with other school
7 districts. Cooperative agreements may be established among
8 regional offices of education, public community colleges,
9 community-based organizations, health and human service
10 agencies, youth service agencies, juvenile court services, the
11 Department of Juvenile Justice ~~Corrections~~, and other
12 non-profit or for-profit education or support service
13 providers as appropriate. Nothing contained in this Section
14 shall prevent a school district, regional office of education,
15 or intermediate service center from forming a cooperative for
16 the purpose of delivering an alternative learning
17 opportunities program.

18 (Source: P.A. 92-42, eff. 1-1-02.)

19 (105 ILCS 5/13B-35.10)

20 Sec. 13B-35.10. Committee of Cooperative Services. The
21 State Superintendent of Education shall convene a State-level
22 Committee of Cooperative Services. The Committee shall include
23 representatives of the following agencies and organizations,
24 selected by their respective heads: the Office of the Governor,
25 the State Board of Education, the Illinois Association of
26 Regional Superintendents of Schools, the Chicago Public
27 Schools, the Intermediate Service Centers, the State Teacher
28 Certification Board, the Illinois Community College Board, the
29 Department of Human Services, the Department of Children and
30 Family Services, the Illinois Principals Association, the
31 Illinois Education Association, the Illinois Federation of
32 Teachers, the Illinois Juvenile Justice Commission, the Office
33 of the Attorney General, the Illinois Association of School
34 Administrators, the Administrative Office of the Illinois
35 Courts, the Department of Juvenile Justice ~~Corrections~~,

1 special education advocacy organizations, and non-profit and
2 community-based organizations, as well as parent
3 representatives and child advocates designated by the State
4 Superintendent of Education.

5 (Source: P.A. 92-42, eff. 1-1-02.)

6 Section 16. The Child Care Act of 1969 is amended by
7 changing Section 2.22 as follows:

8 (225 ILCS 10/2.22)

9 Sec. 2.22. "Secure child care facility" means any child
10 care facility licensed by the Department to provide secure
11 living arrangements for children under 18 years of age who are
12 subject to placement in facilities under the Children and
13 Family Services Act and who are not subject to placement in
14 facilities for whom standards are established by the Department
15 of Juvenile Justice ~~Corrections~~ under Section 3-15-2 of the
16 Unified Code of Corrections and which comply with the
17 requirements of this Act and applicable rules of the Department
18 and which shall be consistent with requirements established for
19 child residents of mental health facilities under the Juvenile
20 Court Act of 1987 and the Mental Health and Developmental
21 Disabilities Code. "Secure child care facility" also means a
22 facility that is designed and operated to ensure that all
23 entrances and exists from the facility, a building, or a
24 distinct part of the building are under the exclusive control
25 of the staff of the facility, whether or not the child has the
26 freedom of movement within the perimeter of the facility,
27 building, or distinct part of the building.

28 (Source: P.A. 90-608, eff. 6-30-98.)

29 Section 17. The Illinois Public Aid Code is amended by
30 changing Section 12-10.4 as follows:

31 (305 ILCS 5/12-10.4)

32 Sec. 12-10.4. Juvenile Rehabilitation Services Medicaid

1 Matching Fund. There is created in the State Treasury the
2 Juvenile Rehabilitation Services Medicaid Matching Fund.
3 Deposits to this Fund shall consist of all moneys received from
4 the federal government for behavioral health services secured
5 by counties under the Medicaid Rehabilitation Option pursuant
6 to Title XIX of the Social Security Act or under the Children's
7 Health Insurance Program pursuant to the Children's Health
8 Insurance Program Act and Title XXI of the Social Security Act
9 for minors who are committed to mental health facilities by the
10 Illinois court system and for residential placements secured by
11 the Department of Juvenile Justice ~~Corrections~~ for minors as a
12 condition of their parole.

13 Disbursements from the Fund shall be made, subject to
14 appropriation, by the Illinois Department of Public Aid for
15 grants to the Department of Juvenile Justice ~~Corrections~~ and
16 those counties which secure behavioral health services ordered
17 by the courts and which have an interagency agreement with the
18 Department and submit detailed bills according to standards
19 determined by the Department.

20 (Source: P.A. 90-587, eff. 7-1-98; 91-266, eff. 7-23-99;
21 91-712, eff. 7-1-00.)

22 Section 18. The Children's Mental Health Act of 2003 is
23 amended by changing Section 5 as follows:

24 (405 ILCS 49/5)

25 Sec. 5. Children's Mental Health Plan.

26 (a) The State of Illinois shall develop a Children's Mental
27 Health Plan containing short-term and long-term
28 recommendations to provide comprehensive, coordinated mental
29 health prevention, early intervention, and treatment services
30 for children from birth through age 18. This Plan shall include
31 but not be limited to:

32 (1) Coordinated provider services and interagency
33 referral networks for children from birth through age 18 to
34 maximize resources and minimize duplication of services.

1 (2) Guidelines for incorporating social and emotional
2 development into school learning standards and educational
3 programs, pursuant to Section 15 of this Act.

4 (3) Protocols for implementing screening and
5 assessment of children prior to any admission to an
6 inpatient hospital for psychiatric services, pursuant to
7 subsection (a) of Section 5-5.23 of the Illinois Public Aid
8 Code.

9 (4) Recommendations regarding a State budget for
10 children's mental health prevention, early intervention,
11 and treatment across all State agencies.

12 (5) Recommendations for State and local mechanisms for
13 integrating federal, State, and local funding sources for
14 children's mental health.

15 (6) Recommendations for building a qualified and
16 adequately trained workforce prepared to provide mental
17 health services for children from birth through age 18 and
18 their families.

19 (7) Recommendations for facilitating research on best
20 practices and model programs, and dissemination of this
21 information to Illinois policymakers, practitioners, and
22 the general public through training, technical assistance,
23 and educational materials.

24 (8) Recommendations for a comprehensive, multi-faceted
25 public awareness campaign to reduce the stigma of mental
26 illness and educate families, the general public, and other
27 key audiences about the benefits of children's social and
28 emotional development, and how to access services.

29 (9) Recommendations for creating a quality-driven
30 children's mental health system with shared accountability
31 among key State agencies and programs that conducts ongoing
32 needs assessments, uses outcome indicators and benchmarks
33 to measure progress, and implements quality data tracking
34 and reporting systems.

35 (b) The Children's Mental Health Partnership (hereafter
36 referred to as "the Partnership") is created. The Partnership

1 shall have the responsibility of developing and monitoring the
2 implementation of the Children's Mental Health Plan as approved
3 by the Governor. The Children's Mental Health Partnership shall
4 be comprised of: the Secretary of Human Services or his or her
5 designee; the State Superintendent of Education or his or her
6 designee; the directors of the departments of Children and
7 Family Services, Public Aid, Public Health, and Juvenile
8 Justice ~~Corrections~~, or their designees; the head of the
9 Illinois Violence Prevention Authority, or his or her designee;
10 the Attorney General or his or her designee; up to 25
11 representatives of community mental health authorities and
12 statewide mental health, children and family advocacy, early
13 childhood, education, health, substance abuse, violence
14 prevention, and juvenile justice organizations or
15 associations, to be appointed by the Governor; and 2 members of
16 each caucus of the House of Representatives and Senate
17 appointed by the Speaker of the House of Representatives and
18 the President of the Senate, respectively. The Governor shall
19 appoint the Partnership Chair and shall designate a Governor's
20 staff liaison to work with the Partnership.

21 (c) The Partnership shall submit a Preliminary Plan to the
22 Governor on September 30, 2004 and shall submit the Final Plan
23 on June 30, 2005. Thereafter, on September 30 of each year, the
24 Partnership shall submit an annual report to the Governor on
25 the progress of Plan implementation and recommendations for
26 revisions in the Plan. The Final Plan and annual reports
27 submitted in subsequent years shall include estimates of
28 savings achieved in prior fiscal years under subsection (a) of
29 Section 5-5.23 of the Illinois Public Aid Code and federal
30 financial participation received under subsection (b) of
31 Section 5-5.23 of that Code. The Department of Public Aid shall
32 provide technical assistance in developing these estimates and
33 reports.

34 (Source: P.A. 93-495, eff. 8-8-03.)

35 Section 19. The Circuit Courts Act is amended by changing

1 Section 2b as follows:

2 (705 ILCS 35/2b) (from Ch. 37, par. 72.2b)

3 Sec. 2b.

4 In addition to the number of circuit judges authorized
5 under Section 2 or Section 2a, whichever number is greater, one
6 additional circuit judge shall be elected in each circuit,
7 other than Cook County, having a population of 230,000 or more
8 inhabitants in which there is included a county containing a
9 population of 200,000 or more inhabitants and in which circuit
10 there is situated one or more State colleges or universities
11 and one or more State Mental Health Institutions and two or
12 more State Institutions for Juvenile Offenders under the
13 authority of the Illinois Department of Juvenile Justice
14 ~~Corrections~~, each of which institutions has been in existence
15 for more than 20 years on the effective date of this amendatory
16 Act of 1970.

17 (Source: P.A. 76-2022.)

18 Section 20. The Juvenile Court Act of 1987 is amended by
19 changing Sections 5-130, 5-705, 5-710, 5-750, 5-815, 5-820,
20 5-901, 5-905, and 5-915 as follows:

21 (705 ILCS 405/5-130)

22 Sec. 5-130. Excluded jurisdiction.

23 (1) (a) The definition of delinquent minor under Section
24 5-120 of this Article shall not apply to any minor who at the
25 time of an offense was at least 15 years of age and who is
26 charged with: (i) first degree murder, (ii) aggravated criminal
27 sexual assault, (iii) aggravated battery with a firearm where
28 the minor personally discharged a firearm as defined in Section
29 2-15.5 of the Criminal Code of 1961, (iv) armed robbery when
30 the armed robbery was committed with a firearm, or (v)
31 aggravated vehicular hijacking when the hijacking was
32 committed with a firearm.

33 These charges and all other charges arising out of the same

1 incident shall be prosecuted under the criminal laws of this
2 State.

3 (b) (i) If before trial or plea an information or
4 indictment is filed that does not charge an offense specified
5 in paragraph (a) of this subsection (1) the State's Attorney
6 may proceed on any lesser charge or charges, but only in
7 Juvenile Court under the provisions of this Article. The
8 State's Attorney may proceed under the Criminal Code of 1961 on
9 a lesser charge if before trial the minor defendant knowingly
10 and with advice of counsel waives, in writing, his or her right
11 to have the matter proceed in Juvenile Court.

12 (ii) If before trial or plea an information or indictment
13 is filed that includes one or more charges specified in
14 paragraph (a) of this subsection (1) and additional charges
15 that are not specified in that paragraph, all of the charges
16 arising out of the same incident shall be prosecuted under the
17 Criminal Code of 1961.

18 (c) (i) If after trial or plea the minor is convicted of
19 any offense covered by paragraph (a) of this subsection (1),
20 then, in sentencing the minor, the court shall have available
21 any or all dispositions prescribed for that offense under
22 Chapter V of the Unified Code of Corrections.

23 (ii) If after trial or plea the court finds that the minor
24 committed an offense not covered by paragraph (a) of this
25 subsection (1), that finding shall not invalidate the verdict
26 or the prosecution of the minor under the criminal laws of the
27 State; however, unless the State requests a hearing for the
28 purpose of sentencing the minor under Chapter V of the Unified
29 Code of Corrections, the Court must proceed under Sections
30 5-705 and 5-710 of this Article. To request a hearing, the
31 State must file a written motion within 10 days following the
32 entry of a finding or the return of a verdict. Reasonable
33 notice of the motion shall be given to the minor or his or her
34 counsel. If the motion is made by the State, the court shall
35 conduct a hearing to determine if the minor should be sentenced
36 under Chapter V of the Unified Code of Corrections. In making

1 its determination, the court shall consider among other
2 matters: (a) whether there is evidence that the offense was
3 committed in an aggressive and premeditated manner; (b) the age
4 of the minor; (c) the previous history of the minor; (d)
5 whether there are facilities particularly available to the
6 Juvenile Court or the Department of Juvenile Justice
7 ~~Corrections, Juvenile Division,~~ for the treatment and
8 rehabilitation of the minor; (e) whether the security of the
9 public requires sentencing under Chapter V of the Unified Code
10 of Corrections; and (f) whether the minor possessed a deadly
11 weapon when committing the offense. The rules of evidence shall
12 be the same as if at trial. If after the hearing the court
13 finds that the minor should be sentenced under Chapter V of the
14 Unified Code of Corrections, then the court shall sentence the
15 minor accordingly having available to it any or all
16 dispositions so prescribed.

17 (2) (Blank). ~~or an offense under the Methamphetamine~~
18 ~~Control and Community Protection Act~~

19 (3) (a) The definition of delinquent minor under Section
20 5-120 of this Article shall not apply to any minor who at the
21 time of the offense was at least 15 years of age and who is
22 charged with a violation of the provisions of paragraph (1),
23 (3), (4), or (10) of subsection (a) of Section 24-1 of the
24 Criminal Code of 1961 while in school, regardless of the time
25 of day or the time of year, or on the real property comprising
26 any school, regardless of the time of day or the time of year.
27 School is defined, for purposes of this Section as any public
28 or private elementary or secondary school, community college,
29 college, or university. These charges and all other charges
30 arising out of the same incident shall be prosecuted under the
31 criminal laws of this State.

32 (b) (i) If before trial or plea an information or
33 indictment is filed that does not charge an offense specified
34 in paragraph (a) of this subsection (3) the State's Attorney
35 may proceed on any lesser charge or charges, but only in
36 Juvenile Court under the provisions of this Article. The

1 State's Attorney may proceed under the criminal laws of this
2 State on a lesser charge if before trial the minor defendant
3 knowingly and with advice of counsel waives, in writing, his or
4 her right to have the matter proceed in Juvenile Court.

5 (ii) If before trial or plea an information or indictment
6 is filed that includes one or more charges specified in
7 paragraph (a) of this subsection (3) and additional charges
8 that are not specified in that paragraph, all of the charges
9 arising out of the same incident shall be prosecuted under the
10 criminal laws of this State.

11 (c) (i) If after trial or plea the minor is convicted of
12 any offense covered by paragraph (a) of this subsection (3),
13 then, in sentencing the minor, the court shall have available
14 any or all dispositions prescribed for that offense under
15 Chapter V of the Unified Code of Corrections.

16 (ii) If after trial or plea the court finds that the minor
17 committed an offense not covered by paragraph (a) of this
18 subsection (3), that finding shall not invalidate the verdict
19 or the prosecution of the minor under the criminal laws of the
20 State; however, unless the State requests a hearing for the
21 purpose of sentencing the minor under Chapter V of the Unified
22 Code of Corrections, the Court must proceed under Sections
23 5-705 and 5-710 of this Article. To request a hearing, the
24 State must file a written motion within 10 days following the
25 entry of a finding or the return of a verdict. Reasonable
26 notice of the motion shall be given to the minor or his or her
27 counsel. If the motion is made by the State, the court shall
28 conduct a hearing to determine if the minor should be sentenced
29 under Chapter V of the Unified Code of Corrections. In making
30 its determination, the court shall consider among other
31 matters: (a) whether there is evidence that the offense was
32 committed in an aggressive and premeditated manner; (b) the age
33 of the minor; (c) the previous history of the minor; (d)
34 whether there are facilities particularly available to the
35 Juvenile Court or the Department of Juvenile Justice
36 ~~Corrections, Juvenile Division,~~ for the treatment and

1 rehabilitation of the minor; (e) whether the security of the
2 public requires sentencing under Chapter V of the Unified Code
3 of Corrections; and (f) whether the minor possessed a deadly
4 weapon when committing the offense. The rules of evidence shall
5 be the same as if at trial. If after the hearing the court
6 finds that the minor should be sentenced under Chapter V of the
7 Unified Code of Corrections, then the court shall sentence the
8 minor accordingly having available to it any or all
9 dispositions so prescribed.

10 (4) (a) The definition of delinquent minor under Section
11 5-120 of this Article shall not apply to any minor who at the
12 time of an offense was at least 13 years of age and who is
13 charged with first degree murder committed during the course of
14 either aggravated criminal sexual assault, criminal sexual
15 assault, or aggravated kidnaping. However, this subsection (4)
16 does not include a minor charged with first degree murder based
17 exclusively upon the accountability provisions of the Criminal
18 Code of 1961.

19 (b) (i) If before trial or plea an information or
20 indictment is filed that does not charge first degree murder
21 committed during the course of aggravated criminal sexual
22 assault, criminal sexual assault, or aggravated kidnaping, the
23 State's Attorney may proceed on any lesser charge or charges,
24 but only in Juvenile Court under the provisions of this
25 Article. The State's Attorney may proceed under the criminal
26 laws of this State on a lesser charge if before trial the minor
27 defendant knowingly and with advice of counsel waives, in
28 writing, his or her right to have the matter proceed in
29 Juvenile Court.

30 (ii) If before trial or plea an information or indictment
31 is filed that includes first degree murder committed during the
32 course of aggravated criminal sexual assault, criminal sexual
33 assault, or aggravated kidnaping, and additional charges that
34 are not specified in paragraph (a) of this subsection, all of
35 the charges arising out of the same incident shall be
36 prosecuted under the criminal laws of this State.

1 (c) (i) If after trial or plea the minor is convicted of
2 first degree murder committed during the course of aggravated
3 criminal sexual assault, criminal sexual assault, or
4 aggravated kidnaping, in sentencing the minor, the court shall
5 have available any or all dispositions prescribed for that
6 offense under Chapter V of the Unified Code of Corrections.

7 (ii) If the minor was not yet 15 years of age at the time of
8 the offense, and if after trial or plea the court finds that
9 the minor committed an offense other than first degree murder
10 committed during the course of either aggravated criminal
11 sexual assault, criminal sexual assault, or aggravated
12 kidnaping, the finding shall not invalidate the verdict or the
13 prosecution of the minor under the criminal laws of the State;
14 however, unless the State requests a hearing for the purpose of
15 sentencing the minor under Chapter V of the Unified Code of
16 Corrections, the Court must proceed under Sections 5-705 and
17 5-710 of this Article. To request a hearing, the State must
18 file a written motion within 10 days following the entry of a
19 finding or the return of a verdict. Reasonable notice of the
20 motion shall be given to the minor or his or her counsel. If
21 the motion is made by the State, the court shall conduct a
22 hearing to determine whether the minor should be sentenced
23 under Chapter V of the Unified Code of Corrections. In making
24 its determination, the court shall consider among other
25 matters: (a) whether there is evidence that the offense was
26 committed in an aggressive and premeditated manner; (b) the age
27 of the minor; (c) the previous delinquent history of the minor;
28 (d) whether there are facilities particularly available to the
29 Juvenile Court or the Department of Juvenile Justice
30 ~~Corrections, Juvenile Division,~~ for the treatment and
31 rehabilitation of the minor; (e) whether the best interest of
32 the minor and the security of the public require sentencing
33 under Chapter V of the Unified Code of Corrections; and (f)
34 whether the minor possessed a deadly weapon when committing the
35 offense. The rules of evidence shall be the same as if at
36 trial. If after the hearing the court finds that the minor

1 should be sentenced under Chapter V of the Unified Code of
2 Corrections, then the court shall sentence the minor
3 accordingly having available to it any or all dispositions so
4 prescribed.

5 (5) (a) The definition of delinquent minor under Section
6 5-120 of this Article shall not apply to any minor who is
7 charged with a violation of subsection (a) of Section 31-6 or
8 Section 32-10 of the Criminal Code of 1961 when the minor is
9 subject to prosecution under the criminal laws of this State as
10 a result of the application of the provisions of Section 5-125,
11 or subsection (1) or (2) of this Section. These charges and all
12 other charges arising out of the same incident shall be
13 prosecuted under the criminal laws of this State.

14 (b) (i) If before trial or plea an information or
15 indictment is filed that does not charge an offense specified
16 in paragraph (a) of this subsection (5), the State's Attorney
17 may proceed on any lesser charge or charges, but only in
18 Juvenile Court under the provisions of this Article. The
19 State's Attorney may proceed under the criminal laws of this
20 State on a lesser charge if before trial the minor defendant
21 knowingly and with advice of counsel waives, in writing, his or
22 her right to have the matter proceed in Juvenile Court.

23 (ii) If before trial or plea an information or indictment
24 is filed that includes one or more charges specified in
25 paragraph (a) of this subsection (5) and additional charges
26 that are not specified in that paragraph, all of the charges
27 arising out of the same incident shall be prosecuted under the
28 criminal laws of this State.

29 (c) (i) If after trial or plea the minor is convicted of
30 any offense covered by paragraph (a) of this subsection (5),
31 then, in sentencing the minor, the court shall have available
32 any or all dispositions prescribed for that offense under
33 Chapter V of the Unified Code of Corrections.

34 (ii) If after trial or plea the court finds that the minor
35 committed an offense not covered by paragraph (a) of this
36 subsection (5), the conviction shall not invalidate the verdict

1 or the prosecution of the minor under the criminal laws of this
2 State; however, unless the State requests a hearing for the
3 purpose of sentencing the minor under Chapter V of the Unified
4 Code of Corrections, the Court must proceed under Sections
5 5-705 and 5-710 of this Article. To request a hearing, the
6 State must file a written motion within 10 days following the
7 entry of a finding or the return of a verdict. Reasonable
8 notice of the motion shall be given to the minor or his or her
9 counsel. If the motion is made by the State, the court shall
10 conduct a hearing to determine if whether the minor should be
11 sentenced under Chapter V of the Unified Code of Corrections.
12 In making its determination, the court shall consider among
13 other matters: (a) whether there is evidence that the offense
14 was committed in an aggressive and premeditated manner; (b) the
15 age of the minor; (c) the previous delinquent history of the
16 minor; (d) whether there are facilities particularly available
17 to the Juvenile Court or the Department of Juvenile Justice
18 ~~Corrections, Juvenile Division,~~ for the treatment and
19 rehabilitation of the minor; (e) whether the security of the
20 public requires sentencing under Chapter V of the Unified Code
21 of Corrections; and (f) whether the minor possessed a deadly
22 weapon when committing the offense. The rules of evidence shall
23 be the same as if at trial. If after the hearing the court
24 finds that the minor should be sentenced under Chapter V of the
25 Unified Code of Corrections, then the court shall sentence the
26 minor accordingly having available to it any or all
27 dispositions so prescribed.

28 (6) The definition of delinquent minor under Section 5-120
29 of this Article shall not apply to any minor who, pursuant to
30 subsection (1)~~7~~ or (3) or Section 5-805~~7~~ or 5-810, has
31 previously been placed under the jurisdiction of the criminal
32 court and has been convicted of a crime under an adult criminal
33 or penal statute. Such a minor shall be subject to prosecution
34 under the criminal laws of this State.

35 (7) The procedures set out in this Article for the
36 investigation, arrest and prosecution of juvenile offenders

1 shall not apply to minors who are excluded from jurisdiction of
2 the Juvenile Court, except that minors under 17 years of age
3 shall be kept separate from confined adults.

4 (8) Nothing in this Act prohibits or limits the prosecution
5 of any minor for an offense committed on or after his or her
6 17th birthday even though he or she is at the time of the
7 offense a ward of the court.

8 (9) If an original petition for adjudication of wardship
9 alleges the commission by a minor 13 years of age or over of an
10 act that constitutes a crime under the laws of this State, the
11 minor, with the consent of his or her counsel, may, at any time
12 before commencement of the adjudicatory hearing, file with the
13 court a motion that criminal prosecution be ordered and that
14 the petition be dismissed insofar as the act or acts involved
15 in the criminal proceedings are concerned. If such a motion is
16 filed as herein provided, the court shall enter its order
17 accordingly.

18 (10) If, prior to August 12, 2005 (the effective date of
19 Public Act 94-574) ~~this amendatory Act of the 94th General~~
20 ~~Assembly,~~ a minor is charged with a violation of Section 401 of
21 the Illinois Controlled Substances Act under the criminal laws
22 of this State, other than a minor charged with a Class X felony
23 violation of the Illinois Controlled Substances Act or the
24 Methamphetamine Control and Community Protection Act, any
25 party including the minor or the court sua sponte may, before
26 trial, move for a hearing for the purpose of trying and
27 sentencing the minor as a delinquent minor. To request a
28 hearing, the party must file a motion prior to trial.
29 Reasonable notice of the motion shall be given to all parties.
30 On its own motion or upon the filing of a motion by one of the
31 parties including the minor, the court shall conduct a hearing
32 to determine whether the minor should be tried and sentenced as
33 a delinquent minor under this Article. In making its
34 determination, the court shall consider among other matters:

35 (a) The age of the minor;

36 (b) Any previous delinquent or criminal history of the

1 minor;

2 (c) Any previous abuse or neglect history of the minor;

3 (d) Any mental health or educational history of the minor,
4 or both; and

5 (e) Whether there is probable cause to support the charge,
6 whether the minor is charged through accountability, and
7 whether there is evidence the minor possessed a deadly weapon
8 or caused serious bodily harm during the offense.

9 Any material that is relevant and reliable shall be
10 admissible at the hearing. In all cases, the judge shall enter
11 an order permitting prosecution under the criminal laws of
12 Illinois unless the judge makes a finding based on a
13 preponderance of the evidence that the minor would be amenable
14 to the care, treatment, and training programs available through
15 the facilities of the juvenile court based on an evaluation of
16 the factors listed in this subsection (10).

17 (Source: P.A. 94-556, eff. 9-11-05; 94-574, eff. 8-12-05;
18 revised 8-19-05.)

19 (705 ILCS 405/5-705)

20 Sec. 5-705. Sentencing hearing; evidence; continuance.

21 (1) At the sentencing hearing, the court shall determine
22 whether it is in the best interests of the minor or the public
23 that he or she be made a ward of the court, and, if he or she is
24 to be made a ward of the court, the court shall determine the
25 proper disposition best serving the interests of the minor and
26 the public. All evidence helpful in determining these
27 questions, including oral and written reports, may be admitted
28 and may be relied upon to the extent of its probative value,
29 even though not competent for the purposes of the trial. A
30 record of a prior continuance under supervision under Section
31 5-615, whether successfully completed or not, is admissible at
32 the sentencing hearing. No order of commitment to the
33 Department of Juvenile Justice ~~Corrections, Juvenile Division,~~
34 shall be entered against a minor before a written report of
35 social investigation, which has been completed within the

1 previous 60 days, is presented to and considered by the court.

2 (2) Once a party has been served in compliance with Section
3 5-525, no further service or notice must be given to that party
4 prior to proceeding to a sentencing hearing. Before imposing
5 sentence the court shall advise the State's Attorney and the
6 parties who are present or their counsel of the factual
7 contents and the conclusions of the reports prepared for the
8 use of the court and considered by it, and afford fair
9 opportunity, if requested, to controvert them. Factual
10 contents, conclusions, documents and sources disclosed by the
11 court under this paragraph shall not be further disclosed
12 without the express approval of the court.

13 (3) On its own motion or that of the State's Attorney, a
14 parent, guardian, legal custodian, or counsel, the court may
15 adjourn the hearing for a reasonable period to receive reports
16 or other evidence and, in such event, shall make an appropriate
17 order for detention of the minor or his or her release from
18 detention subject to supervision by the court during the period
19 of the continuance. In the event the court shall order
20 detention hereunder, the period of the continuance shall not
21 exceed 30 court days. At the end of such time, the court shall
22 release the minor from detention unless notice is served at
23 least 3 days prior to the hearing on the continued date that
24 the State will be seeking an extension of the period of
25 detention, which notice shall state the reason for the request
26 for the extension. The extension of detention may be for a
27 maximum period of an additional 15 court days or a lesser
28 number of days at the discretion of the court. However, at the
29 expiration of the period of extension, the court shall release
30 the minor from detention if a further continuance is granted.
31 In scheduling investigations and hearings, the court shall give
32 priority to proceedings in which a minor is in detention or has
33 otherwise been removed from his or her home before a sentencing
34 order has been made.

35 (4) When commitment to the Department of Juvenile Justice
36 ~~Corrections, Juvenile Division,~~ is ordered, the court shall

1 state the basis for selecting the particular disposition, and
2 the court shall prepare such a statement for inclusion in the
3 record.

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

5 (705 ILCS 405/5-710)

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

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

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

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

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

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

25 (iv) placed in the guardianship of the Department
26 of Children and Family Services, but only if the
27 delinquent minor is under 13 years of age;

28 (v) placed in detention for a period not to exceed
29 30 days, either as the exclusive order of disposition
30 or, where appropriate, in conjunction with any other
31 order of disposition issued under this paragraph,
32 provided that any such detention shall be in a juvenile
33 detention home and the minor so detained shall be 10
34 years of age or older. However, the 30-day limitation
35 may be extended by further order of the court for a

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

17 (vi) ordered partially or completely emancipated
18 in accordance with the provisions of the Emancipation
19 of Minors Act;

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

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

32 (ix) ordered to undergo a medical or other
33 procedure to have a tattoo symbolizing allegiance to a
34 street gang removed from his or her body.

35 (b) A minor found to be guilty may be committed to the
36 Department of Juvenile Justice ~~Corrections, Juvenile~~

1 ~~Division,~~ under Section 5-750 if the minor is 13 years of
2 age or older, provided that the commitment to the
3 Department of Juvenile Justice Corrections,~~Juvenile~~
4 ~~Division,~~ shall be made only if a term of incarceration is
5 permitted by law for adults found guilty of the offense for
6 which the minor was adjudicated delinquent. The time during
7 which a minor is in custody before being released upon the
8 request of a parent, guardian or legal custodian shall be
9 considered as time spent in detention.

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

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

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

26 (4) In addition to any other sentence, the court may order
27 any minor found to be delinquent to make restitution, in
28 monetary or non-monetary form, under the terms and conditions
29 of Section 5-5-6 of the Unified Code of Corrections, except
30 that the "presentencing hearing" referred to in that Section
31 shall be the sentencing hearing for purposes of this Section.
32 The parent, guardian or legal custodian of the minor may be
33 ordered by the court to pay some or all of the restitution on
34 the minor's behalf, pursuant to the Parental Responsibility
35 Law. The State's Attorney is authorized to act on behalf of any
36 victim in seeking restitution in proceedings under this

1 Section, up to the maximum amount allowed in Section 5 of the
2 Parental Responsibility Law.

3 (5) Any sentencing order where the minor is committed or
4 placed in accordance with Section 5-740 shall provide for the
5 parents or guardian of the estate of the minor to pay to the
6 legal custodian or guardian of the person of the minor such
7 sums as are determined by the custodian or guardian of the
8 person of the minor as necessary for the minor's needs. The
9 payments may not exceed the maximum amounts provided for by
10 Section 9.1 of the Children and Family Services Act.

11 (6) Whenever the sentencing order requires the minor to
12 attend school or participate in a program of training, the
13 truant officer or designated school official shall regularly
14 report to the court if the minor is a chronic or habitual
15 truant under Section 26-2a of the School Code.

16 (7) In no event shall a guilty minor be committed to the
17 Department of Juvenile Justice ~~Corrections, Juvenile Division~~
18 for a period of time in excess of that period for which an
19 adult could be committed for the same act.

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

30 (8.5) A minor found to be guilty for reasons that include a
31 violation of Section 3.02 or Section 3.03 of the Humane Care
32 for Animals Act or paragraph (d) of subsection (1) of Section
33 21-1 of the Criminal Code of 1961 shall be ordered to undergo
34 medical or psychiatric treatment rendered by a psychiatrist or
35 psychological treatment rendered by a clinical psychologist.
36 The order may be in addition to any other order authorized by

1 this Section.

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

36 (10) When a court finds a minor to be guilty the court

1 shall, before entering a sentencing order under this Section,
2 make a finding whether the offense committed either: (a) was
3 related to or in furtherance of the criminal activities of an
4 organized gang or was motivated by the minor's membership in or
5 allegiance to an organized gang, or (b) involved a violation of
6 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,
7 a violation of any Section of Article 24 of the Criminal Code
8 of 1961, or a violation of any statute that involved the
9 wrongful use of a firearm. If the court determines the question
10 in the affirmative, and the court does not commit the minor to
11 the Department of Juvenile Justice Corrections, ~~Juvenile~~
12 ~~Division~~, the court shall order the minor to perform community
13 service for not less than 30 hours nor more than 120 hours,
14 provided that community service is available in the
15 jurisdiction and is funded and approved by the county board of
16 the county where the offense was committed. The community
17 service shall include, but need not be limited to, the cleanup
18 and repair of any damage caused by a violation of Section
19 21-1.3 of the Criminal Code of 1961 and similar damage to
20 property located in the municipality or county in which the
21 violation occurred. When possible and reasonable, the
22 community service shall be performed in the minor's
23 neighborhood. This order shall be in addition to any other
24 order authorized by this Section except for an order to place
25 the minor in the custody of the Department of Juvenile Justice
26 ~~Corrections~~, ~~Juvenile Division~~. For the purposes of this
27 Section, "organized gang" has the meaning ascribed to it in
28 Section 10 of the Illinois Streetgang Terrorism Omnibus
29 Prevention Act.

30 (Source: P.A. 94-556, eff. 9-11-05.)

31 (705 ILCS 405/5-750)

32 Sec. 5-750. Commitment to the Department of Juvenile
33 Justice Corrections, ~~Juvenile Division~~.

34 (1) Except as provided in subsection (2) of this Section,
35 when any delinquent has been adjudged a ward of the court under

1 this Act, the court may commit him or her to the Department of
2 Juvenile Justice Corrections, ~~Juvenile Division,~~ if it finds
3 that (a) his or her parents, guardian or legal custodian are
4 unfit or are unable, for some reason other than financial
5 circumstances alone, to care for, protect, train or discipline
6 the minor, or are unwilling to do so, and the best interests of
7 the minor and the public will not be served by placement under
8 Section 5-740 or; (b) it is necessary to ensure the protection
9 of the public from the consequences of criminal activity of the
10 delinquent.

11 (2) When a minor of the age of at least 13 years is
12 adjudged delinquent for the offense of first degree murder, the
13 court shall declare the minor a ward of the court and order the
14 minor committed to the Department of Juvenile Justice
15 Corrections, ~~Juvenile Division,~~ until the minor's 21st
16 birthday, without the possibility of parole, furlough, or
17 non-emergency authorized absence for a period of 5 years from
18 the date the minor was committed to the Department of Juvenile
19 Justice Corrections, except that the time that a minor spent in
20 custody for the instant offense before being committed to the
21 Department of Juvenile Justice shall be considered as time
22 credited towards that 5 year period. Nothing in this subsection
23 (2) shall preclude the State's Attorney from seeking to
24 prosecute a minor as an adult as an alternative to proceeding
25 under this Act.

26 (3) Except as provided in subsection (2), the commitment of
27 a delinquent to the Department of Juvenile Justice Corrections
28 shall be for an indeterminate term which shall automatically
29 terminate upon the delinquent attaining the age of 21 years
30 unless the delinquent is sooner discharged from parole or
31 custodianship is otherwise terminated in accordance with this
32 Act or as otherwise provided for by law.

33 (4) When the court commits a minor to the Department of
34 Juvenile Justice Corrections, it shall order him or her
35 conveyed forthwith to the appropriate reception station or
36 other place designated by the Department of Juvenile Justice

1 ~~Corrections~~, and shall appoint the ~~Assistant~~ Director of
2 Juvenile Justice Corrections, ~~Juvenile Division~~, legal
3 custodian of the minor. The clerk of the court shall issue to
4 the ~~Assistant~~ Director of Juvenile Justice Corrections,
5 ~~Juvenile Division~~, a certified copy of the order, which
6 constitutes proof of the Director's authority. No other process
7 need issue to warrant the keeping of the minor.

8 (5) If a minor is committed to the Department of Juvenile
9 Justice Corrections, ~~Juvenile Division~~, the clerk of the court
10 shall forward to the Department:

11 (a) the disposition ordered;

12 (b) all reports;

13 (c) the court's statement of the basis for ordering the
14 disposition; and

15 (d) all additional matters which the court directs the
16 clerk to transmit.

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

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

25 (705 ILCS 405/5-815)

26 Sec. 5-815. Habitual Juvenile Offender.

27 (a) Definition. Any minor having been twice adjudicated a
28 delinquent minor for offenses which, had he been prosecuted as
29 an adult, would have been felonies under the laws of this
30 State, and who is thereafter adjudicated a delinquent minor for
31 a third time shall be adjudged an Habitual Juvenile Offender
32 where:

33 1. the third adjudication is for an offense occurring
34 after adjudication on the second; and

35 2. the second adjudication was for an offense occurring

1 after adjudication on the first; and

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

4 4. the third offense was based upon the commission of
5 or attempted commission of the following offenses: first
6 degree murder, second degree murder or involuntary
7 manslaughter; criminal sexual assault or aggravated
8 criminal sexual assault; aggravated or heinous battery
9 involving permanent disability or disfigurement or great
10 bodily harm to the victim; burglary of a home or other
11 residence intended for use as a temporary or permanent
12 dwelling place for human beings; home invasion; robbery or
13 armed robbery; or aggravated arson.

14 Nothing in this Section shall preclude the State's Attorney
15 from seeking to prosecute a minor as an adult as an alternative
16 to prosecution as an habitual juvenile offender.

17 A continuance under supervision authorized by Section
18 5-615 of this Act shall not be permitted under this Section.

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

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

27 The petition upon which such Habitual Juvenile Offender
28 notice is based shall contain the information and averments
29 required for all other delinquency petitions filed under this
30 Act and its service shall be according to the provisions of
31 this Act.

32 No prior adjudication shall be alleged in the petition.

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

36 Except as otherwise provided herein, the provisions of this

1 Act concerning delinquency proceedings generally shall be
2 applicable to Habitual Juvenile Offender proceedings.

3 (e) Proof of prior adjudications. No evidence or other
4 disclosure of prior adjudications shall be presented to the
5 court or jury during any adjudicatory hearing provided for
6 under this Section unless otherwise permitted by the issues
7 properly raised in such hearing. In the event the minor who is
8 the subject of these proceedings elects to testify on his own
9 behalf, it shall be competent to introduce evidence, for
10 purposes of impeachment, that he has previously been
11 adjudicated a delinquent minor upon facts which, had he been
12 tried as an adult, would have resulted in his conviction of a
13 felony or of any offense that involved dishonesty or false
14 statement. Introduction of such evidence shall be according to
15 the rules and procedures applicable to the impeachment of an
16 adult defendant by prior conviction.

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

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

31 A duly authenticated copy of the record of any such alleged
32 prior adjudication shall be prima facie evidence of such prior
33 adjudication or of any offense that involved dishonesty or
34 false statement.

35 Any claim that a previous adjudication offered by the
36 State's Attorney is not a former adjudication of an offense

1 which, had the minor been prosecuted as an adult, would have
2 resulted in his conviction of a felony or of any offense that
3 involved dishonesty or false statement, is waived unless duly
4 raised at the hearing on such adjudication, or unless the
5 State's Attorney's proof shows that such prior adjudication was
6 not based upon proof of what would have been a felony.

7 (f) Disposition. If the court finds that the prerequisites
8 established in subsection (a) of this Section have been proven,
9 it shall adjudicate the minor an Habitual Juvenile Offender and
10 commit him to the Department of Juvenile Justice ~~Corrections,~~
11 ~~Juvenile Division,~~ until his 21st birthday, without
12 possibility of parole, furlough, or non-emergency authorized
13 absence. However, the minor shall be entitled to earn one day
14 of good conduct credit for each day served as reductions
15 against the period of his confinement. Such good conduct
16 credits shall be earned or revoked according to the procedures
17 applicable to the allowance and revocation of good conduct
18 credit for adult prisoners serving determinate sentences for
19 felonies.

20 For purposes of determining good conduct credit,
21 commitment as an Habitual Juvenile Offender shall be considered
22 a determinate commitment, and the difference between the date
23 of the commitment and the minor's 21st birthday shall be
24 considered the determinate period of his confinement.

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

26 (705 ILCS 405/5-820)

27 Sec. 5-820. Violent Juvenile Offender.

28 (a) Definition. A minor having been previously adjudicated
29 a delinquent minor for an offense which, had he or she been
30 prosecuted as an adult, would have been a Class 2 or greater
31 felony involving the use or threat of physical force or
32 violence against an individual or a Class 2 or greater felony
33 for which an element of the offense is possession or use of a
34 firearm, and who is thereafter adjudicated a delinquent minor
35 for a second time for any of those offenses shall be

1 adjudicated a Violent Juvenile Offender if:

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

4 (2) The second offense occurred on or after January 1,
5 1995.

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

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

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

19 No prior adjudication shall be alleged in the petition.

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

23 Except as otherwise provided in this Section, the
24 provisions of this Act concerning delinquency proceedings
25 generally shall be applicable to Violent Juvenile Offender
26 proceedings.

27 (e) Proof of prior adjudications. No evidence or other
28 disclosure of prior adjudications shall be presented to the
29 court or jury during an adjudicatory hearing provided for under
30 this Section unless otherwise permitted by the issues properly
31 raised in that hearing. In the event the minor who is the
32 subject of these proceedings elects to testify on his or her
33 own behalf, it shall be competent to introduce evidence, for
34 purposes of impeachment, that he or she has previously been
35 adjudicated a delinquent minor upon facts which, had the minor
36 been tried as an adult, would have resulted in the minor's

1 conviction of a felony or of any offense that involved
2 dishonesty or false statement. Introduction of such evidence
3 shall be according to the rules and procedures applicable to
4 the impeachment of an adult defendant by prior conviction.

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

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

19 A duly authenticated copy of the record of any alleged
20 prior adjudication shall be prima facie evidence of the prior
21 adjudication or of any offense that involved dishonesty or
22 false statement.

23 Any claim that a previous adjudication offered by the
24 State's Attorney is not a former adjudication of an offense
25 which, had the minor been prosecuted as an adult, would have
26 resulted in his or her conviction of a Class 2 or greater
27 felony involving the use or threat of force or violence, or a
28 firearm, a felony or of any offense that involved dishonesty or
29 false statement is waived unless duly raised at the hearing on
30 the adjudication, or unless the State's Attorney's proof shows
31 that the prior adjudication was not based upon proof of what
32 would have been a felony.

33 (f) Disposition. If the court finds that the prerequisites
34 established in subsection (a) of this Section have been proven,
35 it shall adjudicate the minor a Violent Juvenile Offender and
36 commit the minor to the Department of Juvenile Justice

1 ~~Corrections, Juvenile Division,~~ until his or her 21st birthday,
2 without possibility of parole, furlough, or non-emergency
3 authorized absence. However, the minor shall be entitled to
4 earn one day of good conduct credit for each day served as
5 reductions against the period of his or her confinement. The
6 good conduct credits shall be earned or revoked according to
7 the procedures applicable to the allowance and revocation of
8 good conduct credit for adult prisoners serving determinate
9 sentences for felonies.

10 For purposes of determining good conduct credit,
11 commitment as a Violent Juvenile Offender shall be considered a
12 determinate commitment, and the difference between the date of
13 the commitment and the minor's 21st birthday shall be
14 considered the determinate period of his or her confinement.

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

19 (h) A continuance under supervision authorized by Section
20 5-615 of this Act shall not be permitted under this Section.

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

22 (705 ILCS 405/5-901)

23 Sec. 5-901. Court file.

24 (1) The Court file with respect to proceedings under this
25 Article shall consist of the petitions, pleadings, victim
26 impact statements, process, service of process, orders, writs
27 and docket entries reflecting hearings held and judgments and
28 decrees entered by the court. The court file shall be kept
29 separate from other records of the court.

30 (a) The file, including information identifying the
31 victim or alleged victim of any sex offense, shall be
32 disclosed only to the following parties when necessary for
33 discharge of their official duties:

34 (i) A judge of the circuit court and members of the
35 staff of the court designated by the judge;

1 (ii) Parties to the proceedings and their
2 attorneys;

3 (iii) Victims and their attorneys, except in cases
4 of multiple victims of sex offenses in which case the
5 information identifying the nonrequesting victims
6 shall be redacted;

7 (iv) Probation officers, law enforcement officers
8 or prosecutors or their staff;

9 (v) Adult and juvenile Prisoner Review Boards.

10 (b) The Court file redacted to remove any information
11 identifying the victim or alleged victim of any sex offense
12 shall be disclosed only to the following parties when
13 necessary for discharge of their official duties:

14 (i) Authorized military personnel;

15 (ii) Persons engaged in bona fide research, with
16 the permission of the judge of the juvenile court and
17 the chief executive of the agency that prepared the
18 particular recording: provided that publication of
19 such research results in no disclosure of a minor's
20 identity and protects the confidentiality of the
21 record;

22 (iii) The Secretary of State to whom the Clerk of
23 the Court shall report the disposition of all cases, as
24 required in Section 6-204 or Section 6-205.1 of the
25 Illinois Vehicle Code. However, information reported
26 relative to these offenses shall be privileged and
27 available only to the Secretary of State, courts, and
28 police officers;

29 (iv) The administrator of a bonafide substance
30 abuse student assistance program with the permission
31 of the presiding judge of the juvenile court;

32 (v) Any individual, or any public or private agency
33 or institution, having custody of the juvenile under
34 court order or providing educational, medical or
35 mental health services to the juvenile or a
36 court-approved advocate for the juvenile or any

1 placement provider or potential placement provider as
2 determined by the court.

3 (3) A minor who is the victim or alleged victim in a
4 juvenile proceeding shall be provided the same confidentiality
5 regarding disclosure of identity as the minor who is the
6 subject of record. Information identifying victims and alleged
7 victims of sex offenses, shall not be disclosed or open to
8 public inspection under any circumstances. Nothing in this
9 Section shall prohibit the victim or alleged victim of any sex
10 offense from voluntarily disclosing his or her identity.

11 (4) Relevant information, reports and records shall be made
12 available to the Department of Juvenile Justice ~~Corrections~~
13 when a juvenile offender has been placed in the custody of the
14 Department of Juvenile Justice ~~Corrections, Juvenile Division~~.

15 (5) Except as otherwise provided in this subsection (5),
16 juvenile court records shall not be made available to the
17 general public but may be inspected by representatives of
18 agencies, associations and news media or other properly
19 interested persons by general or special order of the court.
20 The State's Attorney, the minor, his or her parents, guardian
21 and counsel shall at all times have the right to examine court
22 files and records.

23 (a) The court shall allow the general public to have
24 access to the name, address, and offense of a minor who is
25 adjudicated a delinquent minor under this Act under either
26 of the following circumstances:

27 (i) The adjudication of delinquency was based upon
28 the minor's commission of first degree murder, attempt
29 to commit first degree murder, aggravated criminal
30 sexual assault, or criminal sexual assault; or

31 (ii) The court has made a finding that the minor
32 was at least 13 years of age at the time the act was
33 committed and the adjudication of delinquency was
34 based upon the minor's commission of: (A) an act in
35 furtherance of the commission of a felony as a member
36 of or on behalf of a criminal street gang, (B) an act

1 involving the use of a firearm in the commission of a
2 felony, (C) an act that would be a Class X felony
3 offense under or the minor's second or subsequent Class
4 2 or greater felony offense under the Cannabis Control
5 Act if committed by an adult, (D) an act that would be
6 a second or subsequent offense under Section 402 of the
7 Illinois Controlled Substances Act if committed by an
8 adult, (E) an act that would be an offense under
9 Section 401 of the Illinois Controlled Substances Act
10 if committed by an adult, or (F) an act that would be
11 an offense under the Methamphetamine Control and
12 Community Protection Act if committed by an adult.

13 (b) The court shall allow the general public to have
14 access to the name, address, and offense of a minor who is
15 at least 13 years of age at the time the offense is
16 committed and who is convicted, in criminal proceedings
17 permitted or required under Section 5-805, under either of
18 the following circumstances:

19 (i) The minor has been convicted of first degree
20 murder, attempt to commit first degree murder,
21 aggravated criminal sexual assault, or criminal sexual
22 assault,

23 (ii) The court has made a finding that the minor
24 was at least 13 years of age at the time the offense
25 was committed and the conviction was based upon the
26 minor's commission of: (A) an offense in furtherance of
27 the commission of a felony as a member of or on behalf
28 of a criminal street gang, (B) an offense involving the
29 use of a firearm in the commission of a felony, (C) a
30 Class X felony offense under the Cannabis Control Act
31 or a second or subsequent Class 2 or greater felony
32 offense under the Cannabis Control Act, (D) a second or
33 subsequent offense under Section 402 of the Illinois
34 Controlled Substances Act, (E) an offense under
35 Section 401 of the Illinois Controlled Substances Act,
36 or (F) an offense under the Methamphetamine Control and

1 Community Protection Act.

2 (6) Nothing in this Section shall be construed to limit the
3 use of a adjudication of delinquency as evidence in any
4 juvenile or criminal proceeding, where it would otherwise be
5 admissible under the rules of evidence, including but not
6 limited to, use as impeachment evidence against any witness,
7 including the minor if he or she testifies.

8 (7) Nothing in this Section shall affect the right of a
9 Civil Service Commission or appointing authority examining the
10 character and fitness of an applicant for a position as a law
11 enforcement officer to ascertain whether that applicant was
12 ever adjudicated to be a delinquent minor and, if so, to
13 examine the records or evidence which were made in proceedings
14 under this Act.

15 (8) Following any adjudication of delinquency for a crime
16 which would be a felony if committed by an adult, or following
17 any adjudication of delinquency for a violation of Section
18 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961, the
19 State's Attorney shall ascertain whether the minor respondent
20 is enrolled in school and, if so, shall provide a copy of the
21 sentencing order to the principal or chief administrative
22 officer of the school. Access to such juvenile records shall be
23 limited to the principal or chief administrative officer of the
24 school and any guidance counselor designated by him or her.

25 (9) Nothing contained in this Act prevents the sharing or
26 disclosure of information or records relating or pertaining to
27 juveniles subject to the provisions of the Serious Habitual
28 Offender Comprehensive Action Program when that information is
29 used to assist in the early identification and treatment of
30 habitual juvenile offenders.

31 (11) The Clerk of the Circuit Court shall report to the
32 Department of State Police, in the form and manner required by
33 the Department of State Police, the final disposition of each
34 minor who has been arrested or taken into custody before his or
35 her 17th birthday for those offenses required to be reported
36 under Section 5 of the Criminal Identification Act. Information

1 reported to the Department under this Section may be maintained
2 with records that the Department files under Section 2.1 of the
3 Criminal Identification Act.

4 (12) Information or records may be disclosed to the general
5 public when the court is conducting hearings under Section
6 5-805 or 5-810.

7 (Source: P.A. 94-556, eff. 9-11-05.)

8 (705 ILCS 405/5-905)

9 Sec. 5-905. Law enforcement records.

10 (1) Law Enforcement Records. Inspection and copying of law
11 enforcement records maintained by law enforcement agencies
12 that relate to a minor who has been arrested or taken into
13 custody before his or her 17th birthday shall be restricted to
14 the following and when necessary for the discharge of their
15 official duties:

16 (a) A judge of the circuit court and members of the
17 staff of the court designated by the judge;

18 (b) Law enforcement officers, probation officers or
19 prosecutors or their staff;

20 (c) The minor, the minor's parents or legal guardian
21 and their attorneys, but only when the juvenile has been
22 charged with an offense;

23 (d) Adult and Juvenile Prisoner Review Boards;

24 (e) Authorized military personnel;

25 (f) Persons engaged in bona fide research, with the
26 permission of the judge of juvenile court and the chief
27 executive of the agency that prepared the particular
28 recording: provided that publication of such research
29 results in no disclosure of a minor's identity and protects
30 the confidentiality of the record;

31 (g) Individuals responsible for supervising or
32 providing temporary or permanent care and custody of minors
33 pursuant to orders of the juvenile court or directives from
34 officials of the Department of Children and Family Services
35 or the Department of Human Services who certify in writing

1 that the information will not be disclosed to any other
2 party except as provided under law or order of court;

3 (h) The appropriate school official. Inspection and
4 copying shall be limited to law enforcement records
5 transmitted to the appropriate school official by a local
6 law enforcement agency under a reciprocal reporting system
7 established and maintained between the school district and
8 the local law enforcement agency under Section 10-20.14 of
9 the School Code concerning a minor enrolled in a school
10 within the school district who has been arrested for any
11 offense classified as a felony or a Class A or B
12 misdemeanor.

13 (2) Information identifying victims and alleged victims of
14 sex offenses, shall not be disclosed or open to public
15 inspection under any circumstances. Nothing in this Section
16 shall prohibit the victim or alleged victim of any sex offense
17 from voluntarily disclosing his or her identity.

18 (3) Relevant information, reports and records shall be made
19 available to the Department of Juvenile Justice ~~Corrections~~
20 when a juvenile offender has been placed in the custody of the
21 Department of Juvenile Justice ~~Corrections, Juvenile Division~~.

22 (4) Nothing in this Section shall prohibit the inspection
23 or disclosure to victims and witnesses of photographs contained
24 in the records of law enforcement agencies when the inspection
25 or disclosure is conducted in the presence of a law enforcement
26 officer for purposes of identification or apprehension of any
27 person in the course of any criminal investigation or
28 prosecution.

29 (5) The records of law enforcement officers concerning all
30 minors under 17 years of age must be maintained separate from
31 the records of adults and may not be open to public inspection
32 or their contents disclosed to the public except by order of
33 the court or when the institution of criminal proceedings has
34 been permitted under Section 5-130 or 5-805 or required under
35 Section 5-130 or 5-805 or such a person has been convicted of a
36 crime and is the subject of pre-sentence investigation or when

1 provided by law.

2 (6) Except as otherwise provided in this subsection (6),
3 law enforcement officers may not disclose the identity of any
4 minor in releasing information to the general public as to the
5 arrest, investigation or disposition of any case involving a
6 minor. Any victim or parent or legal guardian of a victim may
7 petition the court to disclose the name and address of the
8 minor and the minor's parents or legal guardian, or both. Upon
9 a finding by clear and convincing evidence that the disclosure
10 is either necessary for the victim to pursue a civil remedy
11 against the minor or the minor's parents or legal guardian, or
12 both, or to protect the victim's person or property from the
13 minor, then the court may order the disclosure of the
14 information to the victim or to the parent or legal guardian of
15 the victim only for the purpose of the victim pursuing a civil
16 remedy against the minor or the minor's parents or legal
17 guardian, or both, or to protect the victim's person or
18 property from the minor.

19 (7) Nothing contained in this Section shall prohibit law
20 enforcement agencies when acting in their official capacity
21 from communicating with each other by letter, memorandum,
22 teletype or intelligence alert bulletin or other means the
23 identity or other relevant information pertaining to a person
24 under 17 years of age. The information provided under this
25 subsection (7) shall remain confidential and shall not be
26 publicly disclosed, except as otherwise allowed by law.

27 (8) No person shall disclose information under this Section
28 except when acting in his or her official capacity and as
29 provided by law or order of court.

30 (Source: P.A. 90-590, eff. 1-1-99; 91-479, eff. 1-1-00.)

31 (705 ILCS 405/5-915)

32 Sec. 5-915. Expungement of juvenile law enforcement and
33 court records.

34 (1) Whenever any person has attained the age of 17 or
35 whenever all juvenile court proceedings relating to that person

1 have been terminated, whichever is later, the person may
2 petition the court to expunge law enforcement records relating
3 to incidents occurring before his or her 17th birthday or his
4 or her juvenile court records, or both, but only in the
5 following circumstances:

6 (a) the minor was arrested and no petition for
7 delinquency was filed with the clerk of the circuit court;
8 or

9 (b) the minor was charged with an offense and was found
10 not delinquent of that offense; or

11 (c) the minor was placed under supervision pursuant to
12 Section 5-615, and the order of supervision has since been
13 successfully terminated; or

14 (d) the minor was adjudicated for an offense which
15 would be a Class B misdemeanor, Class C misdemeanor, or a
16 petty or business offense if committed by an adult.

17 (2) Any person may petition the court to expunge all law
18 enforcement records relating to any incidents occurring before
19 his or her 17th birthday which did not result in proceedings in
20 criminal court and all juvenile court records with respect to
21 any adjudications except those based upon first degree murder
22 and sex offenses which would be felonies if committed by an
23 adult, if the person for whom expungement is sought has had no
24 convictions for any crime since his or her 17th birthday and:

25 (a) has attained the age of 21 years; or

26 (b) 5 years have elapsed since all juvenile court
27 proceedings relating to him or her have been terminated or
28 his or her commitment to the Department of Juvenile Justice
29 ~~Corrections, Juvenile Division~~ pursuant to this Act has
30 been terminated;

31 whichever is later of (a) or (b).

32 (2.5) If a minor is arrested and no petition for
33 delinquency is filed with the clerk of the circuit court as
34 provided in paragraph (a) of subsection (1) at the time the
35 minor is released from custody, the youth officer, if
36 applicable, or other designated person from the arresting

1 agency, shall notify verbally and in writing to the minor or
2 the minor's parents or guardians that if the State's Attorney
3 does not file a petition for delinquency, the minor has a right
4 to petition to have his or her arrest record expunged when the
5 minor attains the age of 17 or when all juvenile court
6 proceedings relating to that minor have been terminated and
7 that unless a petition to expunge is filed, the minor shall
8 have an arrest record and shall provide the minor and the
9 minor's parents or guardians with an expungement information
10 packet, including a petition to expunge juvenile records
11 obtained from the clerk of the circuit court.

12 (2.6) If a minor is charged with an offense and is found
13 not delinquent of that offense; or if a minor is placed under
14 supervision under Section 5-615, and the order of supervision
15 is successfully terminated; or if a minor is adjudicated for an
16 offense that would be a Class B misdemeanor, a Class C
17 misdemeanor, or a business or petty offense if committed by an
18 adult; or if a minor has incidents occurring before his or her
19 17th birthday that have not resulted in proceedings in criminal
20 court, or resulted in proceedings in juvenile court, and the
21 adjudications were not based upon first degree murder or sex
22 offenses that would be felonies if committed by an adult; then
23 at the time of sentencing or dismissal of the case, the judge
24 shall inform the delinquent minor of his or her right to
25 petition for expungement as provided by law, and the clerk of
26 the circuit court shall provide an expungement information
27 packet to the delinquent minor, written in plain language,
28 including a petition for expungement, a sample of a completed
29 petition, expungement instructions that shall include
30 information informing the minor that (i) once the case is
31 expunged, it shall be treated as if it never occurred, (ii) he
32 or she may apply to have petition fees waived, (iii) once he or
33 she obtains an expungement, he or she may not be required to
34 disclose that he or she had a juvenile record, and (iv) he or
35 she may file the petition on his or her own or with the
36 assistance of an attorney. The failure of the judge to inform

1 the delinquent minor of his or her right to petition for
2 expungement as provided by law does not create a substantive
3 right, nor is that failure grounds for: (i) a reversal of an
4 adjudication of delinquency, (ii) a new trial; or (iii) an
5 appeal.

6 (2.7) For counties with a population over 3,000,000, the
7 clerk of the circuit court shall send a "Notification of a
8 Possible Right to Expungement" post card to the minor at the
9 address last received by the clerk of the circuit court on the
10 date that the minor attains the age of 17 based on the
11 birthdate provided to the court by the minor or his or her
12 guardian in cases under paragraphs (b), (c), and (d) of
13 subsection (1); and when the minor attains the age of 21 based
14 on the birthdate provided to the court by the minor or his or
15 her guardian in cases under subsection (2).

16 (2.8) The petition for expungement for subsection (1) shall
17 be substantially in the following form:

18 IN THE CIRCUIT COURT OF, ILLINOIS
19 JUDICIAL CIRCUIT

20 IN THE INTEREST OF) NO.
21)
22)
23)
24 (Name of Petitioner)

25 PETITION TO EXPUNGE JUVENILE RECORDS
26 (705 ILCS 405/5-915 (SUBSECTION 1))

27 (Please prepare a separate petition for each offense)

28 Now comes, petitioner, and respectfully requests
29 that this Honorable Court enter an order expunging all juvenile
30 law enforcement and court records of petitioner and in support
31 thereof states that: Petitioner has attained the age of 17,
32 his/her birth date being, or all Juvenile Court
33 proceedings terminated as of, whichever occurred later.
34 Petitioner was arrested on by the Police

1 Department for the offense of, and:

2 (Check One:)

3 () a. no petition was filed with the Clerk of the Circuit
4 Court.

5 () b. was charged with and was found not delinquent of
6 the offense.

7 () c. a petition was filed and the petition was dismissed
8 without a finding of delinquency on

9 () d. on placed under supervision pursuant to Section
10 5-615 of the Juvenile Court Act of 1987 and such order of
11 supervision successfully terminated on

12 () e. was adjudicated for the offense, which would have been a
13 Class B misdemeanor, a Class C misdemeanor, or a petty offense
14 or business offense if committed by an adult.

15 Petitioner has has not been arrested on charges in
16 this or any county other than the charges listed above. If
17 petitioner has been arrested on additional charges, please list
18 the charges below:

19 Charge(s):

20 Arresting Agency or Agencies:

21 Disposition/Result: (choose from a. through e., above):

22 WHEREFORE, the petitioner respectfully requests this Honorable
23 Court to (1) order all law enforcement agencies to expunge all
24 records of petitioner to this incident, and (2) to order the
25 Clerk of the Court to expunge all records concerning the
26 petitioner regarding this incident.

27
28 Petitioner (Signature)

29
30 Petitioner's Street Address

31
32 City, State, Zip Code

1
2 Petitioner's Telephone Number

3 Pursuant to the penalties of perjury under the Code of Civil
4 Procedure, 735 ILCS 5/1-109, I hereby certify that the
5 statements in this petition are true and correct, or on
6 information and belief I believe the same to be true.

7
8 Petitioner (Signature)

9 The Petition for Expungement for subsection (2) shall be
10 substantially in the following form:

11 IN THE CIRCUIT COURT OF, ILLINOIS
12 JUDICIAL CIRCUIT

13 IN THE INTEREST OF) NO.
14)
15)
16)
17 (Name of Petitioner)

18 PETITION TO EXPUNGE JUVENILE RECORDS
19 (705 ILCS 405/5-915 (SUBSECTION 2))

20 (Please prepare a separate petition for each offense)

21 Now comes, petitioner, and respectfully requests
22 that this Honorable Court enter an order expunging all Juvenile
23 Law Enforcement and Court records of petitioner and in support
24 thereof states that:

25 The incident for which the Petitioner seeks expungement
26 occurred before the Petitioner's 17th birthday and did not
27 result in proceedings in criminal court and the Petitioner has
28 not had any convictions for any crime since his/her 17th
29 birthday; and

30 The incident for which the Petitioner seeks expungement
31 occurred before the Petitioner's 17th birthday and the

1 adjudication was not based upon first-degree murder or sex
2 offenses which would be felonies if committed by an adult, and
3 the Petitioner has not had any convictions for any crime since
4 his/her 17th birthday.

5 Petitioner was arrested on by the Police
6 Department for the offense of, and:

7 (Check whichever one occurred the latest:)

8 () a. The Petitioner has attained the age of 21 years, his/her
9 birthday being; or

10 () b. 5 years have elapsed since all juvenile court
11 proceedings relating to the Petitioner have been terminated; or
12 the Petitioner's commitment to the Department of Juvenile
13 Justice Corrections, — Juvenile Division, pursuant to the
14 expungement of juvenile law enforcement and court records
15 provisions of the Juvenile Court Act of 1987 has been
16 terminated. Petitioner ...has ...has not been arrested on
17 charges in this or any other county other than the charge
18 listed above. If petitioner has been arrested on additional
19 charges, please list the charges below:

20 Charge(s):

21 Arresting Agency or Agencies:

22 Disposition/Result: (choose from a or b, above):

23 WHEREFORE, the petitioner respectfully requests this Honorable
24 Court to (1) order all law enforcement agencies to expunge all
25 records of petitioner related to this incident, and (2) to
26 order the Clerk of the Court to expunge all records concerning
27 the petitioner regarding this incident.

28
29 Petitioner (Signature)

30
31 Petitioner's Street Address

32
33 City, State, Zip Code

1
 2 Petitioner's Telephone Number

3 Pursuant to the penalties of perjury under the Code of Civil
 4 Procedure, 735 ILCS 5/1-109, I hereby certify that the
 5 statements in this petition are true and correct, or on
 6 information and belief I believe the same to be true.

7
 8 Petitioner (Signature)

9 (3) The chief judge of the circuit in which an arrest was
 10 made or a charge was brought or any judge of that circuit
 11 designated by the chief judge may, upon verified petition of a
 12 person who is the subject of an arrest or a juvenile court
 13 proceeding under subsection (1) or (2) of this Section, order
 14 the law enforcement records or official court file, or both, to
 15 be expunged from the official records of the arresting
 16 authority, the clerk of the circuit court and the Department of
 17 State Police. The person whose records are to be expunged shall
 18 petition the court using the appropriate form containing his or
 19 her current address and shall promptly notify the clerk of the
 20 circuit court of any change of address. Notice of the petition
 21 shall be served upon the State's Attorney or prosecutor charged
 22 with the duty of prosecuting the offense, the Department of
 23 State Police, and the arresting agency or agencies by the clerk
 24 of the circuit court. If an objection is filed within 90 days
 25 of the notice of the petition, the clerk of the circuit court
 26 shall set a date for hearing after the 90 day objection period.
 27 At the hearing the court shall hear evidence on whether the
 28 expungement should or should not be granted. Unless the State's
 29 Attorney or prosecutor, the Department of State Police, or an
 30 arresting agency objects to the expungement within 90 days of
 31 the notice, the court may enter an order granting expungement.
 32 The person whose records are to be expunged shall pay the clerk
 33 of the circuit court a fee equivalent to the cost associated
 34 with expungement of records by the clerk and the Department of
 35 State Police. The clerk shall forward a certified copy of the

1 order to the Department of State Police, the appropriate
2 portion of the fee to the Department of State Police for
3 processing, and deliver a certified copy of the order to the
4 arresting agency. ▯

5 (3.1) The Notice of Expungement shall be in substantially
6 the following form:

7 IN THE CIRCUIT COURT OF, ILLINOIS
8 JUDICIAL CIRCUIT

9 IN THE INTEREST OF) NO.
10)
11)
12)
13 (Name of Petitioner)

14 NOTICE

15 TO: State's Attorney

16 TO: Arresting Agency

17
18

19
20
21
22
23 TO: Illinois State Police

24
25
26
27

28 ATTENTION: Expungement

29 You are hereby notified that on, at, in courtroom
30 ..., located at ..., before the Honorable ..., Judge, or any
31 judge sitting in his/her stead, I shall then and there present
32 a Petition to Expunge Juvenile records in the above-entitled
33 matter, at which time and place you may appear.

34

1 Petitioner's Signature

2

3 Petitioner's Street Address

4

5 City, State, Zip Code

6

7 Petitioner's Telephone Number

8 PROOF OF SERVICE

9 On the day of, 20..., I on oath state that I
10 served this notice and true and correct copies of the
11 above-checked documents by:

12 (Check One:)

13 delivering copies personally to each entity to whom they are
14 directed;

15 or

16 by mailing copies to each entity to whom they are directed by
17 depositing the same in the U.S. Mail, proper postage fully
18 prepaid, before the hour of 5:00 p.m., at the United States
19 Postal Depository located at

20

21

22 Signature

23 Clerk of the Circuit Court or Deputy Clerk

24 Printed Name of Delinquent Minor/Petitioner:

25 Address:

26 Telephone Number:

27 (3.2) The Order of Expungement shall be in substantially
28 the following form:

29 IN THE CIRCUIT COURT OF, ILLINOIS

30 JUDICIAL CIRCUIT

31 IN THE INTEREST OF) NO.

32)

33)

34)

35 (Name of Petitioner)

1 DOB

2 Arresting Agency/Agencies

3 ORDER OF EXPUNGEMENT

4 (705 ILCS 405/5-915 (SUBSECTION 3))

5 This matter having been heard on the petitioner's motion and
6 the court being fully advised in the premises does find that
7 the petitioner is indigent or has presented reasonable cause to
8 waive all costs in this matter, IT IS HEREBY ORDERED that:

9 () 1. Clerk of Court and Department of State Police costs
10 are hereby waived in this matter.

11 () 2. The Illinois State Police Bureau of Identification
12 and the following law enforcement agencies expunge all records
13 of petitioner relating to an arrest dated for the
14 offense of

15 Law Enforcement Agencies:

16

17

18 () 3. IT IS FURTHER ORDERED that the Clerk of the Circuit
19 Court expunge all records regarding the above-captioned case.

20 ENTER:

21
22 JUDGE

23 DATED:

24 Name:

25 Attorney for:

26 Address: City/State/Zip:

27 Attorney Number:

28 (3.3) The Notice of Objection shall be in substantially the
29 following form:

30 IN THE CIRCUIT COURT OF, ILLINOIS

31 JUDICIAL CIRCUIT

32 IN THE INTEREST OF) NO.

33)

34)

1)
2 (Name of Petitioner)

3 NOTICE OF OBJECTION

4 TO: (Attorney, Public Defender, Minor)

5
6

7 TO: (Illinois State Police)

8
9

10 TO: (Clerk of the Court)

11
12

13 TO: (Judge)

14
15

16 TO: (Arresting Agency/Agencies)

17
18

19 ATTENTION: You are hereby notified that an objection has been
20 filed by the following entity regarding the above-named minor's
21 petition for expungement of juvenile records:

- 22 () State's Attorney's Office;
- 23 () Prosecutor (other than State's Attorney's Office) charged
- 24 with the duty of prosecuting the offense sought to be expunged;
- 25 () Department of Illinois State Police; or
- 26 () Arresting Agency or Agencies.

27 The agency checked above respectfully requests that this case
28 be continued and set for hearing on whether the expungement
29 should or should not be granted.

30 DATED:

31 Name:

32 Attorney For:

33 Address:

34 City/State/Zip:

35 Telephone:

1 Attorney No.:

2 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

3 This matter has been set for hearing on the foregoing
4 objection, on in room, located at, before the
5 Honorable, Judge, or any judge sitting in his/her stead.
6 (Only one hearing shall be set, regardless of the number of
7 Notices of Objection received on the same case).

8 A copy of this completed Notice of Objection containing the
9 court date, time, and location, has been sent via regular U.S.
10 Mail to the following entities. (If more than one Notice of
11 Objection is received on the same case, each one must be
12 completed with the court date, time and location and mailed to
13 the following entities):

- 14 () Attorney, Public Defender or Minor;
15 () State's Attorney's Office;
16 () Prosecutor (other than State's Attorney's Office) charged
17 with the duty of prosecuting the offense sought to be expunged;
18 () Department of Illinois State Police; and
19 () Arresting agency or agencies.

20 Date:

21 Initials of Clerk completing this section:

22 (4) Upon entry of an order expunging records or files, the
23 offense, which the records or files concern shall be treated as
24 if it never occurred. Law enforcement officers and other public
25 offices and agencies shall properly reply on inquiry that no
26 record or file exists with respect to the person.

27 (5) Records which have not been expunged are sealed, and
28 may be obtained only under the provisions of Sections 5-901,
29 5-905 and 5-915.

30 (6) Nothing in this Section shall be construed to prohibit
31 the maintenance of information relating to an offense after
32 records or files concerning the offense have been expunged if
33 the information is kept in a manner that does not enable
34 identification of the offender. This information may only be
35 used for statistical and bona fide research purposes.

36 (7) (a) The State Appellate Defender shall establish,

1 maintain, and carry out, by December 31, 2004, a juvenile
2 expungement program to provide information and assistance to
3 minors eligible to have their juvenile records expunged.

4 (b) The State Appellate Defender shall develop brochures,
5 pamphlets, and other materials in printed form and through the
6 agency's World Wide Web site. The pamphlets and other materials
7 shall include at a minimum the following information:

8 (i) An explanation of the State's juvenile expungement
9 process;

10 (ii) The circumstances under which juvenile
11 expungement may occur;

12 (iii) The juvenile offenses that may be expunged;

13 (iv) The steps necessary to initiate and complete the
14 juvenile expungement process; and

15 (v) Directions on how to contact the State Appellate
16 Defender.

17 (c) The State Appellate Defender shall establish and
18 maintain a statewide toll-free telephone number that a person
19 may use to receive information or assistance concerning the
20 expungement of juvenile records. The State Appellate Defender
21 shall advertise the toll-free telephone number statewide. The
22 State Appellate Defender shall develop an expungement
23 information packet that may be sent to eligible persons seeking
24 expungement of their juvenile records, which may include, but
25 is not limited to, a pre-printed expungement petition with
26 instructions on how to complete the petition and a pamphlet
27 containing information that would assist individuals through
28 the juvenile expungement process.

29 (d) The State Appellate Defender shall compile a statewide
30 list of volunteer attorneys willing to assist eligible
31 individuals through the juvenile expungement process.

32 (e) This Section shall be implemented from funds
33 appropriated by the General Assembly to the State Appellate
34 Defender for this purpose. The State Appellate Defender shall
35 employ the necessary staff and adopt the necessary rules for
36 implementation of this Section.

1 (8) (a) Except with respect to law enforcement agencies, the
2 Department of Corrections, State's Attorneys, or other
3 prosecutors, an expunged juvenile record may not be considered
4 by any private or public entity in employment matters,
5 certification, licensing, revocation of certification or
6 licensure, or registration. Applications for employment must
7 contain specific language that states that the applicant is not
8 obligated to disclose expunged juvenile records of conviction
9 or arrest. Employers may not ask if an applicant has had a
10 juvenile record expunged. Effective January 1, 2005, the
11 Department of Labor shall develop a link on the Department's
12 website to inform employers that employers may not ask if an
13 applicant had a juvenile record expunged and that application
14 for employment must contain specific language that states that
15 the applicant is not obligated to disclose expunged juvenile
16 records of arrest or conviction.

17 (b) A person whose juvenile records have been expunged is
18 not entitled to remission of any fines, costs, or other money
19 paid as a consequence of expungement. This amendatory Act of
20 the 93rd General Assembly does not affect the right of the
21 victim of a crime to prosecute or defend a civil action for
22 damages.

23 (Source: P.A. 93-912, eff. 8-12-04; revised 10-14-04.)

24 Section 21. The Rights of Crime Victims and Witnesses Act
25 is amended by changing Sections 4.5, 5, 8.5, and 9 as follows:

26 (725 ILCS 120/4.5)

27 Sec. 4.5. Procedures to implement the rights of crime
28 victims. To afford crime victims their rights, law enforcement,
29 prosecutors, judges and corrections will provide information,
30 as appropriate of the following procedures:

31 (a) At the request of the crime victim, law enforcement
32 authorities investigating the case shall provide notice of the
33 status of the investigation, except where the State's Attorney
34 determines that disclosure of such information would

1 unreasonably interfere with the investigation, until such time
2 as the alleged assailant is apprehended or the investigation is
3 closed.

4 (b) The office of the State's Attorney:

5 (1) shall provide notice of the filing of information,
6 the return of an indictment by which a prosecution for any
7 violent crime is commenced, or the filing of a petition to
8 adjudicate a minor as a delinquent for a violent crime;

9 (2) shall provide notice of the date, time, and place
10 of trial;

11 (3) or victim advocate personnel shall provide
12 information of social services and financial assistance
13 available for victims of crime, including information of
14 how to apply for these services and assistance;

15 (4) shall assist in having any stolen or other personal
16 property held by law enforcement authorities for
17 evidentiary or other purposes returned as expeditiously as
18 possible, pursuant to the procedures set out in Section
19 115-9 of the Code of Criminal Procedure of 1963;

20 (5) or victim advocate personnel shall provide
21 appropriate employer intercession services to ensure that
22 employers of victims will cooperate with the criminal
23 justice system in order to minimize an employee's loss of
24 pay and other benefits resulting from court appearances;

25 (6) shall provide information whenever possible, of a
26 secure waiting area during court proceedings that does not
27 require victims to be in close proximity to defendant or
28 juveniles accused of a violent crime, and their families
29 and friends;

30 (7) shall provide notice to the crime victim of the
31 right to have a translator present at all court
32 proceedings;

33 (8) in the case of the death of a person, which death
34 occurred in the same transaction or occurrence in which
35 acts occurred for which a defendant is charged with an
36 offense, shall notify the spouse, parent, child or sibling

1 of the decedent of the date of the trial of the person or
2 persons allegedly responsible for the death;

3 (9) shall inform the victim of the right to have
4 present at all court proceedings, subject to the rules of
5 evidence, an advocate or other support person of the
6 victim's choice, and the right to retain an attorney, at
7 the victim's own expense, who, upon written notice filed
8 with the clerk of the court and State's Attorney, is to
9 receive copies of all notices, motions and court orders
10 filed thereafter in the case, in the same manner as if the
11 victim were a named party in the case; and

12 (10) at the sentencing hearing shall make a good faith
13 attempt to explain the minimum amount of time during which
14 the defendant may actually be physically imprisoned. The
15 Office of the State's Attorney shall further notify the
16 crime victim of the right to request from the Prisoner
17 Review Board information concerning the release of the
18 defendant under subparagraph (d) (1) of this Section; and

19 (11) shall request restitution at sentencing and shall
20 consider restitution in any plea negotiation, as provided
21 by law.

22 (c) At the written request of the crime victim, the office
23 of the State's Attorney shall:

24 (1) provide notice a reasonable time in advance of the
25 following court proceedings: preliminary hearing, any
26 hearing the effect of which may be the release of defendant
27 from custody, or to alter the conditions of bond and the
28 sentencing hearing. The crime victim shall also be notified
29 of the cancellation of the court proceeding in sufficient
30 time, wherever possible, to prevent an unnecessary
31 appearance in court;

32 (2) provide notice within a reasonable time after
33 receipt of notice from the custodian, of the release of the
34 defendant on bail or personal recognizance or the release
35 from detention of a minor who has been detained for a
36 violent crime;

1 (3) explain in nontechnical language the details of any
2 plea or verdict of a defendant, or any adjudication of a
3 juvenile as a delinquent for a violent crime;

4 (4) where practical, consult with the crime victim
5 before the Office of the State's Attorney makes an offer of
6 a plea bargain to the defendant or enters into negotiations
7 with the defendant concerning a possible plea agreement,
8 and shall consider the written victim impact statement, if
9 prepared prior to entering into a plea agreement;

10 (5) provide notice of the ultimate disposition of the
11 cases arising from an indictment or an information, or a
12 petition to have a juvenile adjudicated as a delinquent for
13 a violent crime;

14 (6) provide notice of any appeal taken by the defendant
15 and information on how to contact the appropriate agency
16 handling the appeal;

17 (7) provide notice of any request for post-conviction
18 review filed by the defendant under Article 122 of the Code
19 of Criminal Procedure of 1963, and of the date, time and
20 place of any hearing concerning the petition. Whenever
21 possible, notice of the hearing shall be given in advance;

22 (8) forward a copy of any statement presented under
23 Section 6 to the Prisoner Review Board to be considered by
24 the Board in making its determination under subsection (b)
25 of Section 3-3-8 of the Unified Code of Corrections.

26 (d) (1) The Prisoner Review Board shall inform a victim or
27 any other concerned citizen, upon written request, of the
28 prisoner's release on parole, mandatory supervised release,
29 electronic detention, work release or by the custodian of the
30 discharge of any individual who was adjudicated a delinquent
31 for a violent crime from State custody and by the sheriff of
32 the appropriate county of any such person's final discharge
33 from county custody. The Prisoner Review Board, upon written
34 request, shall provide to a victim or any other concerned
35 citizen a recent photograph of any person convicted of a
36 felony, upon his or her release from custody. The Prisoner

1 Review Board, upon written request, shall inform a victim or
2 any other concerned citizen when feasible at least 7 days prior
3 to the prisoner's release on furlough of the times and dates of
4 such furlough. Upon written request by the victim or any other
5 concerned citizen, the State's Attorney shall notify the person
6 once of the times and dates of release of a prisoner sentenced
7 to periodic imprisonment. Notification shall be based on the
8 most recent information as to victim's or other concerned
9 citizen's residence or other location available to the
10 notifying authority. For purposes of this paragraph (1) of
11 subsection (d), "concerned citizen" includes relatives of the
12 victim, friends of the victim, witnesses to the crime, or any
13 other person associated with the victim or prisoner.

14 (2) When the defendant has been committed to the
15 Department of Human Services pursuant to Section 5-2-4 or
16 any other provision of the Unified Code of Corrections, the
17 victim may request to be notified by the releasing
18 authority of the defendant's discharge from State custody.

19 (3) In the event of an escape from State custody, the
20 Department of Corrections or the Department of Juvenile
21 Justice immediately shall notify the Prisoner Review Board
22 of the escape and the Prisoner Review Board shall notify
23 the victim. The notification shall be based upon the most
24 recent information as to the victim's residence or other
25 location available to the Board. When no such information
26 is available, the Board shall make all reasonable efforts
27 to obtain the information and make the notification. When
28 the escapee is apprehended, the Department of Corrections
29 or the Department of Juvenile Justice immediately shall
30 notify the Prisoner Review Board and the Board shall notify
31 the victim.

32 (4) The victim of the crime for which the prisoner has
33 been sentenced shall receive reasonable written notice not
34 less than 15 days prior to the parole hearing and may
35 submit, in writing, on film, videotape or other electronic
36 means or in the form of a recording or in person at the

1 parole hearing or if a victim of a violent crime, by
2 calling the toll-free number established in subsection (f)
3 of this Section, information for consideration by the
4 Prisoner Review Board. The victim shall be notified within
5 7 days after the prisoner has been granted parole and shall
6 be informed of the right to inspect the registry of parole
7 decisions, established under subsection (g) of Section
8 3-3-5 of the Unified Code of Corrections. The provisions of
9 this paragraph (4) are subject to the Open Parole Hearings
10 Act.

11 (5) If a statement is presented under Section 6, the
12 Prisoner Review Board shall inform the victim of any order
13 of discharge entered by the Board pursuant to Section 3-3-8
14 of the Unified Code of Corrections.

15 (6) At the written request of the victim of the crime
16 for which the prisoner was sentenced, the Prisoner Review
17 Board shall notify the victim of the death of the prisoner
18 if the prisoner died while on parole or mandatory
19 supervised release.

20 (7) When a defendant who has been committed to the
21 Department of Corrections, the Department of Juvenile
22 Justice, or the Department of Human Services is released or
23 discharged and subsequently committed to the Department of
24 Human Services as a sexually violent person and the victim
25 had requested to be notified by the releasing authority of
26 the defendant's discharge from State custody, the
27 releasing authority shall provide to the Department of
28 Human Services such information that would allow the
29 Department of Human Services to contact the victim.

30 (e) The officials named in this Section may satisfy some or
31 all of their obligations to provide notices and other
32 information through participation in a statewide victim and
33 witness notification system established by the Attorney
34 General under Section 8.5 of this Act.

35 (f) To permit a victim of a violent crime to provide
36 information to the Prisoner Review Board for consideration by

1 the Board at a parole hearing of a person who committed the
2 crime against the victim in accordance with clause (d)(4) of
3 this Section or at a proceeding to determine the conditions of
4 mandatory supervised release of a person sentenced to a
5 determinate sentence or at a hearing on revocation of mandatory
6 supervised release of a person sentenced to a determinate
7 sentence, the Board shall establish a toll-free number that may
8 be accessed by the victim of a violent crime to present that
9 information to the Board.

10 (Source: P.A. 93-235, eff. 7-22-03.)

11 (725 ILCS 120/5) (from Ch. 38, par. 1405)

12 Sec. 5. Rights of Witnesses.

13 (a) Witnesses as defined in subsection (b) of Section 3 of
14 this Act shall have the following rights:

15 (1) to be notified by the Office of the State's
16 Attorney of all court proceedings at which the witness'
17 presence is required in a reasonable amount of time prior
18 to the proceeding, and to be notified of the cancellation
19 of any scheduled court proceeding in sufficient time to
20 prevent an unnecessary appearance in court, where
21 possible;

22 (2) to be provided with appropriate employer
23 intercession services by the Office of the State's Attorney
24 or the victim advocate personnel to ensure that employers
25 of witnesses will cooperate with the criminal justice
26 system in order to minimize an employee's loss of pay and
27 other benefits resulting from court appearances;

28 (3) to be provided, whenever possible, a secure waiting
29 area during court proceedings that does not require
30 witnesses to be in close proximity to defendants and their
31 families and friends;

32 (4) to be provided with notice by the Office of the
33 State's Attorney, where necessary, of the right to have a
34 translator present whenever the witness' presence is
35 required.

1 (b) At the written request of the witness, the witness
2 shall:

3 (1) receive notice from the office of the State's
4 Attorney of any request for post-conviction review filed by
5 the defendant under Article 122 of the Code of Criminal
6 Procedure of 1963, and of the date, time, and place of any
7 hearing concerning the petition for post-conviction
8 review; whenever possible, notice of the hearing on the
9 petition shall be given in advance;

10 (2) receive notice by the releasing authority of the
11 defendant's discharge from State custody if the defendant
12 was committed to the Department of Human Services under
13 Section 5-2-4 or any other provision of the Unified Code of
14 Corrections;

15 (3) receive notice from the Prisoner Review Board of
16 the prisoner's escape from State custody, after the Board
17 has been notified of the escape by the Department of
18 Corrections or the Department of Juvenile Justice; when the
19 escapee is apprehended, the Department of Corrections or
20 the Department of Juvenile Justice shall immediately
21 notify the Prisoner Review Board and the Board shall notify
22 the witness;

23 (4) receive notice from the Prisoner Review Board of
24 the prisoner's release on parole, electronic detention,
25 work release or mandatory supervised release and of the
26 prisoner's final discharge from parole, electronic
27 detention, work release, or mandatory supervised release.

28 (Source: P.A. 91-357, eff. 7-29-99.)

29 (725 ILCS 120/8.5)

30 Sec. 8.5. Statewide victim and witness notification
31 system.

32 (a) The Attorney General may establish a crime victim and
33 witness notification system to assist public officials in
34 carrying out their duties to notify and inform crime victims
35 and witnesses under Section 4.5 of this Act as the Attorney

1 General specifies by rule. The system shall download necessary
2 information from participating officials into its computers,
3 where it shall be maintained, updated, and automatically
4 transmitted to victims and witnesses by telephone, computer, or
5 written notice.

6 (b) The Illinois Department of Corrections, the Department
7 of Juvenile Justice, the Department of Human Services, and the
8 Prisoner Review Board shall cooperate with the Attorney General
9 in the implementation of this Section and shall provide
10 information as necessary to the effective operation of the
11 system.

12 (c) State's attorneys, circuit court clerks, and local law
13 enforcement and correctional authorities may enter into
14 agreements with the Attorney General for participation in the
15 system. The Attorney General may provide those who elect to
16 participate with the equipment, software, or training
17 necessary to bring their offices into the system.

18 (d) The provision of information to crime victims and
19 witnesses through the Attorney General's notification system
20 satisfies a given State or local official's corresponding
21 obligation under Section 4.5 to provide the information.

22 (e) The Attorney General may provide for telephonic,
23 electronic, or other public access to the database established
24 under this Section.

25 (f) The Attorney General shall adopt rules as necessary to
26 implement this Section. The rules shall include, but not be
27 limited to, provisions for the scope and operation of any
28 system the Attorney General may establish and procedures,
29 requirements, and standards for entering into agreements to
30 participate in the system and to receive equipment, software,
31 or training.

32 (g) There is established in the Office of the Attorney
33 General a Crime Victim and Witness Notification Advisory
34 Committee consisting of those victims advocates, sheriffs,
35 State's Attorneys, circuit court clerks, Illinois Department
36 of Corrections, the Department of Juvenile Justice, and

1 Prisoner Review Board employees that the Attorney General
2 chooses to appoint. The Attorney General shall designate one
3 member to chair the Committee.

4 (1) The Committee shall consult with and advise the
5 Attorney General as to the exercise of the Attorney
6 General's authority under this Section, including, but not
7 limited to:

8 (i) the design, scope, and operation of the
9 notification system;

10 (ii) the content of any rules adopted to implement
11 this Section;

12 (iii) the procurement of hardware, software, and
13 support for the system, including choice of supplier or
14 operator; and

15 (iv) the acceptance of agreements with and the
16 award of equipment, software, or training to officials
17 that seek to participate in the system.

18 (2) The Committee shall review the status and operation
19 of the system and report any findings and recommendations
20 for changes to the Attorney General and the General
21 Assembly by November 1 of each year.

22 (3) The members of the Committee shall receive no
23 compensation for their services as members of the
24 Committee, but may be reimbursed for their actual expenses
25 incurred in serving on the Committee.

26 (Source: P.A. 93-258, eff. 1-1-04.)

27 (725 ILCS 120/9) (from Ch. 38, par. 1408)

28 Sec. 9. This Act does not limit any rights or
29 responsibilities otherwise enjoyed by or imposed upon victims
30 or witnesses of violent crime, nor does it grant any person a
31 cause of action for damages or attorneys fees. Any act of
32 omission or commission by any law enforcement officer, circuit
33 court clerk, or State's Attorney, by the Attorney General,
34 Prisoner Review Board, Department of Corrections, the
35 Department of Juvenile Justice, Department of Human Services,

1 or other State agency, or private entity under contract
2 pursuant to Section 8, or by any employee of any State agency
3 or private entity under contract pursuant to Section 8 acting
4 in good faith in rendering crime victim's assistance or
5 otherwise enforcing this Act shall not impose civil liability
6 upon the individual or entity or his or her supervisor or
7 employer. Nothing in this Act shall create a basis for vacating
8 a conviction or a ground for appellate relief in any criminal
9 case. Failure of the crime victim to receive notice as
10 required, however, shall not deprive the court of the power to
11 act regarding the proceeding before it; nor shall any such
12 failure grant the defendant the right to seek a continuance.

13 (Source: P.A. 93-258, eff. 1-1-04.)

14 Section 22. The Sexually Violent Persons Commitment Act is
15 amended by changing Sections 15 and 75 as follows:

16 (725 ILCS 207/15)

17 Sec. 15. Sexually violent person petition; contents;
18 filing.

19 (a) A petition alleging that a person is a sexually violent
20 person may be filed by:

21 (1) The Attorney General, at the request of the agency
22 with jurisdiction over the person, as defined in subsection
23 (a) of Section 10 of this Act, or on his or her own motion.
24 If the Attorney General, after consulting with and advising
25 the State's Attorney of the county referenced in paragraph
26 (a)(2) of this Section, decides to file a petition under
27 this Section, he or she shall file the petition before the
28 date of the release or discharge of the person or within 30
29 days of placement onto parole or mandatory supervised
30 release for an offense enumerated in paragraph (e) of
31 Section 5 of this Act.

32 (2) If the Attorney General does not file a petition
33 under this Section, the State's Attorney of the county in
34 which the person was convicted of a sexually violent

1 offense, adjudicated delinquent for a sexually violent
2 offense or found not guilty of or not responsible for a
3 sexually violent offense by reason of insanity, mental
4 disease, or mental defect may file a petition.

5 (3) The Attorney General and the State's Attorney
6 referenced in paragraph (a) (2) of this Section jointly.

7 (b) A petition filed under this Section shall allege that
8 all of the following apply to the person alleged to be a
9 sexually violent person:

10 (1) The person satisfies any of the following criteria:

11 (A) The person has been convicted of a sexually
12 violent offense;

13 (B) The person has been found delinquent for a
14 sexually violent offense; or

15 (C) The person has been found not guilty of a
16 sexually violent offense by reason of insanity, mental
17 disease, or mental defect.

18 (2) (Blank).

19 (3) (Blank).

20 (4) The person has a mental disorder.

21 (5) The person is dangerous to others because the
22 person's mental disorder creates a substantial probability
23 that he or she will engage in acts of sexual violence.

24 (b-5) The petition must be filed:

25 (1) No more than 90 days before discharge or entry into
26 mandatory supervised release from a Department of
27 Corrections correctional facility for a sentence that was
28 imposed upon a conviction for a sexually violent offense,
29 or for a sentence that is being served concurrently or
30 consecutively with a sexually violent offense, and no more
31 than 30 days after the person's entry into parole or
32 mandatory supervised release; or

33 (2) No more than 90 days before discharge or release:

34 (A) from a Department of Juvenile Justice
35 ~~Corrections~~ juvenile correctional facility if the
36 person was placed in the facility for being adjudicated

1 delinquent under Section 5-20 of the Juvenile Court Act
2 of 1987 or found guilty under Section 5-620 of that Act
3 on the basis of a sexually violent offense; or

4 (B) from a commitment order that was entered as a
5 result of a sexually violent offense.

6 (c) A petition filed under this Section shall state with
7 particularity essential facts to establish probable cause to
8 believe the person is a sexually violent person. If the
9 petition alleges that a sexually violent offense or act that is
10 a basis for the allegation under paragraph (b)(1) of this
11 Section was an act that was sexually motivated as provided
12 under paragraph (e)(2) of Section 5 of this Act, the petition
13 shall state the grounds on which the offense or act is alleged
14 to be sexually motivated.

15 (d) A petition under this Section shall be filed in either
16 of the following:

17 (1) The circuit court for the county in which the
18 person was convicted of a sexually violent offense,
19 adjudicated delinquent for a sexually violent offense or
20 found not guilty of a sexually violent offense by reason of
21 insanity, mental disease or mental defect.

22 (2) The circuit court for the county in which the
23 person is in custody under a sentence, a placement to a
24 Department of Corrections correctional facility or a
25 Department of Juvenile Justice juvenile correctional
26 facility, or a commitment order.

27 (Source: P.A. 91-227, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16,
28 eff. 6-28-01.)

29 (725 ILCS 207/75)

30 Sec. 75. Notice concerning conditional release, discharge,
31 escape, death, or court-ordered change in the custody status of
32 a detainee or civilly committed sexually violent person.

33 (a) As used in this Section, the term:

34 (1) "Act of sexual violence" means an act or attempted
35 act that is a basis for an allegation made in a petition

1 under paragraph (b) (1) of Section 15 of this Act.

2 (2) "Member of the family" means spouse, child,
3 sibling, parent, or legal guardian.

4 (3) "Victim" means a person against whom an act of
5 sexual violence has been committed.

6 (b) If the court places a civilly committed sexually
7 violent person on conditional release under Section 40 or 60 of
8 this Act or discharges a person under Section 65, or if a
9 detainee or civilly committed sexually violent person escapes,
10 dies, or is subject to any court-ordered change in custody
11 status of the detainee or sexually violent person, the
12 Department shall make a reasonable attempt, if he or she can be
13 found, to notify all of the following who have requested
14 notification under this Act or under the Rights of Crime
15 Victims and Witnesses Act:

16 (1) Whichever of the following persons is appropriate
17 in accordance with the provisions of subsection (a) (3):

18 (A) The victim of the act of sexual violence.

19 (B) An adult member of the victim's family, if the
20 victim died as a result of the act of sexual violence.

21 (C) The victim's parent or legal guardian, if the
22 victim is younger than 18 years old.

23 (2) The Department of Corrections or the Department of
24 Juvenile Justice.

25 (c) The notice under subsection (b) of this Section shall
26 inform the Department of Corrections or the Department of
27 Juvenile Justice and the person notified under paragraph (b) (1)
28 of this Section of the name of the person committed under this
29 Act and the date the person is placed on conditional release,
30 discharged, or if a detainee or civilly committed sexually
31 violent person escapes, dies, or is subject to any
32 court-ordered change in the custody status of the detainee or
33 sexually violent person. The Department shall send the notice,
34 postmarked at least 7 days before the date the person committed
35 under this Act is placed on conditional release, discharged, or
36 if a detainee or civilly committed sexually violent person

1 escapes, dies, or is subject to any court-ordered change in the
2 custody status of the detainee or sexually violent person,
3 unless unusual circumstances do not permit advance written
4 notification, to the Department of Corrections or the
5 Department of Juvenile Justice and the last-known address of
6 the person notified under paragraph (b) (1) of this Section.

7 (d) The Department shall design and prepare cards for
8 persons specified in paragraph (b) (1) of this Section to send
9 to the Department. The cards shall have space for these persons
10 to provide their names and addresses, the name of the person
11 committed under this Act and any other information the
12 Department determines is necessary. The Department shall
13 provide the cards, without charge, to the Attorney General and
14 State's Attorneys. The Attorney General and State's Attorneys
15 shall provide the cards, without charge, to persons specified
16 in paragraph (b) (1) of this Section. These persons may send
17 completed cards to the Department. All records or portions of
18 records of the Department that relate to mailing addresses of
19 these persons are not subject to inspection or copying under
20 Section 3 of the Freedom of Information Act.

21 (Source: P.A. 93-885, eff. 8-6-04.)

22 Section 25. The Unified Code of Corrections is amended by
23 adding Article 2.5 to Chapter III and by changing Sections
24 3-1-2, 3-2-2, 3-2-5, 3-2-6, 3-3-3, 3-3-4, 3-3-5, 3-3-9, 3-4-3,
25 3-5-1, 3-5-3.1, 3-6-2, 3-9-1, 3-9-2, 3-9-3, 3-9-4, 3-9-5,
26 3-9-6, 3-9-7, 3-10-1, 3-10-2, 3-10-3, 3-10-4, 3-10-5, 3-10-6,
27 3-10-7, 3-10-8, 3-10-9, 3-10-10, 3-10-11, 3-10-12, 3-10-13,
28 3-15-2, 3-16-5, and 5-8-6 and the heading of Article 9 of
29 Chapter III as follows:

30 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

31 Sec. 3-1-2. Definitions.

32 (a) "Chief Administrative Officer" means the person
33 designated by the Director to exercise the powers and duties of
34 the Department of Corrections in regard to committed persons

1 within a correctional institution or facility, and includes the
2 superintendent of any juvenile institution or facility.

3 (a-5) "Sex offense" for the purposes of paragraph (16) of
4 subsection (a) of Section 3-3-7, paragraph (10) of subsection
5 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
6 Section 5-6-3.1 only means:

7 (i) A violation of any of the following Sections of the
8 Criminal Code of 1961: 10-7 (aiding and abetting child
9 abduction under Section 10-5(b)(10)), 10-5(b)(10) (child
10 luring), 11-6 (indecent solicitation of a child), 11-6.5
11 (indecent solicitation of an adult), 11-15.1 (soliciting
12 for a juvenile prostitute), 11-17.1 (keeping a place of
13 juvenile prostitution), 11-18.1 (patronizing a juvenile
14 prostitute), 11-19.1 (juvenile pimping), 11-19.2
15 (exploitation of a child), 11-20.1 (child pornography),
16 12-14.1 (predatory criminal sexual assault of a child), or
17 12-33 (ritualized abuse of a child). An attempt to commit
18 any of these offenses.

19 (ii) A violation of any of the following Sections of
20 the Criminal Code of 1961: 12-13 (criminal sexual assault),
21 12-14 (aggravated criminal sexual assault), 12-16
22 (aggravated criminal sexual abuse), and subsection (a) of
23 Section 12-15 (criminal sexual abuse). An attempt to commit
24 any of these offenses.

25 (iii) A violation of any of the following Sections of
26 the Criminal Code of 1961 when the defendant is not a
27 parent of the victim:

28 10-1 (kidnapping),
29 10-2 (aggravated kidnapping),
30 10-3 (unlawful restraint),
31 10-3.1 (aggravated unlawful restraint).

32 An attempt to commit any of these offenses.

33 (iv) A violation of any former law of this State
34 substantially equivalent to any offense listed in this
35 subsection (a-5).

36 An offense violating federal law or the law of another

1 state that is substantially equivalent to any offense listed in
2 this subsection (a-5) shall constitute a sex offense for the
3 purpose of this subsection (a-5). A finding or adjudication as
4 a sexually dangerous person under any federal law or law of
5 another state that is substantially equivalent to the Sexually
6 Dangerous Persons Act shall constitute an adjudication for a
7 sex offense for the purposes of this subsection (a-5).

8 (b) "Commitment" means a judicially determined placement
9 in the custody of the Department of Corrections on the basis of
10 delinquency or conviction.

11 (c) "Committed Person" is a person committed to the
12 Department, however a committed person shall not be considered
13 to be an employee of the Department of Corrections for any
14 purpose, including eligibility for a pension, benefits, or any
15 other compensation or rights or privileges which may be
16 provided to employees of the Department.

17 (d) "Correctional Institution or Facility" means any
18 building or part of a building where committed persons are kept
19 in a secured manner.

20 (e) In the case of functions performed before the effective
21 date of this amendatory Act of the 94th General Assembly,
22 "Department" means the Department of Corrections of this State.
23 In the case of functions performed on or after the effective
24 date of this amendatory Act of the 94th General Assembly,
25 "Department" has the meaning ascribed to it in subsection
26 (f-5).

27 (f) In the case of functions performed before the effective
28 date of this amendatory Act of the 94th General Assembly,
29 "Director" means the Director of the Department of Corrections.
30 In the case of functions performed on or after the effective
31 date of this amendatory Act of the 94th General Assembly,
32 "Director" has the meaning ascribed to it in subsection (f-5).

33 (f-5) In the case of functions performed on or after the
34 effective date of this amendatory Act of the 94th General
35 Assembly, references to "Department" or "Director" refer to
36 either the Department of Corrections or the Director of

1 Corrections or to the Department of Juvenile Justice or the
2 Director of Juvenile Justice unless the context is specific to
3 the Department of Juvenile Justice or the Director of Juvenile
4 Justice.

5 (g) "Discharge" means the final termination of a commitment
6 to the Department of Corrections.

7 (h) "Discipline" means the rules and regulations for the
8 maintenance of order and the protection of persons and property
9 within the institutions and facilities of the Department and
10 their enforcement.

11 (i) "Escape" means the intentional and unauthorized
12 absence of a committed person from the custody of the
13 Department.

14 (j) "Furlough" means an authorized leave of absence from
15 the Department of Corrections for a designated purpose and
16 period of time.

17 (k) "Parole" means the conditional and revocable release of
18 a committed person under the supervision of a parole officer.

19 (l) "Prisoner Review Board" means the Board established in
20 Section 3-3-1(a), independent of the Department, to review
21 rules and regulations with respect to good time credits, to
22 hear charges brought by the Department against certain
23 prisoners alleged to have violated Department rules with
24 respect to good time credits, to set release dates for certain
25 prisoners sentenced under the law in effect prior to the
26 effective date of this Amendatory Act of 1977, to hear requests
27 and make recommendations to the Governor with respect to
28 pardon, reprieve or commutation, to set conditions for parole
29 and mandatory supervised release and determine whether
30 violations of those conditions justify revocation of parole or
31 release, and to assume all other functions previously exercised
32 by the Illinois Parole and Pardon Board.

33 (m) Whenever medical treatment, service, counseling, or
34 care is referred to in this Unified Code of Corrections, such
35 term may be construed by the Department or Court, within its
36 discretion, to include treatment, service or counseling by a

1 Christian Science practitioner or nursing care appropriate
2 therewith whenever request therefor is made by a person subject
3 to the provisions of this Act.

4 (n) "Victim" shall have the meaning ascribed to it in
5 subsection (a) of Section 3 of the Bill of Rights for Victims
6 and Witnesses of Violent Crime Act.

7 (Source: P.A. 94-159, eff. 7-11-05.)

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

9 Sec. 3-2-2. Powers and Duties of the Department.

10 (1) In addition to the powers, duties and responsibilities
11 which are otherwise provided by law, the Department shall have
12 the following powers:

13 (a) To accept persons committed to it by the courts of
14 this State for care, custody, treatment and
15 rehabilitation, and to accept federal prisoners and aliens
16 over whom the Office of the Federal Detention Trustee is
17 authorized to exercise the federal detention function for
18 limited purposes and periods of time.

19 (b) To develop and maintain reception and evaluation
20 units for purposes of analyzing the custody and
21 rehabilitation needs of persons committed to it and to
22 assign such persons to institutions and programs under its
23 control or transfer them to other appropriate agencies. In
24 consultation with the Department of Alcoholism and
25 Substance Abuse (now the Department of Human Services), the
26 Department of Corrections shall develop a master plan for
27 the screening and evaluation of persons committed to its
28 custody who have alcohol or drug abuse problems, and for
29 making appropriate treatment available to such persons;
30 the Department shall report to the General Assembly on such
31 plan not later than April 1, 1987. The maintenance and
32 implementation of such plan shall be contingent upon the
33 availability of funds.

34 (b-1) To create and implement, on January 1, 2002, a
35 pilot program to establish the effectiveness of

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

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

17 (c) To maintain and administer all State correctional
18 institutions and facilities under its control and to
19 establish new ones as needed. Pursuant to its power to
20 establish new institutions and facilities, the Department
21 may, with the written approval of the Governor, authorize
22 the Department of Central Management Services to enter into
23 an agreement of the type described in subsection (d) of
24 Section 405-300 of the Department of Central Management
25 Services Law (20 ILCS 405/405-300). The Department shall
26 designate those institutions which shall constitute the
27 State Penitentiary System.

28 Pursuant to its power to establish new institutions and
29 facilities, the Department may authorize the Department of
30 Central Management Services to accept bids from counties
31 and municipalities for the construction, remodeling or
32 conversion of a structure to be leased to the Department of
33 Corrections for the purposes of its serving as a
34 correctional institution or facility. Such construction,
35 remodeling or conversion may be financed with revenue bonds
36 issued pursuant to the Industrial Building Revenue Bond Act

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

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

13 (c-5) To build and maintain regional juvenile
14 detention centers and to charge a per diem to the counties
15 as established by the Department to defray the costs of
16 housing each minor in a center. In this subsection (c-5),
17 "juvenile detention center" means a facility to house
18 minors during pendency of trial who have been transferred
19 from proceedings under the Juvenile Court Act of 1987 to
20 prosecutions under the criminal laws of this State in
21 accordance with Section 5-805 of the Juvenile Court Act of
22 1987, whether the transfer was by operation of law or
23 permissive under that Section. The Department shall
24 designate the counties to be served by each regional
25 juvenile detention center.

26 (d) To develop and maintain programs of control,
27 rehabilitation and employment of committed persons within
28 its institutions.

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

31 (f) To establish in cooperation with the Department of
32 Transportation to supply a sufficient number of prisoners
33 for use by the Department of Transportation to clean up the
34 trash and garbage along State, county, township, or
35 municipal highways as designated by the Department of
36 Transportation. The Department of Corrections, at the

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

25 (g) To maintain records of persons committed to it and
26 to establish programs of research, statistics and
27 planning.

28 (h) To investigate the grievances of any person
29 committed to the Department, to inquire into any alleged
30 misconduct by employees or committed persons, and to
31 investigate the assets of committed persons to implement
32 Section 3-7-6 of this Code; and for these purposes it may
33 issue subpoenas and compel the attendance of witnesses and
34 the production of writings and papers, and may examine
35 under oath any witnesses who may appear before it; to also
36 investigate alleged violations of a parolee's or

1 releasee's conditions of parole or release; and for this
2 purpose it may issue subpoenas and compel the attendance of
3 witnesses and the production of documents only if there is
4 reason to believe that such procedures would provide
5 evidence that such violations have occurred.

6 If any person fails to obey a subpoena issued under
7 this subsection, the Director may apply to any circuit
8 court to secure compliance with the subpoena. The failure
9 to comply with the order of the court issued in response
10 thereto shall be punishable as contempt of court.

11 (i) To appoint and remove the chief administrative
12 officers, and administer programs of training and
13 development of personnel of the Department. Personnel
14 assigned by the Department to be responsible for the
15 custody and control of committed persons or to investigate
16 the alleged misconduct of committed persons or employees or
17 alleged violations of a parolee's or releasee's conditions
18 of parole shall be conservators of the peace for those
19 purposes, and shall have the full power of peace officers
20 outside of the facilities of the Department in the
21 protection, arrest, retaking and reconfining of committed
22 persons or where the exercise of such power is necessary to
23 the investigation of such misconduct or violations.

24 (j) To cooperate with other departments and agencies
25 and with local communities for the development of standards
26 and programs for better correctional services in this
27 State.

28 (k) To administer all moneys and properties of the
29 Department.

30 (l) To report annually to the Governor on the committed
31 persons, institutions and programs of the Department.

32 (l-5) In a confidential annual report to the Governor,
33 the Department shall identify all inmate gangs by
34 specifying each current gang's name, population and allied
35 gangs. The Department shall further specify the number of
36 top leaders identified by the Department for each gang

1 during the past year, and the measures taken by the
2 Department to segregate each leader from his or her gang
3 and allied gangs. The Department shall further report the
4 current status of leaders identified and segregated in
5 previous years. All leaders described in the report shall
6 be identified by inmate number or other designation to
7 enable tracking, auditing, and verification without
8 revealing the names of the leaders. Because this report
9 contains law enforcement intelligence information
10 collected by the Department, the report is confidential and
11 not subject to public disclosure.

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

14 (n) To establish rules and regulations for
15 administering a system of good conduct credits,
16 established in accordance with Section 3-6-3, subject to
17 review by the Prisoner Review Board.

18 (o) To administer the distribution of funds from the
19 State Treasury to reimburse counties where State penal
20 institutions are located for the payment of assistant
21 state's attorneys' salaries under Section 4-2001 of the
22 Counties Code.

23 (p) To exchange information with the Department of
24 Human Services and the Illinois Department of Public Aid
25 for the purpose of verifying living arrangements and for
26 other purposes directly connected with the administration
27 of this Code and the Illinois Public Aid Code.

28 (q) To establish a diversion program.

29 The program shall provide a structured environment for
30 selected technical parole or mandatory supervised release
31 violators and committed persons who have violated the rules
32 governing their conduct while in work release. This program
33 shall not apply to those persons who have committed a new
34 offense while serving on parole or mandatory supervised
35 release or while committed to work release.

36 Elements of the program shall include, but shall not be

1 limited to, the following:

2 (1) The staff of a diversion facility shall provide
3 supervision in accordance with required objectives set
4 by the facility.

5 (2) Participants shall be required to maintain
6 employment.

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

10 (4) Each participant shall:

11 (A) provide restitution to victims in
12 accordance with any court order;

13 (B) provide financial support to his
14 dependents; and

15 (C) make appropriate payments toward any other
16 court-ordered obligations.

17 (5) Each participant shall complete community
18 service in addition to employment.

19 (6) Participants shall take part in such
20 counseling, educational and other programs as the
21 Department may deem appropriate.

22 (7) Participants shall submit to drug and alcohol
23 screening.

24 (8) The Department shall promulgate rules
25 governing the administration of the program.

26 (r) To enter into intergovernmental cooperation
27 agreements under which persons in the custody of the
28 Department may participate in a county impact
29 incarceration program established under Section 3-6038 or
30 3-15003.5 of the Counties Code.

31 (r-5) (Blank). ~~To enter into intergovernmental~~
32 ~~cooperation agreements under which minors adjudicated~~
33 ~~delinquent and committed to the Department of Corrections,~~
34 ~~Juvenile Division, may participate in a county juvenile~~
35 ~~impact incarceration program established under Section~~
36 ~~3-6039 of the Counties Code.~~

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

12 (i) are members of a criminal streetgang;

13 (ii) with respect to other individuals within the
14 streetgang, occupy a position of organizer,
15 supervisor, or other position of management or
16 leadership; and

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

23 "Streetgang", "gang", and "streetgang related" have the
24 meanings ascribed to them in Section 10 of the Illinois
25 Streetgang Terrorism Omnibus Prevention Act.

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

30 (t) To monitor any unprivileged conversation or any
31 unprivileged communication, whether in person or by mail,
32 telephone, or other means, between an inmate who, before
33 commitment to the Department, was a member of an organized
34 gang and any other person without the need to show cause or
35 satisfy any other requirement of law before beginning the
36 monitoring, except as constitutionally required. The

1 monitoring may be by video, voice, or other method of
2 recording or by any other means. As used in this
3 subdivision (1)(t), "organized gang" has the meaning
4 ascribed to it in Section 10 of the Illinois Streetgang
5 Terrorism Omnibus Prevention Act.

6 As used in this subdivision (1)(t), "unprivileged
7 conversation" or "unprivileged communication" means a
8 conversation or communication that is not protected by any
9 privilege recognized by law or by decision, rule, or order
10 of the Illinois Supreme Court.

11 (u) To establish a Women's and Children's Pre-release
12 Community Supervision Program for the purpose of providing
13 housing and services to eligible female inmates, as
14 determined by the Department, and their newborn and young
15 children.

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

18 (2) The Department of Corrections shall by January 1, 1998,
19 consider building and operating a correctional facility within
20 100 miles of a county of over 2,000,000 inhabitants, especially
21 a facility designed to house juvenile participants in the
22 impact incarceration program.

23 (3) When the Department lets bids for contracts for medical
24 services to be provided to persons committed to Department
25 facilities by a health maintenance organization, medical
26 service corporation, or other health care provider, the bid may
27 only be let to a health care provider that has obtained an
28 irrevocable letter of credit or performance bond issued by a
29 company whose bonds are rated AAA by a bond rating
30 organization.

31 (4) When the Department lets bids for contracts for food or
32 commissary services to be provided to Department facilities,
33 the bid may only be let to a food or commissary services
34 provider that has obtained an irrevocable letter of credit or
35 performance bond issued by a company whose bonds are rated AAA
36 by a bond rating organization.

1 (Source: P.A. 92-444, eff. 1-1-02; 92-712, eff. 1-1-03; 93-839,
2 eff. 7-30-04.)

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

4 Sec. 3-2-5. Organization of the Department of Corrections
5 and the Department of Juvenile Justice.

6 (a) There shall be an Adult Division within the Department
7 which shall be administered by an Assistant Director appointed
8 by the Governor under The Civil Administrative Code of
9 Illinois. The Assistant Director shall be under the direction
10 of the Director. The Adult Division shall be responsible for
11 all persons committed or transferred to the Department under
12 Sections 3-10-7 or 5-8-6 of this Code.

13 (b) There shall be a Department of Juvenile Justice which
14 shall be administered by a Director appointed by the Governor
15 under the Civil Administrative Code of Illinois. The Department
16 of Juvenile Justice shall be responsible for all persons under
17 17 years of age when sentenced to imprisonment and committed to
18 the Department under subsection (c) of Section 5-8-6 of this
19 Code, Section 5-10 of the Juvenile Court Act, or Section 5-750
20 of the Juvenile Court Act of 1987. Persons under 17 years of
21 age committed to the Department of Juvenile Justice pursuant to
22 this Code shall be sight and sound separate from adult
23 offenders committed to the Department of Corrections. There
24 ~~shall be a Juvenile Division within the Department which shall~~
25 ~~be administered by an Assistant Director appointed by the~~
26 ~~Governor under The Civil Administrative Code of Illinois. The~~
27 ~~Assistant Director shall be under the direction of the~~
28 ~~Director. The Juvenile Division shall be responsible for all~~
29 ~~persons committed to the Juvenile Division of the Department~~
30 ~~under Section 5-8-6 of this Code or Section 5-10 of the~~
31 ~~Juvenile Court Act or Section 5-750 of the Juvenile Court Act~~
32 ~~of 1987.~~

33 (c) The Department shall create a gang intelligence unit
34 under the supervision of the Director. The unit shall be
35 specifically designed to gather information regarding the

1 inmate gang population, monitor the activities of gangs, and
2 prevent the furtherance of gang activities through the
3 development and implementation of policies aimed at deterring
4 gang activity. The Director shall appoint a Corrections
5 Intelligence Coordinator.

6 All information collected and maintained by the unit shall
7 be highly confidential, and access to that information shall be
8 restricted by the Department. The information shall be used to
9 control and limit the activities of gangs within correctional
10 institutions under the jurisdiction of the Illinois Department
11 of Corrections and may be shared with other law enforcement
12 agencies in order to curb gang activities outside of
13 correctional institutions under the jurisdiction of the
14 Department and to assist in the investigations and prosecutions
15 of gang activity. The Department shall establish and promulgate
16 rules governing the release of information to outside law
17 enforcement agencies. Due to the highly sensitive nature of the
18 information, the information is exempt from requests for
19 disclosure under the Freedom of Information Act as the
20 information contained is highly confidential and may be harmful
21 if disclosed.

22 The Department shall file an annual report with the General
23 Assembly on the profile of the inmate population associated
24 with gangs, gang-related activity within correctional
25 institutions under the jurisdiction of the Department, and an
26 overall status of the unit as it relates to its function and
27 performance.

28 (Source: P.A. 90-590, eff. 1-1-99; 91-912, eff. 7-7-00.)

29 (730 ILCS 5/3-2-6) (from Ch. 38, par. 1003-2-6)

30 Sec. 3-2-6. Advisory Boards. (a) There shall be an ~~Adult~~
31 Advisory Board within the Department of Corrections ~~and a~~
32 ~~Juvenile Advisory Board each~~ composed of 11 persons, one of
33 whom shall be a senior citizen age 60 or over, appointed by the
34 Governor to advise the Director on matters pertaining to adult
35 ~~and juvenile~~ offenders ~~respectively~~. The members of the Boards

1 shall be qualified for their positions by demonstrated interest
2 in and knowledge of adult and juvenile correctional work and
3 shall not be officials of the State in any other capacity. The
4 members first appointed under this amendatory Act of 1984 shall
5 serve for a term of 6 years and shall be appointed as soon as
6 possible after the effective date of this amendatory Act of
7 1984. The members of the Boards now serving shall complete
8 their terms as appointed, and thereafter members shall be
9 appointed by the Governor to terms of 6 years. Any vacancy
10 occurring shall be filled in the same manner for the remainder
11 of the term. The Director of Corrections and the Assistant
12 ~~Directors, Adult and Juvenile Divisions respectively, for the 2~~
13 ~~Boards,~~ shall be ex-officio members of the Boards. Each Board
14 shall elect a chairman from among its appointed members. The
15 Director shall serve as secretary of each Board. Members of
16 each Board shall serve without compensation but shall be
17 reimbursed for expenses necessarily incurred in the
18 performance of their duties. The ~~Each~~ Board shall meet
19 quarterly and at other times at the call of the chairman. ~~At~~
20 ~~the request of the Director, the Boards may meet together.~~

21 (b) The Boards shall advise the Director concerning policy
22 matters and programs of the Department with regard to the
23 custody, care, study, discipline, training and treatment of
24 persons in the State correctional institutions and for the care
25 and supervision of persons released on parole.

26 (c) There shall be a Subcommittee on Women Offenders to the
27 ~~Adult~~ Advisory Board. The Subcommittee shall be composed of 3
28 members of the ~~Adult~~ Advisory Board appointed by the Chairman
29 who shall designate one member as the chairman of the
30 Subcommittee. Members of the Subcommittee shall serve without
31 compensation but shall be reimbursed for expenses necessarily
32 incurred in the performance of their duties. The Subcommittee
33 shall meet no less often than quarterly and at other times at
34 the call of its chairman.

35 The Subcommittee shall advise the ~~Adult~~ Advisory Board and
36 the Director on all policy matters and programs of the

1 Department with regard to the custody, care, study, discipline,
2 training and treatment of women in the State correctional
3 institutions and for the care and supervision of women released
4 on parole.

5 (Source: P.A. 85-624.)

6 (730 ILCS 5/Ch. III Art. 2.5 heading new)

7 ARTICLE 2.5. DEPARTMENT OF JUVENILE JUSTICE

8 (730 ILCS 5/3-2.5-1 new)

9 Sec. 3-2.5-1. Short title. This Article 2.5 may be cited
10 as the Department of Juvenile Justice Law.

11 (730 ILCS 5/3-2.5-5 new)

12 Sec. 3-2.5-5. Purpose. The purpose of this Article is to
13 create the Department of Juvenile Justice to provide treatment
14 and services through a comprehensive continuum of
15 individualized educational, vocational, social, emotional, and
16 basic life skills to enable youth to avoid delinquent futures
17 and become productive, fulfilled citizens. The Department
18 shall embrace the legislative policy of the State to promote
19 the philosophy of balanced and restorative justice set forth in
20 Section 5-101 of the Juvenile Court Act of 1987.

21 This amendatory Act of the 94th General Assembly transfers
22 to the Department certain rights, powers, duties, and functions
23 that were exercised by the Juvenile Division of the Department
24 of Corrections before the effective date of this amendatory Act
25 of the 94th General Assembly.

26 (730 ILCS 5/3-2.5-10 new)

27 Sec. 3-2.5-10. Definitions. As used in this Article, unless
28 the context otherwise requires:

29 "Department" means the Department of Juvenile Justice.

30 "Director" means the Director of Juvenile Justice. Any
31 reference to the "Assistant Director of the Juvenile Division"
32 or of a predecessor department or agency occurring in any law

1 or instrument shall, beginning on the effective date of this
2 amendatory Act of the 94th General Assembly, be construed to
3 mean the Director of Juvenile Justice.

4 (730 ILCS 5/3-2.5-15 new)

5 Sec. 3-2.5-15. Department of Juvenile Justice; assumption
6 of duties of the Juvenile Division.

7 (a) The Department of Juvenile Justice shall assume the
8 rights, powers, duties, and responsibilities of the Juvenile
9 Division of the Department of Corrections. Personnel, books,
10 records, property, and unencumbered appropriations pertaining
11 to the Juvenile Division of the Department of Corrections shall
12 be transferred to the Department of Juvenile Justice on the
13 effective date of this amendatory Act of the 94th General
14 Assembly. Any rights of employees or the State under the
15 Personnel Code or any other contract or plan shall be
16 unaffected by this transfer.

17 (b) Department of Juvenile Justice personnel who are hired
18 by the Department on or after the effective date of this
19 amendatory Act of the 94th General Assembly and who participate
20 or assist in the rehabilitative and vocational training of
21 delinquent youths, supervise the daily activities involving
22 direct and continuing responsibility for the youth's security,
23 welfare and development, or participate in the personal
24 rehabilitation of delinquent youth by training, supervising,
25 and assisting lower level personnel who perform these duties
26 must be over the age of 21 and have a bachelor's or advanced
27 degree from an accredited college or university with a
28 specialization in criminal justice, education, psychology,
29 social work, or a closely related social science. This
30 requirement shall not apply to security, clerical, food
31 service, and maintenance staff that do not have direct and
32 regular contact with youth. The degree requirements specified
33 in this subsection (b) are not required of persons who provide
34 vocational training and who have adequate knowledge in the
35 skill for which they are providing the vocational training.

1 (c) Subsection (b) of this Section does not apply to
2 personnel transferred to the Department of Juvenile Justice on
3 the effective date of this amendatory Act of the 94th General
4 Assembly.

5 (d) The Department shall be under the direction of the
6 Director of Juvenile Justice as provided in this Code.

7 (e) The Director shall organize divisions within the
8 Department and shall assign functions, powers, duties, and
9 personnel as required by law. The Director may create other
10 divisions and may assign other functions, powers, duties, and
11 personnel as may be necessary or desirable to carry out the
12 functions and responsibilities vested by law in the Department.
13 The Director shall, with the approval of the Office of the
14 Governor, assign to and share functions, powers, duties, and
15 personnel with the Department of Corrections or other State
16 agencies such that administrative services and administrative
17 facilities are provided by the Department of Corrections or a
18 shared administrative service center. These administrative
19 services include, but are not limited to, all of the following
20 functions: budgeting, accounting related functions, auditing,
21 human resources, legal, procurement, training, data collection
22 and analysis, information technology, internal investigations,
23 intelligence, legislative services, emergency response
24 capability, statewide transportation services, and general
25 office support.

26 (f) The Department of Juvenile Justice may enter into
27 intergovernmental cooperation agreements under which minors
28 adjudicated delinquent and committed to the Department of
29 Juvenile Justice may participate in county juvenile impact
30 incarceration programs established under Section 3-6039 of the
31 Counties Code.

32 (730 ILCS 5/3-2.5-20 new)

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

34 (a) In addition to the powers, duties, and responsibilities
35 which are otherwise provided by law or transferred to the

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

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

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

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

21 (4) To establish and provide transitional and
22 post-release treatment programs for juveniles committed to
23 the Department. Services shall include but are not limited
24 to:

25 (i) family and individual counseling and treatment
26 placement;

27 (ii) referral services to any other State or local
28 agencies;

29 (iii) mental health services;

30 (iv) educational services;

31 (v) family counseling services; and

32 (vi) substance abuse services.

33 (5) To access vital records of juveniles for the
34 purposes of providing necessary documentation for
35 transitional services such as obtaining identification,
36 educational enrollment, employment, and housing.

1 (6) To develop staffing and workload standards and
2 coordinate staff development and training appropriate for
3 juvenile populations.

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

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

12 (730 ILCS 5/3-2.5-30 new)

13 Sec. 3-2.5-30. Discontinued Department and office;
14 successor agency.

15 (a) The Juvenile Division of the Department of Corrections
16 is abolished on the effective date of this amendatory Act of
17 the 94th General Assembly.

18 (b) The term of the person then serving as the Assistant
19 Director of the Juvenile Division of the Department of
20 Corrections shall end on the effective date of this amendatory
21 Act of the 94th General Assembly, and that office is abolished
22 on that date.

23 (c) For the purposes of the Successor Agency Act, the
24 Department of Juvenile Justice is declared to be the successor
25 agency of the Juvenile Division of the Department of
26 Corrections.

27 (730 ILCS 5/3-2.5-35 new)

28 Sec. 3-2.5-35. Transfer of powers. Except as otherwise
29 provided in this Article, all of the rights, powers, duties,
30 and functions vested by law in the Juvenile Division of the
31 Department of Corrections are transferred to the Department of
32 Juvenile Justice on the effective date of this amendatory Act
33 of the 94th General Assembly.

1 (730 ILCS 5/3-2.5-40 new)

2 Sec. 3-2.5-40. Transfer of personnel.

3 (a) Personnel employed by the school district of the
4 Department of Corrections who work with youth under the age of
5 21 and personnel employed by the Juvenile Division of the
6 Department of Corrections immediately preceding the effective
7 date of this amendatory Act of the 94th General Assembly are
8 transferred to the Department of Juvenile Justice on the
9 effective date of this amendatory Act of the 94th General
10 Assembly.

11 (b) The rights of State employees, the State, and its
12 agencies under the Personnel Code and applicable collective
13 bargaining agreements and retirement plans are not affected by
14 this Article. Any rights of State employees affected by this
15 Article shall be governed by the existing collective bargaining
16 agreements.

17 (730 ILCS 5/3-2.5-40.1 new)

18 Sec. 3-2.5-40.1. Training. The Department shall design
19 training for its personnel and shall enter into agreements with
20 the Department of Corrections or other State agencies and
21 through them, if necessary, public and private colleges and
22 universities, or private organizations to ensure that staff are
23 trained to work with a broad range of youth and possess the
24 skills necessary to assess, engage, educate, and intervene with
25 youth in its custody in ways that are appropriate to ensure
26 successful outcomes for those youth and their families pursuant
27 to the mission of the Department.

28 (730 ILCS 5/3-2.5-45 new)

29 Sec. 3-2.5-45. Transfer of property. All books, records,
30 documents, property (real and personal), unexpended
31 appropriations, and pending business pertaining to the rights,
32 powers, duties, and functions transferred to the Department of
33 Juvenile Justice under this Article shall be transferred and
34 delivered to the Department of Juvenile Justice on the

1 effective date of this amendatory Act of the 94th General
2 Assembly.

3 (730 ILCS 5/3-2.5-50 new)

4 Sec. 3-2.5-50. Rules and standards.

5 (a) The rules and standards of the Juvenile Division of the
6 Department of Corrections that are in effect immediately prior
7 to the effective date of this amendatory Act of the 94th
8 General Assembly and pertain to the rights, powers, duties, and
9 functions transferred to the Department of Juvenile Justice
10 under this Article shall become the rules and standards of the
11 Department of Juvenile Justice on the effective date of this
12 amendatory Act of the 94th General Assembly and shall continue
13 in effect until amended or repealed by the Department.

14 (b) Any rules pertaining to the rights, powers, duties, and
15 functions transferred to the Department under this Article that
16 have been proposed by the Juvenile Division of the Department
17 of Corrections but have not taken effect or been finally
18 adopted immediately prior to the effective date of this
19 amendatory Act of the 94th General Assembly shall become
20 proposed rules of the Department of Juvenile Justice on the
21 effective date of this amendatory Act of the 94th General
22 Assembly, and any rulemaking procedures that have already been
23 completed by the Juvenile Division of the Department of
24 Corrections for those proposed rules need not be repeated.

25 (c) As soon as practical after the effective date of this
26 amendatory Act of the 94th General Assembly, the Department of
27 Juvenile Justice shall revise and clarify the rules transferred
28 to it under this Article to reflect the reorganization of
29 rights, powers, duties, and functions effected by this Article
30 using the procedures for recodification of rules available
31 under the Illinois Administrative Procedure Act, except that
32 existing title, part, and section numbering for the affected
33 rules may be retained. The Department may propose and adopt
34 under the Illinois Administrative Procedure Act such other
35 rules as may be necessary to consolidate and clarify the rules

1 of the agency reorganized by this Article.

2 (730 ILCS 5/3-2.5-60 new)

3 Sec. 3-2.5-60. Savings provisions.

4 (a) The rights, powers, duties, and functions transferred
5 to the Department of Juvenile Justice by this Article shall be
6 vested in and exercised by the Department subject to the
7 provisions of this Article. An act done by the Department of an
8 officer, employee, or agent of the Department in the exercise
9 of the transferred rights, powers, duties, or functions shall
10 have the same legal effect as if done by the Juvenile Division
11 of the Department of Corrections or an officer, employee, or
12 agent of the Juvenile Division of the Department of
13 Corrections.

14 (b) The transfer of rights, powers, duties, and functions
15 to the Department of Juvenile Justice under this Article does
16 not invalidate any previous action taken by or in respect to
17 the Juvenile Division of the Department of Corrections or its
18 officers, employees, or agents. References to the Juvenile
19 Division of the Department of Corrections or its officers,
20 employees, or agents in any document, contract, agreement, or
21 law shall in appropriate contexts, be deemed to refer to the
22 Department or its officers, employees, or agents.

23 (c) The transfer of rights, powers, duties, and functions
24 to the Department of Juvenile Justice under this Article does
25 not affect any person's rights, obligations, or duties,
26 including any civil or criminal penalties applicable thereto,
27 arising out of those transferred rights, powers, duties, and
28 functions.

29 (d) With respect to matters that pertain to a right, power,
30 duty, or function transferred to the Department of Juvenile
31 Justice under this Article:

32 (1) Beginning on the effective date of this amendatory
33 Act of the 94th General Assembly, a report or notice that
34 was previously required to be made or given by any person
35 to the Juvenile Division of the Department of Corrections

1 or any of its officers, employees, or agents shall be made
2 or given in the same manner to the Department or its
3 appropriate officer, employee, or agent.

4 (2) Beginning on the effective date of this amendatory
5 Act of the 94th General Assembly, a document that was
6 previously required to be furnished or served by any person
7 to or upon the Juvenile Division of the Department of
8 Corrections or any of its officers, employees, or agents
9 shall be furnished or served in the same manner to or upon
10 the Department of Juvenile Justice or its appropriate
11 officer, employee, or agent.

12 (e) This Article does not affect any act done, ratified, or
13 cancelled, any right occurring or established, or any action or
14 proceeding had or commenced in an administrative, civil, or
15 criminal cause before the effective date of this amendatory Act
16 of the 94th General Assembly. Any such action or proceeding
17 that pertains to a right, power, duty, or function transferred
18 to the Department of Juvenile Justice under this Article and
19 that is pending on that date may be prosecuted, defended, or
20 continued by the Department of Juvenile Justice.

21 (730 ILCS 5/3-2.5-65 new)

22 Sec. 3-2.5-65. Juvenile Advisory Board.

23 (a) There is created a Juvenile Advisory Board composed of
24 11 persons, appointed by the Governor to advise the Director on
25 matters pertaining to juvenile offenders. The members of the
26 Board shall be qualified for their positions by demonstrated
27 interest in and knowledge of juvenile correctional work
28 consistent with the definition of purpose and mission of the
29 Department in Section 3-2.5-5 and shall not be officials of the
30 State in any other capacity. The members under this amendatory
31 Act of the 94th General Assembly shall be appointed as soon as
32 possible after the effective date of this amendatory Act of the
33 94th General Assembly and be appointed to staggered terms 3
34 each expiring in 2007, 2008, and 2009 and 2 of the members'
35 terms expiring in 2010. Thereafter all members will serve for a

1 term of 6 years, except that members shall continue to serve
2 until their replacements are appointed. Any vacancy occurring
3 shall be filled in the same manner for the remainder of the
4 term. The Director of Juvenile Justice shall be an ex officio
5 member of the Board. The Board shall elect a chair from among
6 its appointed members. The Director shall serve as secretary of
7 the Board. Members of the Board shall serve without
8 compensation but shall be reimbursed for expenses necessarily
9 incurred in the performance of their duties. The Board shall
10 meet quarterly and at other times at the call of the chair.

11 (b) The Board shall:

12 (1) Advise the Director concerning policy matters and
13 programs of the Department with regard to the custody,
14 care, study, discipline, training, and treatment of
15 juveniles in the State juvenile correctional institutions
16 and for the care and supervision of juveniles released on
17 parole.

18 (2) Establish, with the Director and in conjunction
19 with the Office of the Governor, outcome measures for the
20 Department in order to ascertain that it is successfully
21 fulfilling the mission mandated in Section 3-2.5-5 of this
22 Code. The annual results of the Department's work as
23 defined by those measures shall be approved by the Board
24 and shall be included in an annual report transmitted to
25 the Governor and General Assembly jointly by the Director
26 and the Board.

27 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

28 Sec. 3-3-3. Eligibility for Parole or Release.

29 (a) Except for those offenders who accept the fixed release
30 date established by the Prisoner Review Board under Section
31 3-3-2.1, every person serving a term of imprisonment under the
32 law in effect prior to the effective date of this amendatory
33 Act of 1977 shall be eligible for parole when he has served:

34 (1) the minimum term of an indeterminate sentence less
35 time credit for good behavior, or 20 years less time credit

1 for good behavior, whichever is less; or

2 (2) 20 years of a life sentence less time credit for
3 good behavior; or

4 (3) 20 years or one-third of a determinate sentence,
5 whichever is less, less time credit for good behavior.

6 (b) No person sentenced under this amendatory Act of 1977
7 or who accepts a release date under Section 3-3-2.1 shall be
8 eligible for parole.

9 (c) Except for those sentenced to a term of natural life
10 imprisonment, every person sentenced to imprisonment under
11 this amendatory Act of 1977 or given a release date under
12 Section 3-3-2.1 of this Act shall serve the full term of a
13 determinate sentence less time credit for good behavior and
14 shall then be released under the mandatory supervised release
15 provisions of paragraph (d) of Section 5-8-1 of this Code.

16 (d) No person serving a term of natural life imprisonment
17 may be paroled or released except through executive clemency.

18 (e) Every person committed to the Department of Juvenile
19 Justice ~~Juvenile Division~~ under Section 5-10 of the Juvenile
20 Court Act or Section 5-750 of the Juvenile Court Act of 1987 or
21 Section 5-8-6 of this Code and confined in the State
22 correctional institutions or facilities if such juvenile has
23 not been tried as an adult shall be eligible for parole without
24 regard to the length of time the person has been confined or
25 whether the person has served any minimum term imposed.
26 However, if a juvenile has been tried as an adult he shall only
27 be eligible for parole or mandatory supervised release as an
28 adult under this Section.

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

30 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

31 Sec. 3-3-4. Preparation for Parole Hearing.

32 (a) The Prisoner Review Board shall consider the parole of
33 each eligible person committed to the Adult Division at least
34 30 days prior to the date he shall first become eligible for
35 parole, and shall consider the parole of each person committed

1 to the Department of Juvenile Justice ~~Juvenile Division~~ as a
2 delinquent at least 30 days prior to the expiration of the
3 first year of confinement.

4 (b) A person eligible for parole shall, in advance of his
5 parole hearing, prepare a parole plan in accordance with the
6 rules of the Prisoner Review Board. The person shall be
7 assisted in preparing his parole plan by personnel of the
8 Department of Corrections, or the Department of Juvenile
9 Justice in the case of a person committed to that Department,
10 and may, for this purpose, be released on furlough under
11 Article 11 or on authorized absence under Section 3-9-4. The
12 appropriate Department shall also provide assistance in
13 obtaining information and records helpful to the individual for
14 his parole hearing.

15 (c) The members of the Board shall have access at all
16 reasonable times to any committed person and to his master
17 record file within the Department, and the Department shall
18 furnish such reports to the Board as the Board may require
19 concerning the conduct and character of any such person.

20 (d) In making its determination of parole, the Board shall
21 consider:

22 (1) material transmitted to the Department of Juvenile
23 Justice by the clerk of the committing court under Section
24 5-4-1 or Section 5-10 of the Juvenile Court Act or Section
25 5-750 of the Juvenile Court Act of 1987;

26 (2) the report under Section 3-8-2 or 3-10-2;

27 (3) a report by the Department and any report by the
28 chief administrative officer of the institution or
29 facility;

30 (4) a parole progress report;

31 (5) a medical and psychological report, if requested by
32 the Board;

33 (6) material in writing, or on film, video tape or
34 other electronic means in the form of a recording submitted
35 by the person whose parole is being considered; and

36 (7) material in writing, or on film, video tape or

1 other electronic means in the form of a recording or
2 testimony submitted by the State's Attorney and the victim
3 pursuant to the Rights of Crime Victims and Witnesses Act.

4 (e) The prosecuting State's Attorney's office shall
5 receive reasonable written notice not less than 15 days prior
6 to the parole hearing and may submit relevant information in
7 writing, or on film, video tape or other electronic means or in
8 the form of a recording to the Board for its consideration. The
9 State's Attorney may waive the written notice.

10 (f) The victim of the violent crime for which the prisoner
11 has been sentenced shall receive notice of a parole hearing as
12 provided in paragraph (4) of subsection (d) of Section 4.5 of
13 the Rights of Crime Victims and Witnesses Act.

14 (g) Any recording considered under the provisions of
15 subsection (d)(6), (d)(7) or (e) of this Section shall be in
16 the form designated by the Board. Such recording shall be both
17 visual and aural. Every voice on the recording and person
18 present shall be identified and the recording shall contain
19 either a visual or aural statement of the person submitting
20 such recording, the date of the recording and the name of the
21 person whose parole eligibility is being considered. Such
22 recordings, if retained by the Board shall be deemed to be
23 submitted at any subsequent parole hearing if the victim or
24 State's Attorney submits in writing a declaration clearly
25 identifying such recording as representing the present
26 position of the victim or State's Attorney regarding the issues
27 to be considered at the parole hearing.

28 (Source: P.A. 92-651, eff. 7-11-02.)

29 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

30 Sec. 3-3-5. Hearing and Determination.

31 (a) The Prisoner Review Board shall meet as often as need
32 requires to consider the cases of persons eligible for parole.
33 Except as otherwise provided in paragraph (2) of subsection (a)
34 of Section 3-3-2 of this Act, the Prisoner Review Board may
35 meet and order its actions in panels of 3 or more members. The

1 action of a majority of the panel shall be the action of the
2 Board. In consideration of persons committed to the Department
3 of Juvenile Justice ~~Juvenile Division~~, the panel shall have at
4 least a majority of members experienced in juvenile matters.

5 (b) If the person under consideration for parole is in the
6 custody of the Department, at least one member of the Board
7 shall interview him, and a report of that interview shall be
8 available for the Board's consideration. However, in the
9 discretion of the Board, the interview need not be conducted if
10 a psychiatric examination determines that the person could not
11 meaningfully contribute to the Board's consideration. The
12 Board may in its discretion parole a person who is then outside
13 the jurisdiction on his record without an interview. The Board
14 need not hold a hearing or interview a person who is paroled
15 under paragraphs (d) or (e) of this Section or released on
16 Mandatory release under Section 3-3-10.

17 (c) The Board shall not parole a person eligible for parole
18 if it determines that:

19 (1) there is a substantial risk that he will not
20 conform to reasonable conditions of parole; or

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

24 (3) his release would have a substantially adverse
25 effect on institutional discipline.

26 (d) A person committed under the Juvenile Court Act or the
27 Juvenile Court Act of 1987 who has not been sooner released
28 shall be paroled on or before his 20th birthday to begin
29 serving a period of parole under Section 3-3-8.

30 (e) A person who has served the maximum term of
31 imprisonment imposed at the time of sentencing less time credit
32 for good behavior shall be released on parole to serve a period
33 of parole under Section 5-8-1.

34 (f) The Board shall render its decision within a reasonable
35 time after hearing and shall state the basis therefor both in
36 the records of the Board and in written notice to the person on

1 whose application it has acted. In its decision, the Board
2 shall set the person's time for parole, or if it denies parole
3 it shall provide for a rehearing not less frequently than once
4 every year, except that the Board may, after denying parole,
5 schedule a rehearing no later than 3 years from the date of the
6 parole denial, if the Board finds that it is not reasonable to
7 expect that parole would be granted at a hearing prior to the
8 scheduled rehearing date. If the Board shall parole a person,
9 and, if he is not released within 90 days from the effective
10 date of the order granting parole, the matter shall be returned
11 to the Board for review.

12 (g) The Board shall maintain a registry of decisions in
13 which parole has been granted, which shall include the name and
14 case number of the prisoner, the highest charge for which the
15 prisoner was sentenced, the length of sentence imposed, the
16 date of the sentence, the date of the parole, the basis for the
17 decision of the Board to grant parole and the vote of the Board
18 on any such decisions. The registry shall be made available for
19 public inspection and copying during business hours and shall
20 be a public record pursuant to the provisions of the Freedom of
21 Information Act.

22 (h) The Board shall promulgate rules regarding the exercise
23 of its discretion under this Section.

24 (Source: P.A. 91-798, eff. 7-9-00; 91-946, eff. 2-9-01.)

25 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

26 Sec. 3-3-9. Violations; changes of conditions; preliminary
27 hearing; revocation of parole or mandatory supervised release;
28 revocation hearing.

29 (a) If prior to expiration or termination of the term of
30 parole or mandatory supervised release, a person violates a
31 condition set by the Prisoner Review Board or a condition of
32 parole or mandatory supervised release under Section 3-3-7 of
33 this Code to govern that term, the Board may:

34 (1) continue the existing term, with or without
35 modifying or enlarging the conditions; or

1 (2) parole or release the person to a half-way house;

2 or

3 (3) revoke the parole or mandatory supervised release
4 and reconfine the person for a term computed in the
5 following manner:

6 (i) (A) For those sentenced under the law in effect
7 prior to this amendatory Act of 1977, the recommitment
8 shall be for any portion of the imposed maximum term of
9 imprisonment or confinement which had not been served
10 at the time of parole and the parole term, less the
11 time elapsed between the parole of the person and the
12 commission of the violation for which parole was
13 revoked;

14 (B) Except as set forth in paragraph (C), for those
15 subject to mandatory supervised release under
16 paragraph (d) of Section 5-8-1 of this Code, the
17 recommitment shall be for the total mandatory
18 supervised release term, less the time elapsed between
19 the release of the person and the commission of the
20 violation for which mandatory supervised release is
21 revoked. The Board may also order that a prisoner serve
22 up to one year of the sentence imposed by the court
23 which was not served due to the accumulation of good
24 conduct credit;

25 (C) For those subject to sex offender supervision
26 under clause (d) (4) of Section 5-8-1 of this Code, the
27 reconfinement period for violations of clauses (a) (3)
28 through (b-1) (15) of Section 3-3-7 shall not exceed 2
29 years from the date of reconfinement.

30 (ii) the person shall be given credit against the
31 term of reimprisonment or reconfinement for time spent
32 in custody since he was paroled or released which has
33 not been credited against another sentence or period of
34 confinement;

35 (iii) persons committed under the Juvenile Court
36 Act or the Juvenile Court Act of 1987 shall be

1 recommitted until the age of 21;

2 (iv) this Section is subject to the release under
3 supervision and the reparole and rerelease provisions
4 of Section 3-3-10.

5 (b) The Board may revoke parole or mandatory supervised
6 release for violation of a condition for the duration of the
7 term and for any further period which is reasonably necessary
8 for the adjudication of matters arising before its expiration.
9 The issuance of a warrant of arrest for an alleged violation of
10 the conditions of parole or mandatory supervised release shall
11 toll the running of the term until the final determination of
12 the charge, but where parole or mandatory supervised release is
13 not revoked that period shall be credited to the term.

14 (b-5) The Board shall revoke parole or mandatory supervised
15 release for violation of the conditions prescribed in paragraph
16 (7.6) of subsection (a) of Section 3-3-7.

17 (c) A person charged with violating a condition of parole
18 or mandatory supervised release shall have a preliminary
19 hearing before a hearing officer designated by the Board to
20 determine if there is cause to hold the person for a revocation
21 hearing. However, no preliminary hearing need be held when
22 revocation is based upon new criminal charges and a court finds
23 probable cause on the new criminal charges or when the
24 revocation is based upon a new criminal conviction and a
25 certified copy of that conviction is available.

26 (d) Parole or mandatory supervised release shall not be
27 revoked without written notice to the offender setting forth
28 the violation of parole or mandatory supervised release charged
29 against him.

30 (e) A hearing on revocation shall be conducted before at
31 least one member of the Prisoner Review Board. The Board may
32 meet and order its actions in panels of 3 or more members. The
33 action of a majority of the panel shall be the action of the
34 Board. In consideration of persons committed to the Department
35 of Juvenile Justice ~~Juvenile Division~~, the member hearing the
36 matter and at least a majority of the panel shall be

1 experienced in juvenile matters. A record of the hearing shall
2 be made. At the hearing the offender shall be permitted to:

3 (1) appear and answer the charge; and

4 (2) bring witnesses on his behalf.

5 (f) The Board shall either revoke parole or mandatory
6 supervised release or order the person's term continued with or
7 without modification or enlargement of the conditions.

8 (g) Parole or mandatory supervised release shall not be
9 revoked for failure to make payments under the conditions of
10 parole or release unless the Board determines that such failure
11 is due to the offender's willful refusal to pay.

12 (Source: P.A. 94-161, eff. 7-11-05; 94-165, eff. 7-11-05;
13 revised 8-19-05.)

14 (730 ILCS 5/3-4-3) (from Ch. 38, par. 1003-4-3)

15 Sec. 3-4-3. Funds and Property of Persons Committed.

16 (a) The Department of Corrections and the Department of
17 Juvenile Justice shall establish accounting records with
18 accounts for each person who has or receives money while in an
19 institution or facility of that ~~the~~ Department and it shall
20 allow the withdrawal and disbursement of money by the person
21 under rules and regulations of that ~~the~~ Department. Any
22 interest or other income from moneys deposited with the
23 Department by a resident of the Department of Juvenile Justice
24 ~~Juvenile Division~~ in excess of \$200 shall accrue to the
25 individual's account, or in balances up to \$200 shall accrue to
26 the Residents' Benefit Fund. For an individual in an
27 institution or facility of the Adult Division the interest
28 shall accrue to the Residents' Benefit Fund. The Department
29 shall disburse all moneys so held no later than the person's
30 final discharge from the Department. Moneys in the account of a
31 committed person who files a lawsuit determined frivolous under
32 Article XXII of the Code of Civil Procedure shall be deducted
33 to pay for the filing fees and cost of the suit as provided in
34 that Article. The Department shall under rules and regulations
35 record and receipt all personal property not allowed to

1 committed persons. The Department shall return such property to
2 the individual no later than the person's release on parole.

3 (b) Any money held in accounts of committed persons
4 separated from the Department by death, discharge, or
5 unauthorized absence and unclaimed for a period of 1 year
6 thereafter by the person or his legal representative shall be
7 transmitted to the State Treasurer who shall deposit it into
8 the General Revenue Fund. Articles of personal property of
9 persons so separated may be sold or used by the Department if
10 unclaimed for a period of 1 year for the same purpose.
11 Clothing, if unclaimed within 30 days, may be used or disposed
12 of as determined by the Department.

13 (c) Forty percent of the profits on sales from commissary
14 stores shall be expended by the Department for the special
15 benefit of committed persons which shall include but not be
16 limited to the advancement of inmate payrolls, for the special
17 benefit of employees, and for the advancement or reimbursement
18 of employee travel, provided that amounts expended for
19 employees shall not exceed the amount of profits derived from
20 sales made to employees by such commissaries, as determined by
21 the Department. The remainder of the profits from sales from
22 commissary stores must be used first to pay for wages and
23 benefits of employees covered under a collective bargaining
24 agreement who are employed at commissary facilities of the
25 Department and then to pay the costs of dietary staff.

26 (d) The Department shall confiscate any unauthorized
27 currency found in the possession of a committed person. The
28 Department shall transmit the confiscated currency to the State
29 Treasurer who shall deposit it into the General Revenue Fund.

30 (Source: P.A. 93-607, eff. 1-1-04.)

31 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

32 Sec. 3-5-1. Master Record File.

33 (a) The Department of Corrections and the Department of
34 Juvenile Justice shall maintain a master record file on each
35 person committed to it, which shall contain the following

1 information:

2 (1) all information from the committing court;

3 (2) reception summary;

4 (3) evaluation and assignment reports and
5 recommendations;

6 (4) reports as to program assignment and progress;

7 (5) reports of disciplinary infractions and
8 disposition;

9 (6) any parole plan;

10 (7) any parole reports;

11 (8) the date and circumstances of final discharge; and
12 any other pertinent data concerning the person's
13 background, conduct, associations and family relationships
14 as may be required by the respective Department. A current
15 summary index shall be maintained on each file which shall
16 include the person's known active and past gang
17 affiliations and ranks.

18 (b) All files shall be confidential and access shall be
19 limited to authorized personnel of the respective Department.
20 Personnel of other correctional, welfare or law enforcement
21 agencies may have access to files under rules and regulations
22 of the respective Department. The respective Department shall
23 keep a record of all outside personnel who have access to
24 files, the files reviewed, any file material copied, and the
25 purpose of access. If the respective Department or the Prisoner
26 Review Board makes a determination under this Code which
27 affects the length of the period of confinement or commitment,
28 the committed person and his counsel shall be advised of
29 factual information relied upon by the respective Department or
30 Board to make the determination, provided that the Department
31 or Board shall not be required to advise a person committed to
32 the Department of Juvenile Justice ~~Juvenile Division~~ any such
33 information which in the opinion of the Department of Juvenile
34 Justice or Board would be detrimental to his treatment or
35 rehabilitation.

36 (c) The master file shall be maintained at a place

1 convenient to its use by personnel of the respective Department
2 in charge of the person. When custody of a person is
3 transferred from the Department to another department or
4 agency, a summary of the file shall be forwarded to the
5 receiving agency with such other information required by law or
6 requested by the agency under rules and regulations of the
7 respective Department.

8 (d) The master file of a person no longer in the custody of
9 the respective Department shall be placed on inactive status
10 and its use shall be restricted subject to rules and
11 regulations of the Department.

12 (e) All public agencies may make available to the
13 respective Department on request any factual data not otherwise
14 privileged as a matter of law in their possession in respect to
15 individuals committed to the respective Department.

16 (Source: P.A. 89-688, eff. 6-1-97; 89-689, eff. 12-31-96.)

17 (730 ILCS 5/3-5-3.1) (from Ch. 38, par. 1003-5-3.1)

18 Sec. 3-5-3.1. As used in this Section, "facility" includes
19 any facility of the Adult Division ~~and any facility of the~~
20 ~~Juvenile Division~~ of the Department of Corrections and any
21 facility of the Department of Juvenile Justice.

22 The Department of Corrections and the Department of
23 Juvenile Justice shall each, by January 1st, April 1st, July
24 1st, and October 1st of each year, transmit to the General
25 Assembly, a report which shall include the following
26 information reflecting the period ending fifteen days prior to
27 the submission of the report: 1) the number of residents in all
28 Department facilities indicating the number of residents in
29 each listed facility; 2) a classification of each facility's
30 residents by the nature of the offense for which each resident
31 was committed to the Department; 3) the number of residents in
32 maximum, medium, and minimum security facilities indicating
33 the classification of each facility's residents by the nature
34 of the offense for which each resident was committed to the
35 Department; 4) the educational and vocational programs

1 provided at each facility and the number of residents
2 participating in each such program; 5) the present capacity
3 levels in each facility; 6) the projected capacity of each
4 facility six months and one year following each reporting date;
5 7) the ratio of the security guards to residents in each
6 facility; 8) the ratio of total employees to residents in each
7 facility; 9) the number of residents in each facility that are
8 single-celled and the number in each facility that are
9 double-celled; 10) information indicating the distribution of
10 residents in each facility by the allocated floor space per
11 resident; 11) a status of all capital projects currently funded
12 by the Department, location of each capital project, the
13 projected on-line dates for each capital project, including
14 phase-in dates and full occupancy dates; 12) the projected
15 adult prison ~~and Juvenile Division~~ facility populations in
16 respect to the Department of Corrections and the projected
17 juvenile facility population with respect to the Department of
18 Juvenile Justice for each of the succeeding twelve months
19 following each reporting date, indicating all assumptions
20 built into such population estimates; 13) the projected exits
21 and projected admissions in each facility for each of the
22 succeeding twelve months following each reporting date,
23 indicating all assumptions built into such population
24 estimate; and 14) the locations of all Department-operated or
25 contractually operated community correctional centers,
26 including the present capacity and population levels at each
27 facility.

28 (Source: P.A. 85-252.)

29 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

30 Sec. 3-6-2. Institutions and Facility Administration.

31 (a) Each institution and facility of the Department shall
32 be administered by a chief administrative officer appointed by
33 the Director. A chief administrative officer shall be
34 responsible for all persons assigned to the institution or
35 facility. The chief administrative officer shall administer

1 the programs of the Department for the custody and treatment of
2 such persons.

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

5 (c) The Director or Assistant Director shall have the
6 emergency powers to temporarily transfer individuals without
7 formal procedures to any State, county, municipal or regional
8 correctional or detention institution or facility in the State,
9 subject to the acceptance of such receiving institution or
10 facility, or to designate any reasonably secure place in the
11 State as such an institution or facility and to make transfers
12 thereto. However, transfers made under emergency powers shall
13 be reviewed as soon as practicable under Article 8, and shall
14 be subject to Section 5-905 of the Juvenile Court Act of 1987.
15 This Section shall not apply to transfers to the Department of
16 Human Services which are provided for under Section 3-8-5 or
17 Section 3-10-5.

18 (d) The Department shall provide educational programs for
19 all committed persons so that all persons have an opportunity
20 to attain the achievement level equivalent to the completion of
21 the twelfth grade in the public school system in this State.
22 Other higher levels of attainment shall be encouraged and
23 professional instruction shall be maintained wherever
24 possible. The Department may establish programs of mandatory
25 education and may establish rules and regulations for the
26 administration of such programs. A person committed to the
27 Department who, during the period of his or her incarceration,
28 participates in an educational program provided by or through
29 the Department and through that program is awarded or earns the
30 number of hours of credit required for the award of an
31 associate, baccalaureate, or higher degree from a community
32 college, college, or university located in Illinois shall
33 reimburse the State, through the Department, for the costs
34 incurred by the State in providing that person during his or
35 her incarceration with the education that qualifies him or her
36 for the award of that degree. The costs for which reimbursement

1 is required under this subsection shall be determined and
2 computed by the Department under rules and regulations that it
3 shall establish for that purpose. However, interest at the rate
4 of 6% per annum shall be charged on the balance of those costs
5 from time to time remaining unpaid, from the date of the
6 person's parole, mandatory supervised release, or release
7 constituting a final termination of his or her commitment to
8 the Department until paid.

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

18 (e) A person committed to the Department who becomes in
19 need of medical or surgical treatment but is incapable of
20 giving consent thereto shall receive such medical or surgical
21 treatment by the chief administrative officer consenting on the
22 person's behalf. Before the chief administrative officer
23 consents, he or she shall obtain the advice of one or more
24 physicians licensed to practice medicine in all its branches in
25 this State. If such physician or physicians advise:

26 (1) that immediate medical or surgical treatment is
27 required relative to a condition threatening to cause
28 death, damage or impairment to bodily functions, or
29 disfigurement; and

30 (2) that the person is not capable of giving consent to
31 such treatment; the chief administrative officer may give
32 consent for such medical or surgical treatment, and such
33 consent shall be deemed to be the consent of the person for
34 all purposes, including, but not limited to, the authority
35 of a physician to give such treatment.

36 (e-5) If a physician providing medical care to a committed

1 person on behalf of the Department advises the chief
2 administrative officer that the committed person's mental or
3 physical health has deteriorated as a result of the cessation
4 of ingestion of food or liquid to the point where medical or
5 surgical treatment is required to prevent death, damage, or
6 impairment to bodily functions, the chief administrative
7 officer may authorize such medical or surgical treatment.

8 (f) In the event that the person requires medical care and
9 treatment at a place other than the institution or facility,
10 the person may be removed therefrom under conditions prescribed
11 by the Department. The Department shall require the committed
12 person receiving medical or dental services on a non-emergency
13 basis to pay a \$2 co-payment to the Department for each visit
14 for medical or dental services. The amount of each co-payment
15 shall be deducted from the committed person's individual
16 account. A committed person who has a chronic illness, as
17 defined by Department rules and regulations, shall be exempt
18 from the \$2 co-payment for treatment of the chronic illness. A
19 committed person shall not be subject to a \$2 co-payment for
20 follow-up visits ordered by a physician, who is employed by, or
21 contracts with, the Department. A committed person who is
22 indigent is exempt from the \$2 co-payment and is entitled to
23 receive medical or dental services on the same basis as a
24 committed person who is financially able to afford the
25 co-payment. Notwithstanding any other provision in this
26 subsection (f) to the contrary, any person committed to any
27 facility operated by the Department of Juvenile Justice
28 ~~Juvenile Division~~, as set forth in ~~subsection (b) of~~ Section
29 3-2.5-15 ~~3-2-5~~ of this Code, is exempt from the co-payment
30 requirement for the duration of confinement in those
31 facilities.

32 (g) Any person having sole custody of a child at the time
33 of commitment or any woman giving birth to a child after her
34 commitment, may arrange through the Department of Children and
35 Family Services for suitable placement of the child outside of
36 the Department of Corrections. The Director of the Department

1 of Corrections may determine that there are special reasons why
2 the child should continue in the custody of the mother until
3 the child is 6 years old.

4 (h) The Department may provide Family Responsibility
5 Services which may consist of, but not be limited to the
6 following:

7 (1) family advocacy counseling;

8 (2) parent self-help group;

9 (3) parenting skills training;

10 (4) parent and child overnight program;

11 (5) parent and child reunification counseling, either
12 separately or together, preceding the inmate's release;
13 and

14 (6) a prerelease reunification staffing involving the
15 family advocate, the inmate and the child's counselor, or
16 both and the inmate.

17 (i) Prior to the release of any inmate who has a documented
18 history of intravenous drug use, and upon the receipt of that
19 inmate's written informed consent, the Department shall
20 provide for the testing of such inmate for infection with human
21 immunodeficiency virus (HIV) and any other identified
22 causative agent of acquired immunodeficiency syndrome (AIDS).
23 The testing provided under this subsection shall consist of an
24 enzyme-linked immunosorbent assay (ELISA) test or such other
25 test as may be approved by the Illinois Department of Public
26 Health. If the test result is positive, the Western Blot Assay
27 or more reliable confirmatory test shall be administered. All
28 inmates tested in accordance with the provisions of this
29 subsection shall be provided with pre-test and post-test
30 counseling. Notwithstanding any provision of this subsection
31 to the contrary, the Department shall not be required to
32 conduct the testing and counseling required by this subsection
33 unless sufficient funds to cover all costs of such testing and
34 counseling are appropriated for that purpose by the General
35 Assembly.

36 (j) Any person convicted of a sex offense as defined in the

1 Sex Offender Management Board Act shall be required to receive
2 a sex offender evaluation prior to release into the community
3 from the Department of Corrections. The sex offender evaluation
4 shall be conducted in conformance with the standards and
5 guidelines developed under the Sex Offender Management Board
6 Act and by an evaluator approved by the Board.

7 (k) Any minor committed to the Department of Juvenile
8 Justice ~~Corrections Juvenile Division~~ for a sex offense as
9 defined by the Sex Offender Management Board Act shall be
10 required to undergo sex offender treatment by a treatment
11 provider approved by the Board and conducted in conformance
12 with the Sex Offender Management Board Act.

13 (l) Prior to the release of any inmate, the Department must
14 provide the inmate with the option of testing for infection
15 with human immunodeficiency virus (HIV), as well as counseling
16 in connection with such testing, with no copayment for the
17 test. At the same time, the Department shall require each such
18 inmate to sign a form stating that the inmate has been informed
19 of his or her rights with respect to the testing required to be
20 offered under this subsection (l) and providing the inmate with
21 an opportunity to indicate either that he or she wants to be
22 tested or that he or she does not want to be tested. The
23 Department, in consultation with the Department of Public
24 Health, shall prescribe the contents of the form. The testing
25 provided under this subsection (l) shall consist of an
26 enzyme-linked immunosorbent assay (ELISA) test or any other
27 test approved by the Department of Public Health. If the test
28 result is positive, the Western Blot Assay or more reliable
29 confirmatory test shall be administered.

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

34 Implementation of this subsection (l) is subject to
35 appropriation.

36 (Source: P.A. 93-616, eff. 1-1-04; 93-928, eff. 1-1-05; 94-629,

1 eff. 1-1-06.)

2 (730 ILCS 5/Ch. III Art. 9 heading)

3 ARTICLE 9. PROGRAMS OF THE DEPARTMENT OF JUVENILE JUSTICE

4 JUVENILE DIVISION

5 (730 ILCS 5/3-9-1) (from Ch. 38, par. 1003-9-1)

6 Sec. 3-9-1. Educational Programs.

7 (a) The Department of Juvenile Justice, subject to
8 appropriation and with the cooperation of other State agencies
9 that work with children, shall establish programming, the
10 components of which shall include, but are not limited to:

11 (1) Case management services.

12 (2) Treatment modalities, including substance abuse
13 treatment services, mental health services, and
14 developmental disability services.

15 (3) Prevocational education and career education
16 services.

17 (4) Diagnostic evaluation services/Medical screening.

18 (5) Educational services.

19 (6) Self-sufficiency planning.

20 (7) Independent living skills.

21 (8) Parenting skills.

22 (9) Recreational and leisure time activities.

23 (10) Program evaluation.

24 (11) Medical services.

25 (b) ~~(a)~~ All institutions or facilities housing persons of
26 such age as to be subject to compulsory school attendance shall
27 establish an educational program to provide such persons the
28 opportunity to attain an elementary and secondary school
29 education equivalent to the completion of the twelfth grade in
30 the public school systems of this State; and, in furtherance
31 thereof, shall utilize assistance from local public school
32 districts and State agencies in established curricula and
33 staffing such program.

34 (c) ~~(b)~~ All institutions or facilities housing persons not

1 subject to compulsory school attendance shall make available
2 programs and training to provide such persons an opportunity to
3 attain an elementary and secondary school education equivalent
4 to the completion of the twelfth grade in the public school
5 systems of this State; and, in furtherance thereof, such
6 institutions or facilities may utilize assistance from local
7 public school districts and State agencies in creating
8 curricula and staffing the program.

9 (d) ~~(e)~~ The Department of Juvenile Justice ~~Corrections~~
10 shall develop and establish a suicide reduction program in all
11 institutions or facilities housing persons committed to the
12 Department of Juvenile Justice ~~Juvenile Division~~. The program
13 shall be designed to increase the life coping skills and self
14 esteem of juvenile offenders and to decrease their propensity
15 to commit self destructive acts.

16 (Source: P.A. 85-736.)

17 (730 ILCS 5/3-9-2) (from Ch. 38, par. 1003-9-2)

18 Sec. 3-9-2. Work Training Programs.

19 (a) The Department of Juvenile Justice ~~Juvenile Division~~,
20 in conjunction with the private sector, may establish and offer
21 work training to develop work habits and equip persons
22 committed to it with marketable skills to aid in their
23 community placement upon release. Committed persons
24 participating in this program shall be paid wages similar to
25 those of comparable jobs in the surrounding community. A
26 portion of the wages earned shall go to the Department of
27 Juvenile Justice ~~Juvenile Division~~ to pay part of the committed
28 person's room and board, a portion shall be deposited into the
29 Violent Crime Victim's Assistance Fund to assist victims of
30 crime, and the remainder shall be placed into a savings account
31 for the committed person which shall be given to the committed
32 person upon release. The Department shall promulgate rules to
33 regulate the distribution of the wages earned.

34 (b) The Department of Juvenile Justice ~~Juvenile Division~~
35 may establish programs of incentive by achievement,

1 participation in which shall be on a voluntary basis, to sell
2 goods or services to the public with the net earnings
3 distributed to the program participants subject to rules of the
4 Department of Juvenile Justice.

5 (Source: P.A. 87-199.)

6 (730 ILCS 5/3-9-3) (from Ch. 38, par. 1003-9-3)

7 Sec. 3-9-3. Day Release.

8 (a) The Department of Juvenile Justice may institute day
9 release programs for persons committed to the Department of
10 Juvenile Justice ~~Juvenile Division~~ and shall establish rules
11 and regulations therefor.

12 (b) The Department of Juvenile Justice may arrange with
13 local schools, public or private agencies or persons approved
14 by the Department for the release of persons committed to the
15 Department of Juvenile Justice ~~Juvenile Division~~ on a daily
16 basis to the custody of such schools, agencies or persons for
17 participation in programs or activities.

18 (Source: P.A. 77-2097.)

19 (730 ILCS 5/3-9-4) (from Ch. 38, par. 1003-9-4)

20 Sec. 3-9-4. Authorized Absence.

21 The Department of Juvenile Justice may extend the limits of
22 the place of confinement of a person committed to the
23 Department of Juvenile Justice ~~Juvenile Division~~ so that he may
24 leave such place on authorized absence. Whether or not such
25 person is to be accompanied shall be determined by the chief
26 administrative officer of the institution or facility from
27 which such authorized absence is granted. An authorized absence
28 may be granted for a period of time determined by the
29 Department of Juvenile Justice and any purpose approved by the
30 Department of Juvenile Justice.

31 (Source: P.A. 77-2097.)

32 (730 ILCS 5/3-9-5) (from Ch. 38, par. 1003-9-5)

33 Sec. 3-9-5. Minimum Standards.

1 The minimum standards under Article 7 shall apply to all
2 institutions and facilities under the authority of the
3 Department of Juvenile Justice ~~Juvenile Division~~.

4 (Source: P.A. 77-2097.)

5 (730 ILCS 5/3-9-6) (from Ch. 38, par. 1003-9-6)

6 Sec. 3-9-6. Unauthorized Absence. Whenever a person
7 committed to the Department of Juvenile Justice ~~Juvenile~~
8 ~~Division of the Department of Corrections~~ absconds or absents
9 himself or herself without authority to do so, from any
10 facility or program to which he or she is assigned, he or she
11 may be held in custody for return to the proper correctional
12 official by the authorities or whomsoever directed, when an
13 order is certified by the Director of Juvenile Justice or a
14 person duly designated by the Director, with the seal of the
15 Department of Juvenile Justice ~~Corrections~~ attached. The
16 person so designated by the Director of Juvenile Justice with
17 such seal attached may be one or more persons and the
18 appointment shall be made as a ministerial one with no
19 recordation or notice necessary as to the designated
20 appointees. The order shall be directed to all sheriffs,
21 coroners, police officers, keepers or custodians of jails or
22 other detention facilities whether in or out of the State of
23 Illinois, or to any particular person named in the order.

24 (Source: P.A. 83-346.)

25 (730 ILCS 5/3-9-7) (from Ch. 38, par. 1003-9-7)

26 Sec. 3-9-7. Sexual abuse counseling programs.

27 (a) The Department of Juvenile Justice ~~Juvenile Division~~
28 shall establish and offer sexual abuse counseling to both
29 victims of sexual abuse and sexual offenders in as many
30 facilities as necessary to insure sexual abuse counseling
31 throughout the State.

32 (b) Any minor committed to the Department of Juvenile
33 Justice ~~Corrections~~ ~~Juvenile Division~~ for a sex offense as
34 defined under the Sex Offender Management Board Act shall be

1 required to undergo sex offender treatment by a treatment
2 provider approved by the Board and conducted in conformance
3 with the standards developed by the Sex Offender Management
4 Board Act.

5 (Source: P.A. 93-616, eff. 1-1-04.)

6 (730 ILCS 5/3-10-1) (from Ch. 38, par. 1003-10-1)

7 Sec. 3-10-1. Receiving Procedures.

8 The receiving procedures under Section 3-8-1 shall be
9 applicable to institutions and facilities of the Department of
10 Juvenile Justice ~~Juvenile Division~~.

11 (Source: P.A. 77-2097.)

12 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

13 Sec. 3-10-2. Examination of Persons Committed to the
14 Department of Juvenile Justice ~~Juvenile Division~~.

15 (a) A person committed to the Department of Juvenile
16 Justice ~~Juvenile Division~~ shall be examined in regard to his
17 medical, psychological, social, educational and vocational
18 condition and history, including the use of alcohol and other
19 drugs, the circumstances of his offense and any other
20 information as the Department of Juvenile Justice may
21 determine.

22 (a-5) Upon admission of a person committed to the
23 Department of Juvenile Justice ~~Juvenile Division~~, the
24 Department of Juvenile Justice must provide the person with
25 appropriate written information and counseling concerning HIV
26 and AIDS. The Department of Juvenile Justice shall develop the
27 written materials in consultation with the Department of Public
28 Health. At the same time, the Department of Juvenile Justice
29 also must offer the person the option of being tested, at no
30 charge to the person, for infection with human immunodeficiency
31 virus (HIV) or any other identified causative agent of acquired
32 immunodeficiency syndrome (AIDS). The Department of Juvenile
33 Justice shall require each person committed to the Department
34 of Juvenile Justice ~~Juvenile Division~~ to sign a form stating

1 that the person has been informed of his or her rights with
2 respect to the testing required to be offered under this
3 subsection (a-5) and providing the person with an opportunity
4 to indicate either that he or she wants to be tested or that he
5 or she does not want to be tested. The Department of Juvenile
6 Justice, in consultation with the Department of Public Health,
7 shall prescribe the contents of the form. The testing provided
8 under this subsection (a-5) shall consist of an enzyme-linked
9 immunosorbent assay (ELISA) test or any other test approved by
10 the Department of Public Health. If the test result is
11 positive, the Western Blot Assay or more reliable confirmatory
12 test shall be administered.

13 Also upon admission of a person committed to the Department
14 of Juvenile Justice ~~Juvenile Division~~, the Department of
15 Juvenile Justice must inform the person of the Department's
16 obligation to provide the person with medical care.

17 Implementation of this subsection (a-5) is subject to
18 appropriation.

19 (b) Based on its examination, the Department of Juvenile
20 Justice may exercise the following powers in developing a
21 treatment program of any person committed to the Department of
22 Juvenile Justice ~~Juvenile Division~~:

23 (1) Require participation by him in vocational,
24 physical, educational and corrective training and
25 activities to return him to the community.

26 (2) Place him in any institution or facility of the
27 Department of Juvenile Justice ~~Juvenile Division~~.

28 (3) Order replacement or referral to the Parole and
29 Pardon Board as often as it deems desirable. The Department
30 of Juvenile Justice shall refer the person to the Parole
31 and Pardon Board as required under Section 3-3-4.

32 (4) Enter into agreements with the Secretary of Human
33 Services and the Director of Children and Family Services,
34 with courts having probation officers, and with private
35 agencies or institutions for separate care or special
36 treatment of persons subject to the control of the

1 Department of Juvenile Justice.

2 (c) The Department of Juvenile Justice shall make periodic
3 reexamination of all persons under the control of the
4 Department of Juvenile Justice ~~Juvenile Division~~ to determine
5 whether existing orders in individual cases should be modified
6 or continued. This examination shall be made with respect to
7 every person at least once annually.

8 (d) A record of the treatment decision including any
9 modification thereof and the reason therefor, shall be part of
10 the committed person's master record file.

11 (e) The Department of Juvenile Justice shall by certified
12 mail, return receipt requested, notify the parent, guardian or
13 nearest relative of any person committed to the Department of
14 Juvenile Justice ~~Juvenile Division~~ of his physical location and
15 any change thereof.

16 (Source: P.A. 94-629, eff. 1-1-06.)

17 (730 ILCS 5/3-10-3) (from Ch. 38, par. 1003-10-3)

18 Sec. 3-10-3. Program Assignment.

19 (a) The chief administrative officer of each institution or
20 facility of the Department of Juvenile Justice ~~Juvenile~~
21 ~~Division~~ shall designate a person or persons to classify and
22 assign juveniles to programs in the institution or facility.

23 (b) The program assignment of persons assigned to
24 institutions or facilities of the Department of Juvenile
25 Justice ~~Juvenile Division~~ shall be made on the following basis:

26 (1) As soon as practicable after he is received, and in any
27 case no later than the expiration of the first 30 days, his
28 file shall be studied and he shall be interviewed and a
29 determination made as to the program of education, employment,
30 training, treatment, care and custody appropriate for him. A
31 record of such program assignment shall be made and shall be a
32 part of his master record file. A staff member shall be
33 designated for each person as his staff counselor.

34 (2) The program assignment shall be reviewed at least once
35 every 3 months and he shall be interviewed if it is deemed

1 desirable or if he so requests. After review, such changes in
2 his program of education, employment, training, treatment,
3 care and custody may be made as is considered necessary or
4 desirable and a record thereof made a part of his file. If he
5 requests a change in his program and such request is denied,
6 the basis for denial shall be given to him and a written
7 statement thereof shall be made a part of his file.

8 (c) The Department may promulgate rules and regulations
9 governing the administration of treatment programs within
10 institutions and facilities of the Department of Juvenile
11 Justice.

12 (Source: P.A. 77-2097.)

13 (730 ILCS 5/3-10-4) (from Ch. 38, par. 1003-10-4)

14 Sec. 3-10-4. Intradivisional Transfers.

15 (a) The transfer of committed persons between institutions
16 or facilities of the Department of Juvenile Justice ~~Juvenile~~
17 ~~Division~~ shall be under this Section, except that emergency
18 transfers shall be under Section 3-6-2.

19 (b) The chief administrative officer of an institution or
20 facility desiring to transfer a committed person to another
21 institution or facility shall notify the ~~Assistant~~ Director of
22 Juvenile Justice ~~the Juvenile Division~~ or his delegate of the
23 basis for the transfer. The ~~Assistant~~ Director or his delegate
24 shall approve or deny such request.

25 (c) If a transfer request is made by a committed person or
26 his parent, guardian or nearest relative, the chief
27 administrative officer of the institution or facility from
28 which the transfer is requested shall notify the Director of
29 Juvenile Justice ~~Assistant Director of the Juvenile Division~~ or
30 his delegate of the request, the reasons therefor and his
31 recommendation. The ~~Assistant~~ Director of Juvenile Justice or
32 his delegate shall either grant the request or if he denies the
33 request he shall advise the person or his parent, guardian or
34 nearest relative of the basis for the denial.

35 (Source: P.A. 77-2097.)

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

2 Sec. 3-10-5. Transfers to the Department of Human Services.

3 (a) If a person committed to the Department of Juvenile
4 Justice ~~Juvenile Division~~ meets the standard for admission of a
5 minor to a mental health facility or is suitable for admission
6 to a developmental disability facility, as these terms are used
7 in the Mental Health and Developmental Disabilities Code, the
8 Department may transfer the person to an appropriate State
9 hospital or institution of the Department of Human Services for
10 a period not to exceed 6 months, if the person consents in
11 writing to the transfer. The person shall be advised of his
12 right not to consent, and if he does not consent, the transfer
13 may be effected only by commitment under paragraph (e) of this
14 Section.

15 (b) The parent, guardian or nearest relative and the
16 attorney of record shall be advised of his right to object. If
17 an objection is made, the transfer may be effected only by
18 commitment under paragraph (e) of this Section. Notice of the
19 transfer shall be mailed to the person's parent, guardian or
20 nearest relative marked for delivery to addressee only at his
21 last known address by certified mail with return receipt
22 requested together with written notification of the manner and
23 time within which he may object to the transfer. Objection to
24 the transfer must be made by the parent, guardian or nearest
25 relative within 15 days of receipt of the notification of
26 transfer, by written notice of the objection to the ~~Assistant~~
27 Director of Juvenile Justice or chief administrative officer of
28 the institution or facility of the Department of Juvenile
29 Justice where the person was confined.

30 (c) If a person committed to the Department under the
31 Juvenile Court Act or the Juvenile Court Act of 1987 is
32 committed to a hospital or facility of the Department of Human
33 Services under this Section, the ~~Assistant~~ Director of Juvenile
34 Justice ~~the Juvenile Division~~ shall so notify the committing
35 juvenile court.

1 (d) Nothing in this Section shall limit the right of the
2 ~~Assistant~~ Director of Juvenile Justice ~~the Juvenile Division~~ or
3 the chief administrative officer of any institution or facility
4 to utilize the emergency admission provisions of the Mental
5 Health and Developmental Disabilities Code with respect to any
6 person in his custody or care. The transfer of a person to an
7 institution or facility of the Department of Human Services
8 under paragraph (a) of this Section does not discharge the
9 person from the control of the Department of Juvenile Justice.

10 (e) If the person does not consent to his transfer to the
11 Department of Human Services or if a person objects under
12 paragraph (b) of this Section, or if the Department of Human
13 Services determines that a transferred person requires
14 admission to the Department of Human Services for more than 6
15 months for any reason, the ~~Assistant~~ Director of Juvenile
16 Justice ~~the Juvenile Division~~ shall file a petition in the
17 circuit court of the county in which the institution or
18 facility is located requesting admission of the person to the
19 Department of Human Services. A certificate of a clinical
20 psychologist, licensed clinical social worker who is a
21 qualified examiner as defined in Section 1-122 of the Mental
22 Health and Developmental Disabilities Code, or psychiatrist,
23 or, if admission to a developmental disability facility is
24 sought, of a physician that the person is in need of commitment
25 to the Department of Human Services for treatment or
26 habilitation shall be attached to the petition. Copies of the
27 petition shall be furnished to the named person, his parent, or
28 guardian or nearest relative, the committing court, and to the
29 state's attorneys of the county in which the institution or
30 facility of the Department of Juvenile Justice ~~Juvenile~~
31 ~~Division~~ from which the person was transferred is located and
32 the county from which the named person was committed to the
33 Department of Juvenile Justice ~~Corrections~~.

34 (f) The court shall set a date for a hearing on the
35 petition within the time limit set forth in the Mental Health
36 and Developmental Disabilities Code. The hearing shall be

1 conducted in the manner prescribed by the Mental Health and
2 Developmental Disabilities Code. If the person is found to be
3 in need of commitment to the Department of Human Services for
4 treatment or habilitation, the court may commit him to that
5 Department.

6 (g) In the event that a person committed to the Department
7 under the Juvenile Court Act or the Juvenile Court Act of 1987
8 is committed to facilities of the Department of Human Services
9 under paragraph (e) of this Section, the ~~Assistant~~ Director of
10 Juvenile Justice shall petition the committing juvenile court
11 for an order terminating the ~~Assistant~~ Director's custody.

12 (Source: P.A. 89-507, eff. 7-1-97.)

13 (730 ILCS 5/3-10-6) (from Ch. 38, par. 1003-10-6)

14 Sec. 3-10-6. Return and Release from Department of Human
15 Services.

16 (a) The Department of Human Services shall return to the
17 Department of Juvenile Justice ~~Juvenile Division~~ any person
18 committed to a facility of the Department under paragraph (a)
19 of Section 3-10-5 when the person no longer meets the standard
20 for admission of a minor to a mental health facility, or is
21 suitable for administrative admission to a developmental
22 disability facility.

23 (b) If a person returned to the Department of Juvenile
24 Justice ~~Juvenile Division~~ under paragraph (a) of this Section
25 has not had a parole hearing within the preceding 6 months, he
26 shall have a parole hearing within 45 days after his return.

27 (c) The Department of Juvenile Justice ~~Juvenile Division~~
28 shall notify the Secretary of Human Services of the expiration
29 of the commitment or sentence of any person transferred to the
30 Department of Human Services under Section 3-10-5. If the
31 Department of Human Services determines that such person
32 transferred to it under paragraph (a) of Section 3-10-5
33 requires further hospitalization, it shall file a petition for
34 commitment of such person under the Mental Health and
35 Developmental Disabilities Code.

1 (d) The Department of Human Services shall release under
2 the Mental Health and Developmental Disabilities Code, any
3 person transferred to it pursuant to paragraph (c) of Section
4 3-10-5, whose sentence has expired and whom it deems no longer
5 meets the standard for admission of a minor to a mental health
6 facility, or is suitable for administrative admission to a
7 developmental disability facility. A person committed to the
8 Department of Juvenile Justice ~~Corrections~~ under the Juvenile
9 Court Act or the Juvenile Court Act of 1987 and transferred to
10 the Department of Human Services under paragraph (c) of Section
11 3-10-5 shall be released to the committing juvenile court when
12 the Department of Human Services determines that he no longer
13 requires hospitalization for treatment.

14 (Source: P.A. 89-507, eff. 7-1-97.)

15 (730 ILCS 5/3-10-7) (from Ch. 38, par. 1003-10-7)

16 Sec. 3-10-7. Interdivisional Transfers. (a) In any case
17 where a minor was originally prosecuted under the provisions of
18 the Criminal Code of 1961, as amended, and sentenced under the
19 provisions of this Act pursuant to Section 2-7 of the Juvenile
20 Court Act or Section 5-805 of the Juvenile Court Act of 1987
21 and committed to the Department of Juvenile Justice ~~Juvenile~~
22 ~~Division~~ under Section 5-8-6, the Department of Juvenile
23 Justice ~~Corrections~~ shall, within 30 days of the date that the
24 minor reaches the age of 17, send formal notification to the
25 sentencing court and the State's Attorney of the county from
26 which the minor was sentenced indicating the day upon which the
27 minor offender will achieve the age of 17. Within 90 days of
28 receipt of that notice, the sentencing court shall conduct a
29 hearing, pursuant to the provisions of subsection (c) of this
30 Section to determine whether or not the minor shall continue to
31 remain under the auspices of the Department of Juvenile Justice
32 ~~Juvenile Division~~ or be transferred to the Adult Division of
33 the Department of Corrections.

34 The minor shall be served with notice of the date of the
35 hearing, shall be present at the hearing, and has the right to

1 counsel at the hearing. The minor, with the consent of his or
2 her counsel or guardian may waive his presence at hearing.

3 (b) Unless sooner paroled under Section 3-3-3, the
4 confinement of a minor person committed for an indeterminate
5 sentence in a criminal proceeding shall terminate at the
6 expiration of the maximum term of imprisonment, and he shall
7 thereupon be released to serve a period of parole under Section
8 5-8-1, but if the maximum term of imprisonment does not expire
9 until after his 21st birthday, he shall continue to be subject
10 to the control and custody of the Department of Juvenile
11 Justice, and on his 21st birthday, he shall be transferred to
12 the Adult Division of the Department of Corrections. If such
13 person is on parole on his 21st birthday, his parole
14 supervision may be transferred to the Adult Division of the
15 Department of Corrections.

16 (c) Any interdivisional transfer hearing conducted
17 pursuant to subsection (a) of this Section shall consider all
18 available information which may bear upon the issue of
19 transfer. All evidence helpful to the court in determining the
20 question of transfer, including oral and written reports
21 containing hearsay, may be relied upon to the extent of its
22 probative value, even though not competent for the purposes of
23 an adjudicatory hearing. The court shall consider, along with
24 any other relevant matter, the following:

25 1. The nature of the offense for which the minor was found
26 guilty and the length of the sentence the minor has to serve
27 and the record and previous history of the minor.

28 2. The record of the minor's adjustment within the
29 Department of Juvenile Justice ~~Corrections' Juvenile Division~~,
30 including, but not limited to, reports from the minor's
31 counselor, any escapes, attempted escapes or violent or
32 disruptive conduct on the part of the minor, any tickets
33 received by the minor, summaries of classes attended by the
34 minor, and any record of work performed by the minor while in
35 the institution.

36 3. The relative maturity of the minor based upon the

1 physical, psychological and emotional development of the
2 minor.

3 4. The record of the rehabilitative progress of the minor
4 and an assessment of the vocational potential of the minor.

5 5. An assessment of the necessity for transfer of the
6 minor, including, but not limited to, the availability of space
7 within the Department of Corrections, the disciplinary and
8 security problem which the minor has presented to the
9 Department of Juvenile Justice ~~Juvenile Division~~ and the
10 practicability of maintaining the minor in a juvenile facility,
11 whether resources have been exhausted within the Department of
12 Juvenile Justice ~~Juvenile Division of the Department of~~
13 ~~Corrections~~, the availability of rehabilitative and vocational
14 programs within the Department of Corrections, and the
15 anticipated ability of the minor to adjust to confinement
16 within an adult institution based upon the minor's physical
17 size and maturity.

18 All relevant factors considered under this subsection need
19 not be resolved against the juvenile in order to justify such
20 transfer. Access to social records, probation reports or any
21 other reports which are considered by the court for the purpose
22 of transfer shall be made available to counsel for the juvenile
23 at least 30 days prior to the date of the transfer hearing. The
24 Sentencing Court, upon granting a transfer order, shall
25 accompany such order with a statement of reasons.

26 (d) Whenever the Director of Juvenile Justice or his
27 designee determines that the interests of safety, security and
28 discipline require the transfer to the Department of
29 Corrections ~~Adult Division~~ of a person 17 years or older who
30 was prosecuted under the provisions of the Criminal Code of
31 1961, as amended, and sentenced under the provisions of this
32 Act pursuant to Section 2-7 of the Juvenile Court Act or
33 Section 5-805 of the Juvenile Court Act of 1987 and committed
34 to the Department of Juvenile Justice ~~Juvenile Division~~ under
35 Section 5-8-6, the Director or his designee may authorize the
36 emergency transfer of such person, unless the transfer of the

1 person is governed by subsection (e) of this Section. The
2 sentencing court shall be provided notice of any emergency
3 transfer no later than 3 days after the emergency transfer.
4 Upon motion brought within 60 days of the emergency transfer by
5 the sentencing court or any party, the sentencing court may
6 conduct a hearing pursuant to the provisions of subsection (c)
7 of this Section in order to determine whether the person shall
8 remain confined in the Department of Corrections ~~Adult~~
9 ~~Division~~.

10 (e) The Director of Juvenile Justice or his designee may
11 authorize the permanent transfer to the Department of
12 Corrections ~~Adult Division~~ of any person 18 years or older who
13 was prosecuted under the provisions of the Criminal Code of
14 1961, as amended, and sentenced under the provisions of this
15 Act pursuant to Section 2-7 of the Juvenile Court Act or
16 Section 5-805 of the Juvenile Court Act of 1987 and committed
17 to the Department of Juvenile Justice ~~Juvenile Division~~ under
18 Section 5-8-6 of this Act. The Director of Juvenile Justice or
19 his designee shall be governed by the following factors in
20 determining whether to authorize the permanent transfer of the
21 person to the Department of Corrections ~~Adult Division~~:

22 1. The nature of the offense for which the person was found
23 guilty and the length of the sentence the person has to serve
24 and the record and previous history of the person.

25 2. The record of the person's adjustment within the
26 Department of Juvenile Justice ~~Department of Corrections~~
27 ~~Juvenile Division~~, including, but not limited to, reports from
28 the person's counselor, any escapes, attempted escapes or
29 violent or disruptive conduct on the part of the person, any
30 tickets received by the person, summaries of classes attended
31 by the person, and any record of work performed by the person
32 while in the institution.

33 3. The relative maturity of the person based upon the
34 physical, psychological and emotional development of the
35 person.

36 4. The record of the rehabilitative progress of the person

1 and an assessment of the vocational potential of the person.

2 5. An assessment of the necessity for transfer of the
3 person, including, but not limited to, the availability of
4 space within the Department of Corrections, the disciplinary
5 and security problem which the person has presented to the
6 Department of Juvenile Justice ~~Juvenile Division~~ and the
7 practicability of maintaining the person in a juvenile
8 facility, whether resources have been exhausted within the
9 Department of Juvenile Justice ~~Juvenile Division of the~~
10 ~~Department of Corrections~~, the availability of rehabilitative
11 and vocational programs within the Department of Corrections,
12 and the anticipated ability of the person to adjust to
13 confinement within an adult institution based upon the person's
14 physical size and maturity.

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

16 (730 ILCS 5/3-10-8) (from Ch. 38, par. 1003-10-8)

17 Sec. 3-10-8. Discipline.) (a) (1) Corporal punishment and
18 disciplinary restrictions on diet, medical or sanitary
19 facilities, clothing, bedding or mail are prohibited, as are
20 reductions in the frequency of use of toilets, washbowls and
21 showers.

22 (2) Disciplinary restrictions on visitation, work,
23 education or program assignments, the use of toilets, washbowls
24 and showers shall be related as closely as practicable to abuse
25 of such privileges or facilities. This paragraph shall not
26 apply to segregation or isolation of persons for purposes of
27 institutional control.

28 (3) No person committed to the Department of Juvenile
29 Justice ~~Juvenile Division~~ may be isolated for disciplinary
30 reasons for more than 7 consecutive days nor more than 15 days
31 out of any 30 day period except in cases of violence or
32 attempted violence committed against another person or
33 property when an additional period of isolation for
34 disciplinary reasons is approved by the chief administrative
35 officer. A person who has been isolated for 24 hours or more

1 shall be interviewed daily by his staff counselor or other
2 staff member.

3 (b) The Department of Juvenile Justice ~~Juvenile Division~~
4 shall establish rules and regulations governing disciplinary
5 practices, the penalties for violation thereof, and the
6 disciplinary procedure by which such penalties may be imposed.
7 The rules of behavior shall be made known to each committed
8 person, and the discipline shall be suited to the infraction
9 and fairly applied.

10 (c) All disciplinary action imposed upon persons in
11 institutions and facilities of the Department of Juvenile
12 Justice ~~Juvenile Division~~ shall be consistent with this Section
13 and Department rules and regulations adopted hereunder.

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

16 (e) A written report of any infraction for which discipline
17 is imposed shall be filed with the chief administrative officer
18 within 72 hours of the occurrence of the infraction or the
19 discovery of it and such report shall be placed in the file of
20 the institution or facility.

21 (f) All institutions and facilities of the Department of
22 Juvenile Justice ~~Juvenile Division~~ shall establish, subject to
23 the approval of the Director of Juvenile Justice, procedures
24 for disciplinary cases except those that may involve the
25 imposition of disciplinary isolation; delay in referral to the
26 Parole and Pardon Board or a change in work, education or other
27 program assignment of more than 7 days duration.

28 (g) In disciplinary cases which may involve the imposition
29 of disciplinary isolation, delay in referral to the Parole and
30 Pardon Board, or a change in work, education or other program
31 assignment of more than 7 days duration, the Director shall
32 establish disciplinary procedures consistent with the
33 following principles:

34 (1) Any person or persons who initiate a disciplinary
35 charge against a person shall not decide the charge. To the
36 extent possible, a person representing the counseling staff of

1 the institution or facility shall participate in deciding the
2 disciplinary case.

3 (2) Any committed person charged with a violation of
4 Department rules of behavior shall be given notice of the
5 charge including a statement of the misconduct alleged and of
6 the rules this conduct is alleged to violate.

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

11 (4) The person or persons deciding the charge may also
12 summon to testify any witnesses or other persons with relevant
13 knowledge of the incident. The person charged may be permitted
14 to question any person so summoned.

15 (5) If the charge is sustained, the person charged is
16 entitled to a written statement of the decision by the persons
17 deciding the charge which shall include the basis for the
18 decision and the disciplinary action, if any, to be imposed.

19 (6) A change in work, education, or other program
20 assignment shall not be used for disciplinary purposes except
21 as provided in paragraph (a) of the Section and then only after
22 review and approval under Section 3-10-3.

23 (Source: P.A. 80-1099.)

24 (730 ILCS 5/3-10-9) (from Ch. 38, par. 1003-10-9)

25 Sec. 3-10-9. Grievances.

26 The procedures for grievances of the Department of Juvenile
27 Justice ~~Juvenile Division~~ shall be governed under Section
28 3-8-8.

29 (Source: P.A. 77-2097.)

30 (730 ILCS 5/3-10-10) (from Ch. 38, par. 1003-10-10)

31 Sec. 3-10-10. Assistance to Committed Persons.

32 A person committed to the Department of Juvenile Justice
33 ~~Juvenile Division~~ shall be furnished with staff assistance in
34 the exercise of any rights and privileges granted him under

1 this Code. Such person shall be informed of his right to
2 assistance by his staff counselor or other staff member.

3 (Source: P.A. 77-2097.)

4 (730 ILCS 5/3-10-11) (from Ch. 38, par. 1003-10-11)

5 Sec. 3-10-11. Transfers from Department of Children and
6 Family Services.

7 (a) If (i) a minor 10 years of age or older is adjudicated
8 a delinquent under the Juvenile Court Act or the Juvenile Court
9 Act of 1987 and placed with the Department of Children and
10 Family Services, (ii) it is determined by an interagency review
11 committee that the Department of Children and Family Services
12 lacks adequate facilities to care for and rehabilitate such
13 minor and that placement of such minor with the Department of
14 Juvenile Justice Corrections, subject to certification by the
15 Department of Juvenile Justice Corrections, is appropriate,
16 and (iii) the Department of Juvenile Justice Corrections
17 certifies that it has suitable facilities and personnel
18 available for the confinement of the minor, the Department of
19 Children and Family Services may transfer custody of the minor
20 to the Department of Juvenile Justice Juvenile Division of the
21 ~~Department of Corrections~~ provided that:

22 (1) the juvenile court that adjudicated the minor a
23 delinquent orders the transfer after a hearing with
24 opportunity to the minor to be heard and defend; and

25 (2) the ~~Assistant~~ Director of Juvenile Justice ~~the~~
26 ~~Department of Corrections, Juvenile Division,~~ is made a
27 party to the action; and

28 (3) notice of such transfer is given to the minor's
29 parent, guardian or nearest relative; and

30 (4) a term of incarceration is permitted by law for
31 adults found guilty of the offense for which the minor was
32 adjudicated delinquent.

33 The interagency review committee shall include a
34 representative from the Department of Children and Family
35 Services, a representative from the Department of Juvenile

1 ~~Justice Corrections~~, and an educator and a qualified mental
2 health professional jointly selected by the Department of
3 Children and Family Services and the Department of Juvenile
4 Justice Corrections. The Department of Children and Family
5 Services, in consultation with the Department of Juvenile
6 Justice Corrections, shall promulgate rules governing the
7 operation of the interagency review committee pursuant to the
8 Illinois Administrative Procedure Act.

9 (b) Guardianship of a minor transferred under this Section
10 shall remain with the Department of Children and Family
11 Services.

12 (c) Minors transferred under this Section may be placed by
13 the Department of Juvenile Justice Corrections in any program
14 or facility of the Department of Juvenile Justice Corrections,
15 ~~Juvenile Division~~, or any juvenile residential facility.

16 (d) A minor transferred under this Section shall remain in
17 the custody of the Department of Juvenile Justice Corrections,
18 ~~Juvenile Division~~, until the Department of Juvenile Justice
19 Corrections determines that the minor is ready to leave its
20 program. The Department of Juvenile Justice Corrections in
21 consultation with the Department of Children and Family
22 Services shall develop a transition plan and cooperate with the
23 Department of Children and Family Services to move the minor to
24 an alternate program. Thirty days before implementing the
25 transition plan, the Department of Juvenile Justice
26 Corrections shall provide the court with notice of the plan.
27 The Department of Juvenile Justice's Corrections
28 custodianship of the minor shall automatically terminate 30
29 days after notice is provided to the court and the State's
30 Attorney.

31 (e) In no event shall a minor transferred under this
32 Section remain in the custody of the Department of Juvenile
33 Justice Corrections for a period of time in excess of that
34 period for which an adult could be committed for the same act.

35 (Source: P.A. 88-680, eff. 1-1-95.)

1 (730 ILCS 5/3-10-12) (from Ch. 38, par. 1003-10-12)

2 Sec. 3-10-12.

3 The Director of the Department of Juvenile Justice
4 ~~Corrections~~ may authorize the use of any institution or
5 facility of the Department of Juvenile Justice ~~Juvenile~~
6 ~~Division~~ as a Juvenile Detention Facility for the confinement
7 of minors under 16 years of age in the custody or detained by
8 the Sheriff of any County or the police department of any city
9 when said juvenile is being held for appearance before a
10 Juvenile Court or by Order of Court or for other legal reason,
11 when there is no Juvenile Detention facility available or there
12 are no other arrangements suitable for the confinement of
13 juveniles. The Director of Juvenile Justice ~~the Department of~~
14 ~~Corrections~~ may certify that suitable facilities and personnel
15 are available at the appropriate institution or facility for
16 the confinement of such minors and this certification shall be
17 filed with the Clerk of the Circuit Court of the County. The
18 Director of Juvenile Justice ~~the Department of Corrections~~ may
19 withdraw or withhold certification at any time. Upon the filing
20 of the certificate in a county the authorities of the county
21 may then use those facilities and set forth in the certificate
22 under the terms and conditions therein for the above purpose.
23 Juveniles confined, by the Department of Juvenile Justice
24 ~~Corrections~~, under this Section, must be kept separate from
25 adjudicated delinquents.

26 (Source: P.A. 78-878.)

27 (730 ILCS 5/3-10-13)

28 Sec. 3-10-13. Notifications of Release or Escape.

29 (a) The Department of Juvenile Justice shall establish
30 procedures to provide written notification of the release of
31 any person from the Department of Juvenile Justice ~~Juvenile~~
32 ~~Division~~ to the persons and agencies specified in subsection
33 (c) of Section 3-14-1 of this Code.

34 (b) The Department of Juvenile Justice shall establish
35 procedures to provide immediate notification of the escape of

1 any person from the Department of Juvenile Justice ~~Juvenile~~
2 ~~Division~~ to the persons and agencies specified in subsection
3 (c) of Section 3-14-1 of this Code.

4 (Source: P.A. 91-695, eff. 4-13-00.)

5 (730 ILCS 5/3-15-2) (from Ch. 38, par. 1003-15-2)

6 Sec. 3-15-2. Standards and Assistance to Local Jails and
7 Detention and Shelter Care Facilities.

8 (a) The Department of Corrections shall establish for the
9 operation of county and municipal jails and houses of
10 correction, ~~and county juvenile detention and shelter care~~
11 ~~facilities established pursuant to the "County Shelter Care and~~
12 ~~Detention Home Act",~~ minimum standards for the physical
13 condition of such institutions and for the treatment of inmates
14 with respect to their health and safety and the security of the
15 community.

16 The Department of Juvenile Justice shall establish for the
17 operation of county juvenile detention and shelter care
18 facilities established pursuant to the County Shelter Care and
19 Detention Home Act, minimum standards for the physical
20 condition of such institutions and for the treatment of
21 juveniles with respect to their health and safety and the
22 security of the community.

23 Such standards shall not apply to county shelter care
24 facilities which were in operation prior to January 1, 1980.
25 Such standards shall not seek to mandate minimum floor space
26 requirements for each inmate housed in cells and detention
27 rooms in county and municipal jails and houses of correction.
28 However, no more than two inmates may be housed in a single
29 cell or detention room.

30 When an inmate is tested for an airborne communicable
31 disease, as determined by the Illinois Department of Public
32 Health including but not limited to tuberculosis, the results
33 of the test shall be personally delivered by the warden or his
34 or her designee in a sealed envelope to the judge of the court
35 in which the inmate must appear for the judge's inspection in

1 camera if requested by the judge. Acting in accordance with the
2 best interests of those in the courtroom, the judge shall have
3 the discretion to determine what if any precautions need to be
4 taken to prevent transmission of the disease in the courtroom.

5 (b) At least once each year, the Department of Corrections
6 may inspect each adult facility for compliance with the
7 standards established and the results of such inspection shall
8 be made available by the Department for public inspection. At
9 least once each year, the Department of Juvenile Justice shall
10 inspect each county juvenile detention and shelter care
11 facility for compliance with the standards established, and the
12 Department of Juvenile Justice shall make the results of such
13 inspections available for public inspection. If any detention,
14 shelter care or correctional facility does not comply with the
15 standards established, the Director of Corrections or the
16 Director of Juvenile Justice, as the case may be, shall give
17 notice to the county board and the sheriff or the corporate
18 authorities of the municipality, as the case may be, of such
19 noncompliance, specifying the particular standards that have
20 not been met by such facility. If the facility is not in
21 compliance with such standards when six months have elapsed
22 from the giving of such notice, the Director of Corrections or
23 the Director of Juvenile Justice, as the case may be, may
24 petition the appropriate court for an order requiring such
25 facility to comply with the standards established by the
26 Department or for other appropriate relief.

27 (c) The Department of Corrections may provide consultation
28 services for the design, construction, programs and
29 administration of ~~detention, shelter care, and~~ correctional
30 facilities and services for ~~children and~~ adults operated by
31 counties and municipalities and may make studies and surveys of
32 the programs and the administration of such facilities.
33 Personnel of the Department shall be admitted to these
34 facilities as required for such purposes. The Department may
35 develop and administer programs of grants-in-aid for
36 correctional services in cooperation with local agencies. The

1 Department may provide courses of training for the personnel of
2 such institutions and conduct pilot projects in the
3 institutions.

4 (c-5) The Department of Juvenile Justice may provide
5 consultation services for the design, construction, programs,
6 and administration of detention and shelter care services for
7 children operated by counties and municipalities and may make
8 studies and surveys of the programs and the administration of
9 such facilities. Personnel of the Department of Juvenile
10 Justice shall be admitted to these facilities as required for
11 such purposes. The Department of Juvenile Justice may develop
12 and administer programs of grants-in-aid for juvenile
13 correctional services in cooperation with local agencies. The
14 Department of Juvenile Justice may provide courses of training
15 for the personnel of such institutions and conduct pilot
16 projects in the institutions.

17 (d) The Department is authorized to issue reimbursement
18 grants for counties, municipalities or public building
19 commissions for the purpose of meeting minimum correctional
20 facilities standards set by the Department under this Section.
21 Grants may be issued only for projects that were completed
22 after July 1, 1980 and initiated prior to January 1, 1987.

23 (1) Grants for regional correctional facilities shall
24 not exceed 90% of the project costs or \$7,000,000,
25 whichever is less.

26 (2) Grants for correctional facilities by a single
27 county, municipality or public building commission shall
28 not exceed 75% of the proposed project costs or \$4,000,000,
29 whichever is less.

30 (3) As used in this subsection (d), "project" means
31 only that part of a facility that is constructed for jail,
32 correctional or detention purposes and does not include
33 other areas of multi-purpose buildings.

34 Construction or renovation grants are authorized to be
35 issued by the Capital Development Board from capital
36 development bond funds after application by a county or

1 counties, municipality or municipalities or public building
2 commission or commissions and approval of a construction or
3 renovation grant by the Department for projects initiated after
4 January 1, 1987.

5 (e) The Department of Juvenile Justice shall adopt
6 standards for county jails to hold juveniles on a temporary
7 basis, as provided in Section 5-410 of the Juvenile Court Act
8 of 1987. These standards shall include educational,
9 recreational, and disciplinary standards as well as access to
10 medical services, crisis intervention, mental health services,
11 suicide prevention, health care, nutritional needs, and
12 visitation rights. The Department of Juvenile Justice shall
13 also notify any county applying to hold juveniles in a county
14 jail of the monitoring and program standards for juvenile
15 detention facilities under Section 5-410 of the Juvenile Court
16 Act of 1987.

17 (Source: P.A. 89-64, eff. 1-1-96; 89-477, eff. 6-18-96; 89-656,
18 eff. 8-14-96; 90-14, eff. 7-1-97; 90-590, eff. 1-1-99.)

19 (730 ILCS 5/3-16-5)

20 Sec. 3-16-5. Multi-year pilot program for selected paroled
21 youth released from institutions of the Department of Juvenile
22 Justice ~~Juvenile Division~~.

23 (a) The Department of Juvenile Justice ~~Corrections~~ may
24 establish in Cook County, DuPage County, Lake County, Will
25 County, and Kane County a 6 year pilot program for selected
26 youthful offenders released to parole by the Department of
27 Juvenile Justice ~~Juvenile Division of the Department of~~
28 ~~Corrections~~.

29 (b) A person who is being released to parole from the
30 Department of Juvenile Justice ~~Juvenile Division~~ under
31 subsection (e) of Section 3-3-3 whom the Department of Juvenile
32 Justice ~~Juvenile Division~~ deems a serious or at risk delinquent
33 youth who is likely to have difficulty re-adjusting to the
34 community, who has had either significant clinical problems or
35 a history of criminal activity related to sex offenses, drugs,

1 weapons, or gangs, and who is returning to Cook County, Will
2 County, Lake County, DuPage County, or Kane County may be
3 screened for eligibility to participate in the pilot program.

4 (c) If the Department of Juvenile Justice establishes a
5 pilot program under this Section, the Department of Juvenile
6 Justice ~~Juvenile Division~~ shall provide supervision and
7 structured services to persons selected to participate in the
8 program to: (i) ensure that they receive high levels of
9 supervision and case managed, structured services; (ii)
10 prepare them for re-integration into the community; (iii)
11 effectively monitor their compliance with parole requirements
12 and programming; and (iv) minimize the likelihood that they
13 will commit additional offenses.

14 (d) Based upon the needs of a participant, the Department
15 of Juvenile Justice may provide any or all of the following to
16 a participant:

- 17 (1) Risk and needs assessment;
- 18 (2) Comprehensive case management;
- 19 (3) Placement in licensed secured community facilities
20 as a transitional measure;
- 21 (4) Transition to residential programming;
- 22 (5) Targeted intensive outpatient treatment services;
- 23 (6) Structured day and evening reporting programs and
24 behavioral day treatment;
- 25 (7) Family counseling;
- 26 (8) Transitional programs to independent living;
- 27 (9) Alternative placements;
- 28 (10) Substance abuse treatment.

29 (e) A needs assessment case plan and parole supervision
30 profile may be completed by the Department of Juvenile Justice
31 ~~Corrections~~ before the selected eligible person's release from
32 institutional custody to parole supervision. The needs
33 assessment case plan and parole supervision profile shall
34 include identification of placement requirements, intensity of
35 parole supervision, and assessments of educational,
36 psychological, vocational, medical, and substance abuse

1 treatment needs. Following the completion by the Department of
2 Juvenile Justice ~~Corrections~~ of the parole supervision profile
3 and needs assessment case plan, a comprehensive parole case
4 management plan shall be developed for each committed youth
5 eligible and selected for admission to the pilot program. The
6 comprehensive parole case management plan shall be submitted
7 for approval by the Department of Juvenile Justice and for
8 presentation to the Prisoner Review Board.

9 (f) The Department of Juvenile Justice may identify in a
10 comprehensive parole case management plan any special
11 conditions for parole supervision and establish sanctions for a
12 participant who fails to comply with the program requirements
13 or who violates parole rules. These sanctions may include the
14 return of a participant to a secure community placement or
15 recommendations for parole revocation to the Prisoner Review
16 Board. Paroled youth may be held for investigation in secure
17 community facilities or on warrant pending revocation in local
18 detention or jail facilities based on age.

19 (g) The Department of Juvenile Justice may select and
20 contract with a community-based network and work in partnership
21 with private providers to provide the services specified in
22 subsection (d).

23 (h) If the Department of Juvenile Justice establishes a
24 pilot program under this Section, the Department of Juvenile
25 Justice shall, in the 3 years following the effective date of
26 this amendatory Act of 1997, first implement the pilot program
27 in Cook County and then implement the pilot program in DuPage
28 County, Lake County, Will County, and Kane County in accordance
29 with a schedule to be developed by the Department of Juvenile
30 Justice.

31 (i) If the Department of Juvenile Justice establishes a
32 pilot program under this Section, the Department of Juvenile
33 Justice shall establish a 3 year follow-up evaluation and
34 outcome assessment for all participants in the pilot program.

35 (j) If the Department of Juvenile Justice establishes a
36 pilot program under this Section, the Department of Juvenile

1 Justice shall publish an outcome study covering a 3 year
2 follow-up period for participants in the pilot program.

3 (Source: P.A. 90-79, eff. 1-1-98.)

4 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

5 Sec. 5-8-6. Place of Confinement. (a) Offenders sentenced
6 to a term of imprisonment for a felony shall be committed to
7 the penitentiary system of the Department of Corrections.
8 However, such sentence shall not limit the powers of the
9 Department of Children and Family Services in relation to any
10 child under the age of one year in the sole custody of a person
11 so sentenced, nor in relation to any child delivered by a
12 female so sentenced while she is so confined as a consequence
13 of such sentence. A person sentenced for a felony may be
14 assigned by the Department of Corrections to any of its
15 institutions, facilities or programs.

16 (b) Offenders sentenced to a term of imprisonment for less
17 than one year shall be committed to the custody of the sheriff.
18 A person committed to the Department of Corrections, prior to
19 July 14, 1983, for less than one year may be assigned by the
20 Department to any of its institutions, facilities or programs.

21 (c) All offenders under 17 years of age when sentenced to
22 imprisonment shall be committed to the Department of Juvenile
23 Justice ~~Juvenile Division of the Department of Corrections~~ and
24 the court in its order of commitment shall set a definite term.
25 Such order of commitment shall be the sentence of the court
26 which may be amended by the court while jurisdiction is
27 retained; and such sentence shall apply whenever the offender
28 sentenced is in the control and custody of the ~~Adult Division~~
29 ~~of the~~ Department of Corrections. The provisions of Section
30 3-3-3 shall be a part of such commitment as fully as though
31 written in the order of commitment. The committing court shall
32 retain jurisdiction of the subject matter and the person until
33 he or she reaches the age of 21 unless earlier discharged.
34 However, the Department of Juvenile Justice ~~Juvenile Division~~
35 ~~of the Department of Corrections~~ shall, after a juvenile has

1 reached 17 years of age, petition the court to conduct a
2 hearing pursuant to subsection (c) of Section 3-10-7 of this
3 Code.

4 (d) No defendant shall be committed to the Department of
5 Corrections for the recovery of a fine or costs.

6 (e) When a court sentences a defendant to a term of
7 imprisonment concurrent with a previous and unexpired sentence
8 of imprisonment imposed by any district court of the United
9 States, it may commit the offender to the custody of the
10 Attorney General of the United States. The Attorney General of
11 the United States, or the authorized representative of the
12 Attorney General of the United States, shall be furnished with
13 the warrant of commitment from the court imposing sentence,
14 which warrant of commitment shall provide that, when the
15 offender is released from federal confinement, whether by
16 parole or by termination of sentence, the offender shall be
17 transferred by the Sheriff of the committing county to the
18 Department of Corrections. The court shall cause the Department
19 to be notified of such sentence at the time of commitment and
20 to be provided with copies of all records regarding the
21 sentence.

22 (Source: P.A. 83-1362.)

23 Section 30. The Probation and Probation Officers Act is
24 amended by changing Sections 15 and 16.1 as follows:

25 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

26 Sec. 15. (1) The Supreme Court of Illinois may establish a
27 Division of Probation Services whose purpose shall be the
28 development, establishment, promulgation, and enforcement of
29 uniform standards for probation services in this State, and to
30 otherwise carry out the intent of this Act. The Division may:

31 (a) establish qualifications for chief probation
32 officers and other probation and court services personnel
33 as to hiring, promotion, and training.

34 (b) make available, on a timely basis, lists of those

1 applicants whose qualifications meet the regulations
2 referred to herein, including on said lists all candidates
3 found qualified.

4 (c) establish a means of verifying the conditions for
5 reimbursement under this Act and develop criteria for
6 approved costs for reimbursement.

7 (d) develop standards and approve employee
8 compensation schedules for probation and court services
9 departments.

10 (e) employ sufficient personnel in the Division to
11 carry out the functions of the Division.

12 (f) establish a system of training and establish
13 standards for personnel orientation and training.

14 (g) develop standards for a system of record keeping
15 for cases and programs, gather statistics, establish a
16 system of uniform forms, and develop research for planning
17 of Probation Services.

18 (h) develop standards to assure adequate support
19 personnel, office space, equipment and supplies, travel
20 expenses, and other essential items necessary for
21 Probation and Court Services Departments to carry out their
22 duties.

23 (i) review and approve annual plans submitted by
24 Probation and Court Services Departments.

25 (j) monitor and evaluate all programs operated by
26 Probation and Court Services Departments, and may include
27 in the program evaluation criteria such factors as the
28 percentage of Probation sentences for felons convicted of
29 Probationable offenses.

30 (k) seek the cooperation of local and State government
31 and private agencies to improve the quality of probation
32 and court services.

33 (l) where appropriate, establish programs and
34 corresponding standards designed to generally improve the
35 quality of probation and court services and reduce the rate
36 of adult or juvenile offenders committed to the Department

1 of Corrections.

2 (m) establish such other standards and regulations and
3 do all acts necessary to carry out the intent and purposes
4 of this Act.

5 The Division shall establish a model list of structured
6 intermediate sanctions that may be imposed by a probation
7 agency for violations of terms and conditions of a sentence of
8 probation, conditional discharge, or supervision.

9 The State of Illinois shall provide for the costs of
10 personnel, travel, equipment, telecommunications, postage,
11 commodities, printing, space, contractual services and other
12 related costs necessary to carry out the intent of this Act.

13 (2) (a) The chief judge of each circuit shall provide
14 full-time probation services for all counties within the
15 circuit, in a manner consistent with the annual probation plan,
16 the standards, policies, and regulations established by the
17 Supreme Court. A probation district of two or more counties
18 within a circuit may be created for the purposes of providing
19 full-time probation services. Every county or group of counties
20 within a circuit shall maintain a probation department which
21 shall be under the authority of the Chief Judge of the circuit
22 or some other judge designated by the Chief Judge. The Chief
23 Judge, through the Probation and Court Services Department
24 shall submit annual plans to the Division for probation and
25 related services.

26 (b) The Chief Judge of each circuit shall appoint the Chief
27 Probation Officer and all other probation officers for his or
28 her circuit from lists of qualified applicants supplied by the
29 Supreme Court. Candidates for chief managing officer and other
30 probation officer positions must apply with both the Chief
31 Judge of the circuit and the Supreme Court.

32 (3) A Probation and Court Service Department shall apply to
33 the Supreme Court for funds for basic services, and may apply
34 for funds for new and expanded programs or Individualized
35 Services and Programs. Costs shall be reimbursed monthly based
36 on a plan and budget approved by the Supreme Court. No

1 Department may be reimbursed for costs which exceed or are not
2 provided for in the approved annual plan and budget. After the
3 effective date of this amendatory Act of 1985, each county must
4 provide basic services in accordance with the annual plan and
5 standards created by the division. No department may receive
6 funds for new or expanded programs or individualized services
7 and programs unless they are in compliance with standards as
8 enumerated in paragraph (h) of subsection (1) of this Section,
9 the annual plan, and standards for basic services.

10 (4) The Division shall reimburse the county or counties for
11 probation services as follows:

12 (a) 100% of the salary of all chief managing officers
13 designated as such by the Chief Judge and the division.

14 (b) 100% of the salary for all probation officer and
15 supervisor positions approved for reimbursement by the
16 division after April 1, 1984, to meet workload standards
17 and to implement intensive sanction and probation
18 supervision programs and other basic services as defined in
19 this Act.

20 (c) 100% of the salary for all secure detention
21 personnel and non-secure group home personnel approved for
22 reimbursement after December 1, 1990. For all such
23 positions approved for reimbursement before December 1,
24 1990, the counties shall be reimbursed \$1,250 per month
25 beginning July 1, 1995, and an additional \$250 per month
26 beginning each July 1st thereafter until the positions
27 receive 100% salary reimbursement. Allocation of such
28 positions will be based on comparative need considering
29 capacity, staff/resident ratio, physical plant and
30 program.

31 (d) \$1,000 per month for salaries for the remaining
32 probation officer positions engaged in basic services and
33 new or expanded services. All such positions shall be
34 approved by the division in accordance with this Act and
35 division standards.

36 (e) 100% of the travel expenses in accordance with

1 Division standards for all Probation positions approved
2 under paragraph (b) of subsection 4 of this Section.

3 (f) If the amount of funds reimbursed to the county
4 under paragraphs (a) through (e) of subsection 4 of this
5 Section on an annual basis is less than the amount the
6 county had received during the 12 month period immediately
7 prior to the effective date of this amendatory Act of 1985,
8 then the Division shall reimburse the amount of the
9 difference to the county. The effect of paragraph (b) of
10 subsection 7 of this Section shall be considered in
11 implementing this supplemental reimbursement provision.

12 (5) The Division shall provide funds beginning on April 1,
13 1987 for the counties to provide Individualized Services and
14 Programs as provided in Section 16 of this Act.

15 (6) A Probation and Court Services Department in order to
16 be eligible for the reimbursement must submit to the Supreme
17 Court an application containing such information and in such a
18 form and by such dates as the Supreme Court may require.
19 Departments to be eligible for funding must satisfy the
20 following conditions:

21 (a) The Department shall have on file with the Supreme
22 Court an annual Probation plan for continuing, improved,
23 and new Probation and Court Services Programs approved by
24 the Supreme Court or its designee. This plan shall indicate
25 the manner in which Probation and Court Services will be
26 delivered and improved, consistent with the minimum
27 standards and regulations for Probation and Court
28 Services, as established by the Supreme Court. In counties
29 with more than one Probation and Court Services Department
30 eligible to receive funds, all Departments within that
31 county must submit plans which are approved by the Supreme
32 Court.

33 (b) The annual probation plan shall seek to generally
34 improve the quality of probation services and to reduce the
35 commitment of adult ~~and juvenile~~ offenders to the
36 Department of Corrections and to reduce the commitment of

1 juvenile offenders to the Department of Juvenile Justice
2 and shall require, when appropriate, coordination with the
3 Department of Corrections, the Department of Juvenile
4 Justice, and the Department of Children and Family Services
5 in the development and use of community resources,
6 information systems, case review and permanency planning
7 systems to avoid the duplication of services.

8 (c) The Department shall be in compliance with
9 standards developed by the Supreme Court for basic, new and
10 expanded services, training, personnel hiring and
11 promotion.

12 (d) The Department shall in its annual plan indicate
13 the manner in which it will support the rights of crime
14 victims and in which manner it will implement Article I,
15 Section 8.1 of the Illinois Constitution and in what manner
16 it will coordinate crime victims' support services with
17 other criminal justice agencies within its jurisdiction,
18 including but not limited to, the State's Attorney, the
19 Sheriff and any municipal police department.

20 (7) No statement shall be verified by the Supreme Court or
21 its designee or vouchered by the Comptroller unless each of the
22 following conditions have been met:

23 (a) The probation officer is a full-time employee
24 appointed by the Chief Judge to provide probation services.

25 (b) The probation officer, in order to be eligible for
26 State reimbursement, is receiving a salary of at least
27 \$17,000 per year.

28 (c) The probation officer is appointed or was
29 reappointed in accordance with minimum qualifications or
30 criteria established by the Supreme Court; however, all
31 probation officers appointed prior to January 1, 1978,
32 shall be exempted from the minimum requirements
33 established by the Supreme Court. Payments shall be made to
34 counties employing these exempted probation officers as
35 long as they are employed in the position held on the
36 effective date of this amendatory Act of 1985. Promotions

1 shall be governed by minimum qualifications established by
2 the Supreme Court.

3 (d) The Department has an established compensation
4 schedule approved by the Supreme Court. The compensation
5 schedule shall include salary ranges with necessary
6 increments to compensate each employee. The increments
7 shall, within the salary ranges, be based on such factors
8 as bona fide occupational qualifications, performance, and
9 length of service. Each position in the Department shall be
10 placed on the compensation schedule according to job duties
11 and responsibilities of such position. The policy and
12 procedures of the compensation schedule shall be made
13 available to each employee.

14 (8) In order to obtain full reimbursement of all approved
15 costs, each Department must continue to employ at least the
16 same number of probation officers and probation managers as
17 were authorized for employment for the fiscal year which
18 includes January 1, 1985. This number shall be designated as
19 the base amount of the Department. No positions approved by the
20 Division under paragraph (b) of subsection 4 will be included
21 in the base amount. In the event that the Department employs
22 fewer Probation officers and Probation managers than the base
23 amount for a period of 90 days, funding received by the
24 Department under subsection 4 of this Section may be reduced on
25 a monthly basis by the amount of the current salaries of any
26 positions below the base amount.

27 (9) Before the 15th day of each month, the treasurer of any
28 county which has a Probation and Court Services Department, or
29 the treasurer of the most populous county, in the case of a
30 Probation or Court Services Department funded by more than one
31 county, shall submit an itemized statement of all approved
32 costs incurred in the delivery of Basic Probation and Court
33 Services under this Act to the Supreme Court. The treasurer may
34 also submit an itemized statement of all approved costs
35 incurred in the delivery of new and expanded Probation and
36 Court Services as well as Individualized Services and Programs.

1 The Supreme Court or its designee shall verify compliance with
2 this Section and shall examine and audit the monthly statement
3 and, upon finding them to be correct, shall forward them to the
4 Comptroller for payment to the county treasurer. In the case of
5 payment to a treasurer of a county which is the most populous
6 of counties sharing the salary and expenses of a Probation and
7 Court Services Department, the treasurer shall divide the money
8 between the counties in a manner that reflects each county's
9 share of the cost incurred by the Department.

10 (10) The county treasurer must certify that funds received
11 under this Section shall be used solely to maintain and improve
12 Probation and Court Services. The county or circuit shall
13 remain in compliance with all standards, policies and
14 regulations established by the Supreme Court. If at any time
15 the Supreme Court determines that a county or circuit is not in
16 compliance, the Supreme Court shall immediately notify the
17 Chief Judge, county board chairman and the Director of Court
18 Services Chief Probation Officer. If after 90 days of written
19 notice the noncompliance still exists, the Supreme Court shall
20 be required to reduce the amount of monthly reimbursement by
21 10%. An additional 10% reduction of monthly reimbursement shall
22 occur for each consecutive month of noncompliance. Except as
23 provided in subsection 5 of Section 15, funding to counties
24 shall commence on April 1, 1986. Funds received under this Act
25 shall be used to provide for Probation Department expenses
26 including those required under Section 13 of this Act. For
27 State fiscal years 2004, 2005, and 2006 only, the Mandatory
28 Arbitration Fund may be used to provide for Probation
29 Department expenses, including those required under Section 13
30 of this Act.

31 (11) The respective counties shall be responsible for
32 capital and space costs, fringe benefits, clerical costs,
33 equipment, telecommunications, postage, commodities and
34 printing.

35 (12) For purposes of this Act only, probation officers
36 shall be considered peace officers. In the exercise of their

1 official duties, probation officers, sheriffs, and police
2 officers may, anywhere within the State, arrest any probationer
3 who is in violation of any of the conditions of his or her
4 probation, conditional discharge, or supervision, and it shall
5 be the duty of the officer making the arrest to take the
6 probationer before the Court having jurisdiction over the
7 probationer for further order.

8 (Source: P.A. 93-25, eff. 6-20-03; 93-576, eff. 1-1-04; 93-839,
9 eff. 7-30-04; 94-91, eff. 7-1-05.)

10 (730 ILCS 110/16.1)

11 Sec. 16.1. Redeploy Illinois Program.

12 (a) The purpose of this Section is to encourage the
13 deinstitutionalization of juvenile offenders establishing
14 pilot projects in counties or groups of counties that
15 reallocate State funds from juvenile correctional confinement
16 to local jurisdictions, which will establish a continuum of
17 local, community-based sanctions and treatment alternatives
18 for juvenile offenders who would be incarcerated if those local
19 services and sanctions did not exist. The allotment of funds
20 will be based on a formula that rewards local jurisdictions for
21 the establishment or expansion of local alternatives to
22 incarceration, and requires them to pay for utilization of
23 incarceration as a sanction. This redeployment of funds shall
24 be made in a manner consistent with the Juvenile Court Act of
25 1987 and the following purposes and policies:

26 (1) The juvenile justice system should protect the
27 community, impose accountability to victims and
28 communities for violations of law, and equip juvenile
29 offenders with competencies to live responsibly and
30 productively.

31 (2) Juveniles should be treated in the least
32 restrictive manner possible while maintaining the safety
33 of the community.

34 (3) A continuum of services and sanctions from least
35 restrictive to most restrictive should be available in

1 every community.

2 (4) There should be local responsibility and authority
3 for planning, organizing, and coordinating service
4 resources in the community. People in the community can
5 best choose a range of services which reflect community
6 values and meet the needs of their own youth.

7 (5) Juveniles who pose a threat to the community or
8 themselves need special care, including secure settings.
9 Such services as detention, long-term incarceration, or
10 residential treatment are too costly to provide in each
11 community and should be coordinated and provided on a
12 regional or Statewide basis.

13 (6) The roles of State and local government in creating
14 and maintaining services to youth in the juvenile justice
15 system should be clearly defined. The role of the State is
16 to fund services, set standards of care, train service
17 providers, and monitor the integration and coordination of
18 services. The role of local government should be to oversee
19 the provision of services.

20 (b) Each county or circuit participating in the pilot
21 program must create a local plan demonstrating how it will
22 reduce the county or circuit's utilization of secure
23 confinement of juvenile offenders in the Illinois Department of
24 Juvenile Justice ~~Corrections~~ or county detention centers by the
25 creation or expansion of individualized services or programs
26 that may include but are not limited to the following:

27 (1) Assessment and evaluation services to provide the
28 juvenile justice system with accurate individualized case
29 information on each juvenile offender including mental
30 health, substance abuse, educational, and family
31 information;

32 (2) Direct services to individual juvenile offenders
33 including educational, vocational, mental health,
34 substance abuse, supervision, and service coordination;
35 and

36 (3) Programs that seek to restore the offender to the

1 community, such as victim offender panels, teen courts,
2 competency building, enhanced accountability measures,
3 restitution, and community service. The local plan must be
4 directed in such a manner as to emphasize an individualized
5 approach to providing services to juvenile offenders in an
6 integrated community based system including probation as
7 the broker of services. The plan must also detail the
8 reduction in utilization of secure confinement. The local
9 plan shall be limited to services and shall not include
10 costs for:

- 11 (i) capital expenditures;
- 12 (ii) renovations or remodeling;
- 13 (iii) personnel costs for probation.

14 The local plan shall be submitted to the Department of
15 Human Services.

16 (c) A county or group of counties may develop an agreement
17 with the Department of Human Services to reduce their number of
18 commitments of juvenile offenders, excluding minors sentenced
19 based upon a finding of guilt of first degree murder or an
20 offense which is a Class X forcible felony as defined in the
21 Criminal Code of 1961, to the Department of Juvenile Justice
22 ~~Corrections~~, and then use the savings to develop local
23 programming for youth who would otherwise have been committed
24 to the Department of Juvenile Justice ~~Corrections~~. The county
25 or group of counties shall agree to limit their commitments to
26 75% of the level of commitments from the average number of
27 juvenile commitments for the past 3 years, and will receive the
28 savings to redeploy for local programming for juveniles who
29 would otherwise be held in confinement. The agreement shall set
30 forth the following:

- 31 (1) a Statement of the number and type of juvenile
32 offenders from the county who were held in secure
33 confinement by the Illinois Department of Juvenile Justice
34 ~~Corrections~~ or in county detention the previous year, and
35 an explanation of which, and how many, of these offenders
36 might be served through the proposed Redeploy Illinois

1 Program for which the funds shall be used;

2 (2) a Statement of the service needs of currently
3 confined juveniles;

4 (3) a Statement of the type of services and programs to
5 provide for the individual needs of the juvenile offenders,
6 and the research or evidence base that qualifies those
7 services and programs as proven or promising practices;

8 (4) a budget indicating the costs of each service or
9 program to be funded under the plan;

10 (5) a summary of contracts and service agreements
11 indicating the treatment goals and number of juvenile
12 offenders to be served by each service provider; and

13 (6) a Statement indicating that the Redeploy Illinois
14 Program will not duplicate existing services and programs.
15 Funds for this plan shall not supplant existing county
16 funded programs.

17 (d) (Blank).

18 (e) The Department of Human Services shall be responsible
19 for the following:

20 (1) Reviewing each Redeploy Illinois Program plan for
21 compliance with standards established for such plans. A
22 plan may be approved as submitted, approved with
23 modifications, or rejected. No plan shall be considered for
24 approval if the circuit or county is not in full compliance
25 with all regulations, standards and guidelines pertaining
26 to the delivery of basic probation services as established
27 by the Supreme Court.

28 (2) Monitoring on a continual basis and evaluating
29 annually both the program and its fiscal activities in all
30 counties receiving an allocation under the Redeploy
31 Illinois Program. Any program or service that has not met
32 the goals and objectives of its contract or service
33 agreement shall be subject to denial for funding in
34 subsequent years. The Department of Human Services shall
35 evaluate the effectiveness of the Redeploy Illinois
36 Program in each circuit or county. In determining the

1 future funding for the Redeploy Illinois Program under this
2 Act, the evaluation shall include, as a primary indicator
3 of success, a decreased number of confinement days for the
4 county's juvenile offenders.

5 (f) Any Redeploy Illinois Program allocations not applied
6 for and approved by the Department of Human Services shall be
7 available for redistribution to approved plans for the
8 remainder of that fiscal year. Any county that invests local
9 moneys in the Redeploy Illinois Program shall be given first
10 consideration for any redistribution of allocations.
11 Jurisdictions participating in Redeploy Illinois that exceed
12 their agreed upon level of commitments to the Department of
13 Juvenile Justice ~~Corrections~~ shall reimburse the Department of
14 Corrections for each commitment above the agreed upon level.

15 (g) Implementation of Redeploy Illinois.

16 (1) Planning Phase.

17 (i) Redeploy Illinois Oversight Board. The
18 Department of Human Services shall convene an
19 oversight board to develop plans for a pilot Redeploy
20 Illinois Program. The Board shall include, but not be
21 limited to, designees from the Department of Juvenile
22 Justice ~~Corrections~~, the Administrative Office of
23 Illinois Courts, the Illinois Juvenile Justice
24 Commission, the Illinois Criminal Justice Information
25 Authority, the Department of Children and Family
26 Services, the State Board of Education, the Cook County
27 State's Attorney, and a State's Attorney selected by
28 the President of the Illinois State's Attorney's
29 Association.

30 (ii) Responsibilities of the Redeploy Illinois
31 Oversight Board. The Oversight Board shall:

32 (A) Identify jurisdictions to be invited in
33 the initial pilot program of Redeploy Illinois.

34 (B) Develop a formula for reimbursement of
35 local jurisdictions for local and community-based
36 services utilized in lieu of commitment to the

1 Department of Juvenile Justice ~~Corrections~~, as
2 well as for any charges for local jurisdictions for
3 commitments above the agreed upon limit in the
4 approved plan.

5 (C) Identify resources sufficient to support
6 the administration and evaluation of Redeploy
7 Illinois.

8 (D) Develop a process and identify resources
9 to support on-going monitoring and evaluation of
10 Redeploy Illinois.

11 (E) Develop a process and identify resources
12 to support training on Redeploy Illinois.

13 (F) Report to the Governor and the General
14 Assembly on an annual basis on the progress of
15 Redeploy Illinois.

16 (iii) Length of Planning Phase. The planning phase
17 may last up to, but may in no event last longer than,
18 July 1, 2004.

19 (2) Pilot Phase. In the second phase of the Redeploy
20 Illinois program, the Department of Human Services shall
21 implement several pilot programs of Redeploy Illinois in
22 counties or groups of counties as identified by the
23 Oversight Board. Annual review of the Redeploy Illinois
24 program by the Oversight Board shall include
25 recommendations for future sites for Redeploy Illinois.

26 (Source: P.A. 93-641, eff. 12-31-03.)

27 Section 35. The Private Correctional Facility Moratorium
28 Act is amended by changing Section 3 as follows:

29 (730 ILCS 140/3) (from Ch. 38, par. 1583)

30 Sec. 3. Certain contracts prohibited. After the effective
31 date of this Act, the State shall not contract with a private
32 contractor or private vendor for the provision of services
33 relating to the operation of a correctional facility or the
34 incarceration of persons in the custody of the Department of

1 Corrections or of the Department of Juvenile Justice; however,
2 this Act does not apply to (1) State work release centers or
3 juvenile residential facilities that provide separate care or
4 special treatment operated in whole or part by private
5 contractors or (2) contracts for ancillary services, including
6 medical services, educational services, repair and maintenance
7 contracts, or other services not directly related to the
8 ownership, management or operation of security services in a
9 correctional facility.

10 (Source: P.A. 88-680, eff. 1-1-95.)

11 Section 40. The Line of Duty Compensation Act is amended by
12 changing Section 2 as follows:

13 (820 ILCS 315/2) (from Ch. 48, par. 282)

14 Sec. 2. As used in this Act, unless the context otherwise
15 requires:

16 (a) "Law enforcement officer" or "officer" means any person
17 employed by the State or a local governmental entity as a
18 policeman, peace officer, auxiliary policeman or in some like
19 position involving the enforcement of the law and protection of
20 the public interest at the risk of that person's life. This
21 includes supervisors, wardens, superintendents and their
22 assistants, guards and keepers, correctional officers, youth
23 supervisors, parole agents, school teachers and correctional
24 counsellors in all facilities of both the ~~Juvenile and Adult~~
25 ~~Divisions of the~~ Department of Corrections and the Department
26 of Juvenile Justice, while within the facilities under the
27 control of the Department of Corrections or the Department of
28 Juvenile Justice or in the act of transporting inmates or wards
29 from one location to another or while performing their official
30 duties, and all other Department of Correction or Department of
31 Juvenile Justice employees who have daily contact with inmates.

32 The death of the foregoing employees of the Department of
33 Corrections or the Department of Juvenile Justice in order to
34 be included herein must be by the direct or indirect willful

1 act of an inmate, ward, work-releasee, parolee, parole
2 violator, person under conditional release, or any person
3 sentenced or committed, or otherwise subject to confinement in
4 or to the Department of Corrections or the Department of
5 Juvenile Justice.

6 (b) "Fireman" means any person employed by the State or a
7 local governmental entity as, or otherwise serving as, a member
8 or officer of a fire department either for the purpose of the
9 prevention or control of fire or the underwater recovery of
10 drowning victims, including volunteer firemen.

11 (c) "Local governmental entity" includes counties,
12 municipalities and municipal corporations.

13 (d) "State" means the State of Illinois and its
14 departments, divisions, boards, bureaus, commissions,
15 authorities and colleges and universities.

16 (e) "Killed in the line of duty" means losing one's life as
17 a result of injury received in the active performance of duties
18 as a law enforcement officer, civil defense worker, civil air
19 patrol member, paramedic, fireman, or chaplain if the death
20 occurs within one year from the date the injury was received
21 and if that injury arose from violence or other accidental
22 cause. In the case of a State employee, "killed in the line of
23 duty" means losing one's life as a result of injury received in
24 the active performance of one's duties as a State employee, if
25 the death occurs within one year from the date the injury was
26 received and if that injury arose from a willful act of
27 violence by another State employee committed during such other
28 employee's course of employment and after January 1, 1988. The
29 term excludes death resulting from the willful misconduct or
30 intoxication of the officer, civil defense worker, civil air
31 patrol member, paramedic, fireman, chaplain, or State
32 employee. However, the burden of proof of such willful
33 misconduct or intoxication of the officer, civil defense
34 worker, civil air patrol member, paramedic, fireman, chaplain,
35 or State employee is on the Attorney General. Subject to the
36 conditions set forth in subsection (a) with respect to

1 inclusion under this Act of Department of Corrections and
2 Department of Juvenile Justice employees described in that
3 subsection, for the purposes of this Act, instances in which a
4 law enforcement officer receives an injury in the active
5 performance of duties as a law enforcement officer include but
6 are not limited to instances when:

7 (1) the injury is received as a result of a wilful act
8 of violence committed other than by the officer and a
9 relationship exists between the commission of such act and
10 the officer's performance of his duties as a law
11 enforcement officer, whether or not the injury is received
12 while the officer is on duty as a law enforcement officer;

13 (2) the injury is received by the officer while the
14 officer is attempting to prevent the commission of a
15 criminal act by another or attempting to apprehend an
16 individual the officer suspects has committed a crime,
17 whether or not the injury is received while the officer is
18 on duty as a law enforcement officer;

19 (3) the injury is received by the officer while the
20 officer is travelling to or from his employment as a law
21 enforcement officer or during any meal break, or other
22 break, which takes place during the period in which the
23 officer is on duty as a law enforcement officer.

24 In the case of an Armed Forces member, "killed in the line
25 of duty" means losing one's life while on active duty in
26 connection with the September 11, 2001 terrorist attacks on the
27 United States, Operation Enduring Freedom, or Operation Iraqi
28 Freedom.

29 (f) "Volunteer fireman" means a person having principal
30 employment other than as a fireman, but who is carried on the
31 rolls of a regularly constituted fire department either for the
32 purpose of the prevention or control of fire or the underwater
33 recovery of drowning victims, the members of which are under
34 the jurisdiction of the corporate authorities of a city,
35 village, incorporated town, or fire protection district, and
36 includes a volunteer member of a fire department organized

1 under the "General Not for Profit Corporation Act", approved
2 July 17, 1943, as now or hereafter amended, which is under
3 contract with any city, village, incorporated town, fire
4 protection district, or persons residing therein, for fire
5 fighting services. "Volunteer fireman" does not mean an
6 individual who volunteers assistance without being regularly
7 enrolled as a fireman.

8 (g) "Civil defense worker" means any person employed by the
9 State or a local governmental entity as, or otherwise serving
10 as, a member of a civil defense work force, including volunteer
11 civil defense work forces engaged in serving the public
12 interest during periods of disaster, whether natural or
13 man-made.

14 (h) "Civil air patrol member" means any person employed by
15 the State or a local governmental entity as, or otherwise
16 serving as, a member of the organization commonly known as the
17 "Civil Air Patrol", including volunteer members of the
18 organization commonly known as the "Civil Air Patrol".

19 (i) "Paramedic" means an Emergency Medical
20 Technician-Paramedic certified by the Illinois Department of
21 Public Health under the Emergency Medical Services (EMS)
22 Systems Act, and all other emergency medical personnel
23 certified by the Illinois Department of Public Health who are
24 members of an organized body or not-for-profit corporation
25 under the jurisdiction of a city, village, incorporated town,
26 fire protection district or county, that provides emergency
27 medical treatment to persons of a defined geographical area.

28 (j) "State employee" means any employee as defined in
29 Section 14-103.05 of the Illinois Pension Code, as now or
30 hereafter amended.

31 (k) "Chaplain" means an individual who:

32 (1) is a chaplain of (i) a fire department or (ii) a
33 police department or other agency consisting of law
34 enforcement officers; and

35 (2) has been designated a chaplain by (i) the fire
36 department, police department, or other agency or an

1 officer or body having jurisdiction over the department or
2 agency or (ii) a labor organization representing the
3 firemen or law enforcement officers.

4 (1) "Armed Forces member" means an Illinois resident who
5 is: a member of the Armed Forces of the United States; a member
6 of the Illinois National Guard while on active military service
7 pursuant to an order of the President of the United States; or
8 a member of any reserve component of the Armed Forces of the
9 United States while on active military service pursuant to an
10 order of the President of the United States.

11 (Source: P.A. 93-1047, eff. 10-18-04; 93-1073, eff. 1-18-05.)