



Rep. Annazette Collins

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1 AMENDMENT TO SENATE BILL 92

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 92, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

8 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

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

11 The Department on Aging.

12 The Department of Agriculture.

13 The Department of Central Management Services.

14 The Department of Children and Family Services.

15 The Department of Commerce and Economic Opportunity.

16 The Department of Corrections.

17 The Department of Employment Security.

18 The Emergency Management Agency.

19 The Department of Financial Institutions.

20 The Department of Human Rights.

21 The Department of Human Services.

22 The Department of Insurance.

23 The Department of Juvenile Justice.

24 The Department of Labor.

1 The Department of the Lottery.  
2 The Department of Natural Resources.  
3 The Department of Professional Regulation.  
4 The Department of Public Aid.  
5 The Department of Public Health.  
6 The Department of Revenue.  
7 The Department of State Police.  
8 The Department of Transportation.  
9 The Department of Veterans' Affairs.

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

11 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

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

18 The following officers are hereby created:

19 Director of Aging, for the Department on Aging.

20 Director of Agriculture, for the Department of  
21 Agriculture.

22 Director of Central Management Services, for the  
23 Department of Central Management Services.

24 Director of Children and Family Services, for the  
25 Department of Children and Family Services.

26 Director of Commerce and Economic Opportunity, for the  
27 Department of Commerce and Economic Opportunity.

28 Director of Corrections, for the Department of  
29 Corrections.

30 Director of Emergency Management Agency, for the Emergency  
31 Management Agency.

32 Director of Employment Security, for the Department of  
33 Employment Security.

1 Director of Financial Institutions, for the Department of  
2 Financial Institutions.

3 Director of Human Rights, for the Department of Human  
4 Rights.

5 Secretary of Human Services, for the Department of Human  
6 Services.

7 Director of Insurance, for the Department of Insurance.

8 Director of Juvenile Justice, for the Department of  
9 Juvenile Justice.

10 Director of Labor, for the Department of Labor.

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

12 Director of Natural Resources, for the Department of  
13 Natural Resources.

14 Director of Professional Regulation, for the Department of  
15 Professional Regulation.

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

17 Director of Public Health, for the Department of Public  
18 Health.

19 Director of Revenue, for the Department of Revenue.

20 Director of State Police, for the Department of State  
21 Police.

22 Secretary of Transportation, for the Department of  
23 Transportation.

24 Director of Veterans' Affairs, for the Department of  
25 Veterans' Affairs.

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

27 (20 ILCS 5/5-335) (was 20 ILCS 5/9.11a)

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

32 ~~The Assistant Director of Corrections - Juvenile Division~~  
33 ~~shall receive an annual salary as set by the Governor from time~~

1 ~~to time or as set by the Compensation Review Board, whichever~~  
2 ~~is greater.~~

3 The Assistant Director of Corrections - Adult Division  
4 shall receive an annual salary as set by the Governor from time  
5 to time or as set by the Compensation Review Board, whichever  
6 is greater.

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

9 (20 ILCS 5/5-362 new)

10 Sec. 5-362. In the Department of Juvenile Justice. The  
11 Director of Juvenile Justice shall receive an annual salary as  
12 set by the Governor from time to time or as set by the  
13 Compensation Review Board, whichever is greater.

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

16 (20 ILCS 505/17a-11) (from Ch. 23, par. 5017a-11)

17 Sec. 17a-11. Governor's Youth Services Initiative. In  
18 cooperation with the Department of Juvenile Justice  
19 ~~Corrections~~, the Department of Human Services and the Illinois  
20 State Board of Education, the Department of Children and Family  
21 Services shall establish the Governor's Youth Services  
22 Initiative. This program shall offer assistance to  
23 multi-problem youth whose difficulties are not the clear  
24 responsibility of any one state agency, and who are referred to  
25 the program by the juvenile court. The decision to establish  
26 and to maintain an initiative program shall be based upon the  
27 availability of program funds and the overall needs of the  
28 service area.

29 A Policy Board shall be established as the decision-making  
30 body of the Governor's Youth Services Initiative. The Board  
31 shall be composed of State agency liaisons appointed by the

1 Secretary of Human Services, the Directors of the Department of  
2 Children and Family Services and the Department of Juvenile  
3 Justice ~~Corrections~~, and the State Superintendent of  
4 Education. The Board shall meet at least quarterly.

5 The Department of Children and Family Services may  
6 establish a system of regional interagency councils in the  
7 various geographic regions of the State to address, at the  
8 regional or local level, the delivery of services to  
9 multi-problem youth.

10 The Department of Children and Family Services in  
11 consultation with the aforementioned sponsors of the program  
12 shall promulgate rules and regulations pursuant to the Illinois  
13 Administrative Procedure Act, for the development of  
14 initiative programs in densely populated areas of the State to  
15 meet the needs of multi-problem youth.

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

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

19 (55 ILCS 5/3-6039)

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

21 (a) With the approval of the county board, the Department  
22 of Probation and Court Services in any county shall have the  
23 power to operate a county juvenile impact incarceration program  
24 for eligible delinquent minors. If the court finds that a minor  
25 adjudicated a delinquent meets the eligibility requirements of  
26 this Section, the court may in its dispositional order approve  
27 the delinquent minor for placement in the county juvenile  
28 impact incarceration program conditioned upon his or her  
29 acceptance in the program by the Department of Probation and  
30 Court Services. The dispositional order also shall provide that  
31 if the Department of Probation and Court Services accepts the  
32 delinquent minor in the program and determines that the

1 delinquent minor has successfully completed the county  
2 juvenile impact incarceration program, the delinquent minor's  
3 detention shall be reduced to time considered served upon  
4 certification to the court by the Department of Probation and  
5 Court Services that the delinquent minor has successfully  
6 completed the program. If the delinquent minor is not accepted  
7 for placement in the county juvenile impact incarceration  
8 program or the delinquent minor does not successfully complete  
9 the program, his or her term of commitment shall be as set  
10 forth by the court in its dispositional order. If the  
11 delinquent minor does not successfully complete the program,  
12 time spent in the program does not count as time served against  
13 the time limits as set forth in subsection (f) of this Section.

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

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

18 (2) The act for which the minor is adjudicated  
19 delinquent does not constitute a Class X felony, criminal  
20 sexual assault, first degree murder, aggravated  
21 kidnapping, second degree murder, armed violence, arson,  
22 forcible detention, aggravated criminal sexual abuse or a  
23 subsequent conviction for criminal sexual abuse.

24 (3) The delinquent minor has not previously  
25 participated in a county juvenile impact incarceration  
26 program and has not previously served a prior commitment  
27 for an act constituting a felony in a Department of  
28 Juvenile Justice ~~Corrections~~ juvenile correctional  
29 facility. This provision shall not exclude a delinquent  
30 minor who is committed to the Illinois Department of  
31 Juvenile Justice ~~Corrections~~ and is participating in the  
32 county juvenile impact incarceration program under an  
33 intergovernmental cooperation agreement with the Illinois  
34 Department of Juvenile Justice ~~Corrections~~, ~~Juvenile~~

1       ~~Division.~~

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

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

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

10          The court and the Department of Probation and Court  
11 Services may also consider, among other matters, whether the  
12 delinquent minor has a history of escaping or absconding,  
13 whether participation in the county juvenile impact  
14 incarceration program may pose a risk to the safety or security  
15 of any person, and whether space is available.

16          (c) The county juvenile impact incarceration program shall  
17 include, among other matters, mandatory physical training and  
18 labor, military formation and drills, regimented activities,  
19 uniformity of dress and appearance, education and counseling,  
20 including drug counseling if appropriate, and must impart to  
21 the delinquent minor principles of honor, integrity,  
22 self-sufficiency, self-discipline, self-respect, and respect  
23 for others.

24          (d) Privileges of delinquent minors participating in the  
25 county juvenile impact incarceration program, including  
26 visitation, commissary, receipt and retention of property and  
27 publications, and access to television, radio, and a library,  
28 may be suspended or restricted, at the discretion of the  
29 Department of Probation and Court Services.

30          (e) Delinquent minors participating in the county juvenile  
31 impact incarceration program shall adhere to all rules  
32 promulgated by the Department of Probation and Court Services  
33 and all requirements of the program. Delinquent minors shall be  
34 informed of rules of behavior and conduct. Disciplinary

1 procedures required by any other law or county ordinance are  
2 not applicable.

3 (f) Participation in the county juvenile impact  
4 incarceration program by a minor adjudicated delinquent for an  
5 act constituting a misdemeanor shall be for a period of at  
6 least 7 days but less than 120 days as determined by the  
7 Department of Probation and Court Services. Participation in  
8 the county juvenile impact incarceration program by a minor  
9 adjudicated delinquent for an act constituting a felony shall  
10 be for a period of 120 to 180 days as determined by the  
11 Department of Probation and Court Services.

12 (g) A delinquent minor may be removed from the program for  
13 a violation of the terms or conditions of the program or if he  
14 or she is for any reason unable to participate. The Department  
15 of Probation and Court Services shall promulgate rules  
16 governing conduct that could result in removal from the program  
17 or in a determination that the delinquent minor has not  
18 successfully completed the program. Delinquent minors shall  
19 have access to these rules. The rules shall provide that the  
20 delinquent minor shall receive notice and have the opportunity  
21 to appear before and address the Department of Probation and  
22 Court Services or a person appointed by the Department of  
23 Probation and Court Services for this purpose. A delinquent  
24 minor may be transferred to any juvenile facilities prior to  
25 the hearing.

26 (h) If the Department of Probation and Court Services  
27 accepts the delinquent minor in the program and determines that  
28 the delinquent minor has successfully completed the county  
29 juvenile impact incarceration program, the court shall  
30 discharge the minor from custody upon certification to the  
31 court by the Department of Probation and Court Services that  
32 the delinquent minor has successfully completed the program. In  
33 the event the delinquent minor is not accepted for placement in  
34 the county juvenile impact incarceration program or the



1 delinquent minor does not successfully complete the program,  
2 his or her commitment to the Department of Juvenile Justice  
3 ~~Corrections, Juvenile Division,~~ or juvenile detention shall be  
4 as set forth by the court in its dispositional order.

5 (i) The Department of Probation and Court Services, with  
6 the approval of the county board, shall have the power to enter  
7 into intergovernmental cooperation agreements with the  
8 Illinois Department of Juvenile Justice ~~Corrections, Juvenile~~  
9 ~~Division,~~ under which delinquent minors committed to the  
10 Illinois Department of Juvenile Justice ~~Corrections, Juvenile~~  
11 ~~Division,~~ may participate in the county juvenile impact  
12 incarceration program. A delinquent minor who successfully  
13 completes the county juvenile impact incarceration program  
14 shall be discharged from custody upon certification to the  
15 court by the Illinois Department of Juvenile Justice  
16 ~~Corrections, Juvenile Division,~~ that the delinquent minor has  
17 successfully completed the program.

18 (Source: P.A. 89-302, eff. 8-11-95; 89-626, eff. 8-9-96;  
19 89-689, eff. 12-31-96; 90-256, eff. 1-1-98.)

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

22 (55 ILCS 75/2) (from Ch. 23, par. 2682)

23 Sec. 2. Each county shelter care home and detention home  
24 authorized and established by this Act shall comply with  
25 minimum standards established by the Department of Juvenile  
26 Justice ~~Corrections~~. No neglected or abused minor, addicted  
27 minor, dependent minor or minor requiring authoritative  
28 intervention, as defined in the Juvenile Court Act of 1987, or  
29 minor alleged to be such, may be detained in any county  
30 detention home.

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

1 (55 ILCS 75/9.1) (from Ch. 23, par. 2689.1)

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

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

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

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

30 Section 15. The School Code is amended by changing Sections  
31 2-3.13a, 13-40, 13-41, 13-42, 13-43.8, 13-43.11, 13-43.18,  
32 13-43.19, 13-43.20, 13-44, 13-44.3, 13-44.5, 13-45, 13B-20.15,  
33 13B-35.5, and 13B-35.10 and the heading preceding Section 13-40

1 as follows:

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

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

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

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

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

1 the school from which the student is transferring.

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

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

29 (105 ILCS 5/prec. Sec. 13-40 heading)

30 DEPARTMENT OF JUVENILE JUSTICE ~~CORRECTIONS~~ SCHOOL DISTRICT

31 ~~DISTRICTS~~

32 (105 ILCS 5/13-40) (from Ch. 122, par. 13-40)

1           Sec. 13-40. To increase the effectiveness of the Department  
2 of Juvenile Justice ~~Corrections~~ and thereby to better serve the  
3 interests of the people of Illinois the following bill is  
4 presented.

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

1 might be available for school purposes. ~~The school district~~  
2 ~~shall first organize a school system for the Adult Division of~~  
3 ~~the Department of Corrections to go into effect July 1, 1972. A~~  
4 ~~school system for the Juvenile Division shall subsequently be~~  
5 ~~organized and put into effect under this school district at~~  
6 ~~such time as the school board shall determine necessary.~~

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

8 (105 ILCS 5/13-41) (from Ch. 122, par. 13-41)

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

1 of their duties.

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

3 (105 ILCS 5/13-42) (from Ch. 122, par. 13-42)

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

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

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

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

33 (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

1 attend all sessions unless restricted by illness, a reasonable  
2 excuse or by direction of the Department of Juvenile Justice  
3 ~~Corrections~~ or the facility at which he is located. Conferences  
4 shall be held at regular periodic intervals with the ward or  
5 the inmate and the school district authorities and facility  
6 officials shall determine the extent the ward or inmate is  
7 benefiting from the particular program, and shall further  
8 determine whether the said ward or inmate shall continue in the  
9 program to which he is assigned or be dropped from the same or  
10 be transferred to another program more suited to his needs or  
11 the school district's needs.

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

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

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

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

24 (105 ILCS 5/13-43.19) (from Ch. 122, par. 13-43.19)

25 Sec. 13-43.19.

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

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

1 (105 ILCS 5/13-43.20) (from Ch. 122, par. 13-43.20)

2 Sec. 13-43.20. To develop a method or methods for  
3 allocating state funds to the Board for expenditure within the  
4 various divisions and/or for programs conducted by the Board,  
5 and to annually determine the average per capita cost of  
6 students in the Department of Juvenile Justice ~~Juvenile~~  
7 ~~Division~~ and the average per capita cost of students in the  
8 Department of Corrections ~~Adult Division~~ for education classes  
9 and/or programs required to accomplish the educational goals  
10 and objectives and programs specified in Sections 13-43.18 and  
11 13-43.19 and recommend to the State Board of Education by July  
12 15 of each year the per capita amount necessary to operate the  
13 Department of Juvenile Justice School District's ~~correction~~  
14 ~~school district's~~ educational program for the following fiscal  
15 year.

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

17 (105 ILCS 5/13-44) (from Ch. 122, par. 13-44)

18 Sec. 13-44.

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

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

23 (105 ILCS 5/13-44.3) (from Ch. 122, par. 13-44.3)

24 Sec. 13-44.3. In order to fully carry out the purpose of  
25 this Act, the School District through its Board or designated  
26 supervisory personnel, with the approval of the Director of the  
27 Department of Juvenile Justice ~~Corrections~~, may authorize  
28 field trips outside of the particular institution or facility  
29 where a school is established and may remove students therefrom  
30 or may with the approval of the Director of the Department of  
31 Juvenile Justice ~~Corrections~~ transfer inmates and wards to

1 other schools and other facilities where particular subject  
2 matter or facilities are more suited to or are needed to  
3 complete the inmates' or wards' education. The ~~Assistant~~  
4 ~~Director of the Adult Division~~ of the Department of Juvenile  
5 Justice ~~Corrections or the Assistant Director of the Juvenile~~  
6 ~~Division~~ may authorize an educational furlough for an inmate or  
7 ward to attend institutions of higher education, other schools,  
8 vocational or technical schools or enroll and attend classes in  
9 subjects not available within the School District, to be  
10 financed by the inmate or ward or any grant or scholarship  
11 which may be available, including school aid funds of any kind  
12 when approved by the Board and the Director of the Department.

13 The Department of Juvenile Justice ~~Corrections~~ may extend  
14 the limits of the place of confinement of an inmate or ward  
15 under the above conditions and for the above purposes, to leave  
16 for the aforesaid reasons, the confines of such place,  
17 accompanied or unaccompanied, in the discretion of the Director  
18 of such Department by a custodial agent or educational  
19 personnel.

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

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

1 (105 ILCS 5/13-44.5) (from Ch. 122, par. 13-44.5)

2 Sec. 13-44.5.

3 In all cases where an inmate or ward is to leave the  
4 institution or facility where he or she is confined for  
5 educational furloughs, vocational training, for field trips or  
6 for any other reason herein stated, authority must first be  
7 granted by the Department of Juvenile Justice ~~Corrections~~ and  
8 the said authority shall be discretionary with the Department  
9 of Juvenile Justice ~~Corrections~~. The question of whether or not  
10 the said inmate or ward or group of inmates or wards shall be  
11 accompanied or not accompanied by security personnel,  
12 custodial agent or agents or only educational personnel shall  
13 be in the discretion of the Department of Juvenile Justice  
14 ~~Corrections~~. All transfers must be approved by the Department  
15 of Juvenile Justice ~~Corrections~~.

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

17 (105 ILCS 5/13-45) (from Ch. 122, par. 13-45)

18 Sec. 13-45.

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

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

30 (105 ILCS 5/13B-20.15)

31 Sec. 13B-20.15. Other eligible providers of alternative  
32 learning opportunities. School districts may contract with

1 health, mental health, or human service organizations,  
2 workforce development boards or agencies, juvenile court  
3 services, juvenile justice agencies, juvenile detention  
4 programs, programs operated by the Department of Juvenile  
5 Justice Corrections, or other appropriate agencies or  
6 organizations to serve students whose needs are not being met  
7 in the regular school program by providing alternative learning  
8 opportunities.

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

10 (105 ILCS 5/13B-35.5)

11 Sec. 13B-35.5. Local governance; cooperative agreements.  
12 For an alternative learning opportunities program operated  
13 jointly or offered under contract, the local governance of the  
14 program shall be established by each local school board through  
15 a cooperative or intergovernmental agreement with other school  
16 districts. Cooperative agreements may be established among  
17 regional offices of education, public community colleges,  
18 community-based organizations, health and human service  
19 agencies, youth service agencies, juvenile court services, the  
20 Department of Juvenile Justice Corrections, and other  
21 non-profit or for-profit education or support service  
22 providers as appropriate. Nothing contained in this Section  
23 shall prevent a school district, regional office of education,  
24 or intermediate service center from forming a cooperative for  
25 the purpose of delivering an alternative learning  
26 opportunities program.

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

28 (105 ILCS 5/13B-35.10)

29 Sec. 13B-35.10. Committee of Cooperative Services. The  
30 State Superintendent of Education shall convene a State-level  
31 Committee of Cooperative Services. The Committee shall include  
32 representatives of the following agencies and organizations,

1 selected by their respective heads: the Office of the Governor,  
2 the State Board of Education, the Illinois Association of  
3 Regional Superintendents of Schools, the Chicago Public  
4 Schools, the Intermediate Service Centers, the State Teacher  
5 Certification Board, the Illinois Community College Board, the  
6 Department of Human Services, the Department of Children and  
7 Family Services, the Illinois Principals Association, the  
8 Illinois Education Association, the Illinois Federation of  
9 Teachers, the Illinois Juvenile Justice Commission, the Office  
10 of the Attorney General, the Illinois Association of School  
11 Administrators, the Administrative Office of the Illinois  
12 Courts, the Department of Juvenile Justice ~~Corrections~~,  
13 special education advocacy organizations, and non-profit and  
14 community-based organizations, as well as parent  
15 representatives and child advocates designated by the State  
16 Superintendent of Education.

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

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

20 (225 ILCS 10/2.22)

21 Sec. 2.22. "Secure child care facility" means any child  
22 care facility licensed by the Department to provide secure  
23 living arrangements for children under 18 years of age who are  
24 subject to placement in facilities under the Children and  
25 Family Services Act and who are not subject to placement in  
26 facilities for whom standards are established by the Department  
27 of Juvenile Justice ~~Corrections~~ under Section 3-15-2 of the  
28 Unified Code of Corrections and which comply with the  
29 requirements of this Act and applicable rules of the Department  
30 and which shall be consistent with requirements established for  
31 child residents of mental health facilities under the Juvenile  
32 Court Act of 1987 and the Mental Health and Developmental

1 Disabilities Code. "Secure child care facility" also means a  
2 facility that is designed and operated to ensure that all  
3 entrances and exists from the facility, a building, or a  
4 distinct part of the building are under the exclusive control  
5 of the staff of the facility, whether or not the child has the  
6 freedom of movement within the perimeter of the facility,  
7 building, or distinct part of the building.

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

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

11 (305 ILCS 5/12-10.4)

12 Sec. 12-10.4. Juvenile Rehabilitation Services Medicaid  
13 Matching Fund. There is created in the State Treasury the  
14 Juvenile Rehabilitation Services Medicaid Matching Fund.  
15 Deposits to this Fund shall consist of all moneys received from  
16 the federal government for behavioral health services secured  
17 by counties under the Medicaid Rehabilitation Option pursuant  
18 to Title XIX of the Social Security Act or under the Children's  
19 Health Insurance Program pursuant to the Children's Health  
20 Insurance Program Act and Title XXI of the Social Security Act  
21 for minors who are committed to mental health facilities by the  
22 Illinois court system and for residential placements secured by  
23 the Department of Juvenile Justice ~~Corrections~~ for minors as a  
24 condition of their parole.

25 Disbursements from the Fund shall be made, subject to  
26 appropriation, by the Illinois Department of Public Aid for  
27 grants to the Department of Juvenile Justice ~~Corrections~~ and  
28 those counties which secure behavioral health services ordered  
29 by the courts and which have an interagency agreement with the  
30 Department and submit detailed bills according to standards  
31 determined by the Department.

32 (Source: P.A. 90-587, eff. 7-1-98; 91-266, eff. 7-23-99;



1 91-712, eff. 7-1-00.)

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

4 (405 ILCS 49/5)

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

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

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

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

18 (3) Protocols for implementing screening and  
19 assessment of children prior to any admission to an  
20 inpatient hospital for psychiatric services, pursuant to  
21 subsection (a) of Section 5-5.23 of the Illinois Public Aid  
22 Code.

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

26 (5) Recommendations for State and local mechanisms for  
27 integrating federal, State, and local funding sources for  
28 children's mental health.

29 (6) Recommendations for building a qualified and  
30 adequately trained workforce prepared to provide mental  
31 health services for children from birth through age 18 and  
32 their families.

1 (7) Recommendations for facilitating research on best  
2 practices and model programs, and dissemination of this  
3 information to Illinois policymakers, practitioners, and  
4 the general public through training, technical assistance,  
5 and educational materials.

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

11 (9) Recommendations for creating a quality-driven  
12 children's mental health system with shared accountability  
13 among key State agencies and programs that conducts ongoing  
14 needs assessments, uses outcome indicators and benchmarks  
15 to measure progress, and implements quality data tracking  
16 and reporting systems.

17 (b) The Children's Mental Health Partnership (hereafter  
18 referred to as "the Partnership") is created. The Partnership  
19 shall have the responsibility of developing and monitoring the  
20 implementation of the Children's Mental Health Plan as approved  
21 by the Governor. The Children's Mental Health Partnership shall  
22 be comprised of: the Secretary of Human Services or his or her  
23 designee; the State Superintendent of Education or his or her  
24 designee; the directors of the departments of Children and  
25 Family Services, Public Aid, Public Health, and Juvenile  
26 Justice Corrections, or their designees; the head of the  
27 Illinois Violence Prevention Authority, or his or her designee;  
28 the Attorney General or his or her designee; up to 25  
29 representatives of community mental health authorities and  
30 statewide mental health, children and family advocacy, early  
31 childhood, education, health, substance abuse, violence  
32 prevention, and juvenile justice organizations or  
33 associations, to be appointed by the Governor; and 2 members of  
34 each caucus of the House of Representatives and Senate

1 appointed by the Speaker of the House of Representatives and  
2 the President of the Senate, respectively. The Governor shall  
3 appoint the Partnership Chair and shall designate a Governor's  
4 staff liaison to work with the Partnership.

5 (c) The Partnership shall submit a Preliminary Plan to the  
6 Governor on September 30, 2004 and shall submit the Final Plan  
7 on June 30, 2005. Thereafter, on September 30 of each year, the  
8 Partnership shall submit an annual report to the Governor on  
9 the progress of Plan implementation and recommendations for  
10 revisions in the Plan. The Final Plan and annual reports  
11 submitted in subsequent years shall include estimates of  
12 savings achieved in prior fiscal years under subsection (a) of  
13 Section 5-5.23 of the Illinois Public Aid Code and federal  
14 financial participation received under subsection (b) of  
15 Section 5-5.23 of that Code. The Department of Public Aid shall  
16 provide technical assistance in developing these estimates and  
17 reports.

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

19 Section 19. The Circuit Courts Act is amended by changing  
20 Section 2b as follows:

21 (705 ILCS 35/2b) (from Ch. 37, par. 72.2b)

22 Sec. 2b.

23 In addition to the number of circuit judges authorized  
24 under Section 2 or Section 2a, whichever number is greater, one  
25 additional circuit judge shall be elected in each circuit,  
26 other than Cook County, having a population of 230,000 or more  
27 inhabitants in which there is included a county containing a  
28 population of 200,000 or more inhabitants and in which circuit  
29 there is situated one or more State colleges or universities  
30 and one or more State Mental Health Institutions and two or  
31 more State Institutions for Juvenile Offenders under the  
32 authority of the Illinois Department of Juvenile Justice

1 ~~Corrections~~, each of which institutions has been in existence  
2 for more than 20 years on the effective date of this amendatory  
3 Act of 1970.

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

5 Section 20. The Juvenile Court Act of 1987 is amended by  
6 changing Sections 5-130, 5-705, 5-710, 5-750, 5-815, 5-820,  
7 5-901, 5-905, and 5-915 as follows:

8 (705 ILCS 405/5-130)

9 Sec. 5-130. Excluded jurisdiction.

10 (1) (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 15 years of age and who is  
13 charged with: (i) first degree murder, (ii) aggravated criminal  
14 sexual assault, (iii) aggravated battery with a firearm where  
15 the minor personally discharged a firearm as defined in Section  
16 2-15.5 of the Criminal Code of 1961, (iv) armed robbery when  
17 the armed robbery was committed with a firearm, or (v)  
18 aggravated vehicular hijacking when the hijacking was  
19 committed with a firearm.

20 These charges and all other charges arising out of the same  
21 incident shall be prosecuted under the criminal laws of this  
22 State.

23 (b) (i) If before trial or plea an information or  
24 indictment is filed that does not charge an offense specified  
25 in paragraph (a) of this subsection (1) the State's Attorney  
26 may proceed on any lesser charge or charges, but only in  
27 Juvenile Court under the provisions of this Article. The  
28 State's Attorney may proceed under the Criminal Code of 1961 on  
29 a lesser charge if before trial the minor defendant knowingly  
30 and with advice of counsel waives, in writing, his or her right  
31 to have the matter proceed in Juvenile Court.

32 (ii) If before trial or plea an information or indictment

1 is filed that includes one or more charges specified in  
2 paragraph (a) of this subsection (1) and additional charges  
3 that are not specified in that paragraph, all of the charges  
4 arising out of the same incident shall be prosecuted under the  
5 Criminal Code of 1961.

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

11 (ii) If after trial or plea the court finds that the minor  
12 committed an offense not covered by paragraph (a) of this  
13 subsection (1), that finding shall not invalidate the verdict  
14 or the prosecution of the minor under the criminal laws of the  
15 State; however, unless the State requests a hearing for the  
16 purpose of sentencing the minor under Chapter V of the Unified  
17 Code of Corrections, the Court must proceed under Sections  
18 5-705 and 5-710 of this Article. To request a hearing, the  
19 State must file a written motion within 10 days following the  
20 entry of a finding or the return of a verdict. Reasonable  
21 notice of the motion shall be given to the minor or his or her  
22 counsel. If the motion is made by the State, the court shall  
23 conduct a hearing to determine if the minor should be sentenced  
24 under Chapter V of the Unified Code of Corrections. In making  
25 its determination, the court shall consider among other  
26 matters: (a) whether there is evidence that the offense was  
27 committed in an aggressive and premeditated manner; (b) the age  
28 of the minor; (c) the previous history of the minor; (d)  
29 whether there are facilities particularly available to the  
30 Juvenile Court or the Department of Juvenile Justice  
31 ~~Corrections, Juvenile Division,~~ for the treatment and  
32 rehabilitation of the minor; (e) whether the security of the  
33 public requires sentencing under Chapter V of the Unified Code  
34 of Corrections; and (f) whether the minor possessed a deadly

1 weapon when committing the offense. The rules of evidence shall  
2 be the same as if at trial. If after the hearing the court  
3 finds that the minor should be sentenced under Chapter V of the  
4 Unified Code of Corrections, then the court shall sentence the  
5 minor accordingly having available to it any or all  
6 dispositions so prescribed.

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

9 (3) (a) The definition of delinquent minor under Section  
10 5-120 of this Article shall not apply to any minor who at the  
11 time of the offense was at least 15 years of age and who is  
12 charged with a violation of the provisions of paragraph (1),  
13 (3), (4), or (10) of subsection (a) of Section 24-1 of the  
14 Criminal Code of 1961 while in school, regardless of the time  
15 of day or the time of year, or on the real property comprising  
16 any school, regardless of the time of day or the time of year.  
17 School is defined, for purposes of this Section as any public  
18 or private elementary or secondary school, community college,  
19 college, or university. These charges and all other charges  
20 arising out of the same incident shall be prosecuted under the  
21 criminal laws of this State.

22 (b) (i) If before trial or plea an information or  
23 indictment is filed that does not charge an offense specified  
24 in paragraph (a) of this subsection (3) the State's Attorney  
25 may proceed on any lesser charge or charges, but only in  
26 Juvenile Court under the provisions of this Article. The  
27 State's Attorney may proceed under the criminal laws of this  
28 State on a lesser charge if before trial the minor defendant  
29 knowingly and with advice of counsel waives, in writing, his or  
30 her right to have the matter proceed in Juvenile Court.

31 (ii) If before trial or plea an information or indictment  
32 is filed that includes one or more charges specified in  
33 paragraph (a) of this subsection (3) and additional charges  
34 that are not specified in that paragraph, all of the charges

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

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

8 (ii) If after trial or plea the court finds that the minor  
9 committed an offense not covered by paragraph (a) of this  
10 subsection (3), that finding shall not invalidate the verdict  
11 or the prosecution of the minor under the criminal laws of the  
12 State; however, unless the State requests a hearing for the  
13 purpose of sentencing the minor under Chapter V of the Unified  
14 Code of Corrections, the Court must proceed under Sections  
15 5-705 and 5-710 of this Article. To request a hearing, the  
16 State must file a written motion within 10 days following the  
17 entry of a finding or the return of a verdict. Reasonable  
18 notice of the motion shall be given to the minor or his or her  
19 counsel. If the motion is made by the State, the court shall  
20 conduct a hearing to determine if the minor should be sentenced  
21 under Chapter V of the Unified Code of Corrections. In making  
22 its determination, the court shall consider among other  
23 matters: (a) whether there is evidence that the offense was  
24 committed in an aggressive and premeditated manner; (b) the age  
25 of the minor; (c) the previous history of the minor; (d)  
26 whether there are facilities particularly available to the  
27 Juvenile Court or the Department of Juvenile Justice  
28 ~~Corrections, Juvenile Division,~~ for the treatment and  
29 rehabilitation of the minor; (e) whether the security of the  
30 public requires sentencing under Chapter V of the Unified Code  
31 of Corrections; and (f) whether the minor possessed a deadly  
32 weapon when committing the offense. The rules of evidence shall  
33 be the same as if at trial. If after the hearing the court  
34 finds that the minor should be sentenced under Chapter V of the

1 Unified Code of Corrections, then the court shall sentence the  
2 minor accordingly having available to it any or all  
3 dispositions so prescribed.

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

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

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

31 (c) (i) If after trial or plea the minor is convicted of  
32 first degree murder committed during the course of aggravated  
33 criminal sexual assault, criminal sexual assault, or  
34 aggravated kidnaping, in sentencing the minor, the court shall



1 have available any or all dispositions prescribed for that  
2 offense under Chapter V of the Unified Code of Corrections.

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

1 accordingly having available to it any or all dispositions so  
2 prescribed.

3 (5) (a) The definition of delinquent minor under Section  
4 5-120 of this Article shall not apply to any minor who is  
5 charged with a violation of subsection (a) of Section 31-6 or  
6 Section 32-10 of the Criminal Code of 1961 when the minor is  
7 subject to prosecution under the criminal laws of this State as  
8 a result of the application of the provisions of Section 5-125,  
9 or subsection (1) or (2) of this Section. These charges and all  
10 other charges arising out of the same incident shall be  
11 prosecuted under the criminal laws of this State.

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

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

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

32 (ii) If after trial or plea the court finds that the minor  
33 committed an offense not covered by paragraph (a) of this  
34 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) or (3) or Section 5-805 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.

1           (7) The procedures set out in this Article for the  
2 investigation, arrest and prosecution of juvenile offenders  
3 shall not apply to minors who are excluded from jurisdiction of  
4 the Juvenile Court, except that minors under 17 years of age  
5 shall be kept separate from confined adults.

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

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

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

1 a delinquent minor under this Article. In making its  
2 determination, the court shall consider among other matters:

3 (a) The age of the minor;

4 (b) Any previous delinquent or criminal history of the  
5 minor;

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

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

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

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

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

23 (705 ILCS 405/5-705)

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

25 (1) At the sentencing hearing, the court shall determine  
26 whether it is in the best interests of the minor or the public  
27 that he or she be made a ward of the court, and, if he or she is  
28 to be made a ward of the court, the court shall determine the  
29 proper disposition best serving the interests of the minor and  
30 the public. All evidence helpful in determining these  
31 questions, including oral and written reports, may be admitted  
32 and may be relied upon to the extent of its probative value,  
33 even though not competent for the purposes of the trial. A

1 record of a prior continuance under supervision under Section  
2 5-615, whether successfully completed or not, is admissible at  
3 the sentencing hearing. No order of commitment to the  
4 Department of Juvenile Justice ~~Corrections, Juvenile Division,~~  
5 shall be entered against a minor before a written report of  
6 social investigation, which has been completed within the  
7 previous 60 days, is presented to and considered by the court.

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

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

1 expiration of the period of extension, the court shall release  
2 the minor from detention if a further continuance is granted.  
3 In scheduling investigations and hearings, the court shall give  
4 priority to proceedings in which a minor is in detention or has  
5 otherwise been removed from his or her home before a sentencing  
6 order has been made.

7 (4) When commitment to the Department of Juvenile Justice  
8 ~~Corrections, Juvenile Division,~~ is ordered, the court shall  
9 state the basis for selecting the particular disposition, and  
10 the court shall prepare such a statement for inclusion in the  
11 record.

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

13 (705 ILCS 405/5-710)

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

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

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

19 (i) put on probation or conditional discharge and  
20 released to his or her parents, guardian or legal  
21 custodian, provided, however, that any such minor who  
22 is not committed to the Department of Juvenile Justice  
23 ~~Corrections, Juvenile Division~~ under this subsection  
24 and who is found to be a delinquent for an offense  
25 which is first degree murder, a Class X felony, or a  
26 forcible felony shall be placed on probation;

27 (ii) placed in accordance with Section 5-740, with  
28 or without also being put on probation or conditional  
29 discharge;

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

33 (iv) placed in the guardianship of the Department

1 of Children and Family Services, but only if the  
2 delinquent minor is under 13 years of age;

3 (v) placed in detention for a period not to exceed  
4 30 days, either as the exclusive order of disposition  
5 or, where appropriate, in conjunction with any other  
6 order of disposition issued under this paragraph,  
7 provided that any such detention shall be in a juvenile  
8 detention home and the minor so detained shall be 10  
9 years of age or older. However, the 30-day limitation  
10 may be extended by further order of the court for a  
11 minor under age 13 committed to the Department of  
12 Children and Family Services if the court finds that  
13 the minor is a danger to himself or others. The minor  
14 shall be given credit on the sentencing order of  
15 detention for time spent in detention under Sections  
16 5-501, 5-601, 5-710, or 5-720 of this Article as a  
17 result of the offense for which the sentencing order  
18 was imposed. The court may grant credit on a sentencing  
19 order of detention entered under a violation of  
20 probation or violation of conditional discharge under  
21 Section 5-720 of this Article for time spent in  
22 detention before the filing of the petition alleging  
23 the violation. A minor shall not be deprived of credit  
24 for time spent in detention before the filing of a  
25 violation of probation or conditional discharge  
26 alleging the same or related act or acts;

27 (vi) ordered partially or completely emancipated  
28 in accordance with the provisions of the Emancipation  
29 of Minors Act;

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

34 (viii) put on probation or conditional discharge



1 and placed in detention under Section 3-6039 of the  
2 Counties Code for a period not to exceed the period of  
3 incarceration permitted by law for adults found guilty  
4 of the same offense or offenses for which the minor was  
5 adjudicated delinquent, and in any event no longer than  
6 upon attainment of age 21; this subdivision (viii)  
7 notwithstanding any contrary provision of the law; or

8 (ix) ordered to undergo a medical or other  
9 procedure to have a tattoo symbolizing allegiance to a  
10 street gang removed from his or her body.

11 (b) A minor found to be guilty may be committed to the  
12 Department of Juvenile Justice Corrections, ~~Juvenile~~  
13 ~~Division~~, under Section 5-750 if the minor is 13 years of  
14 age or older, provided that the commitment to the  
15 Department of Juvenile Justice Corrections, ~~Juvenile~~  
16 ~~Division~~, shall be made only if a term of incarceration is  
17 permitted by law for adults found guilty of the offense for  
18 which the minor was adjudicated delinquent. The time during  
19 which a minor is in custody before being released upon the  
20 request of a parent, guardian or legal custodian shall be  
21 considered as time spent in detention.

22 (c) When a minor is found to be guilty for an offense  
23 which is a violation of the Illinois Controlled Substances  
24 Act, the Cannabis Control Act, or the Methamphetamine  
25 Control and Community Protection Act and made a ward of the  
26 court, the court may enter a disposition order requiring  
27 the minor to undergo assessment, counseling or treatment in  
28 a substance abuse program approved by the Department of  
29 Human Services.

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

34 (3) Unless the sentencing order expressly so provides, it

1 does not operate to close proceedings on the pending petition,  
2 but is subject to modification until final closing and  
3 discharge of the proceedings under Section 5-750.

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

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

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

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

34 (8) A minor found to be guilty for reasons that include a

1 violation of Section 21-1.3 of the Criminal Code of 1961 shall  
2 be ordered to perform community service for not less than 30  
3 and not more than 120 hours, if community service is available  
4 in the jurisdiction. The community service shall include, but  
5 need not be limited to, the cleanup and repair of the damage  
6 that was caused by the violation or similar damage to property  
7 located in the municipality or county in which the violation  
8 occurred. The order may be in addition to any other order  
9 authorized by this Section.

10 (8.5) A minor found to be guilty for reasons that include a  
11 violation of Section 3.02 or Section 3.03 of the Humane Care  
12 for Animals Act or paragraph (d) of subsection (1) of Section  
13 21-1 of the Criminal Code of 1961 shall be ordered to undergo  
14 medical or psychiatric treatment rendered by a psychiatrist or  
15 psychological treatment rendered by a clinical psychologist.  
16 The order may be in addition to any other order authorized by  
17 this Section.

18 (9) In addition to any other sentencing order, the court  
19 shall order any minor found to be guilty for an act which would  
20 constitute, predatory criminal sexual assault of a child,  
21 aggravated criminal sexual assault, criminal sexual assault,  
22 aggravated criminal sexual abuse, or criminal sexual abuse if  
23 committed by an adult to undergo medical testing to determine  
24 whether the defendant has any sexually transmissible disease  
25 including a test for infection with human immunodeficiency  
26 virus (HIV) or any other identified causative agency of  
27 acquired immunodeficiency syndrome (AIDS). Any medical test  
28 shall be performed only by appropriately licensed medical  
29 practitioners and may include an analysis of any bodily fluids  
30 as well as an examination of the minor's person. Except as  
31 otherwise provided by law, the results of the test shall be  
32 kept strictly confidential by all medical personnel involved in  
33 the testing and must be personally delivered in a sealed  
34 envelope to the judge of the court in which the sentencing

1 order was entered for the judge's inspection in camera. Acting  
2 in accordance with the best interests of the victim and the  
3 public, the judge shall have the discretion to determine to  
4 whom the results of the testing may be revealed. The court  
5 shall notify the minor of the results of the test for infection  
6 with the human immunodeficiency virus (HIV). The court shall  
7 also notify the victim if requested by the victim, and if the  
8 victim is under the age of 15 and if requested by the victim's  
9 parents or legal guardian, the court shall notify the victim's  
10 parents or the legal guardian, of the results of the test for  
11 infection with the human immunodeficiency virus (HIV). The  
12 court shall provide information on the availability of HIV  
13 testing and counseling at the Department of Public Health  
14 facilities to all parties to whom the results of the testing  
15 are revealed. The court shall order that the cost of any test  
16 shall be paid by the county and may be taxed as costs against  
17 the minor.

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

1 service shall include, but need not be limited to, the cleanup  
2 and repair of any damage caused by a violation of Section  
3 21-1.3 of the Criminal Code of 1961 and similar damage to  
4 property located in the municipality or county in which the  
5 violation occurred. When possible and reasonable, the  
6 community service shall be performed in the minor's  
7 neighborhood. This order shall be in addition to any other  
8 order authorized by this Section except for an order to place  
9 the minor in the custody of the Department of Juvenile Justice  
10 ~~Corrections, Juvenile Division~~. For the purposes of this  
11 Section, "organized gang" has the meaning ascribed to it in  
12 Section 10 of the Illinois Streetgang Terrorism Omnibus  
13 Prevention Act.

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

15 (705 ILCS 405/5-750)

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

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

30 (2) When a minor of the age of at least 13 years is  
31 adjudged delinquent for the offense of first degree murder, the  
32 court shall declare the minor a ward of the court and order the  
33 minor committed to the Department of Juvenile Justice

1 ~~Corrections, Juvenile Division,~~ until the minor's 21st  
2 birthday, without the possibility of parole, furlough, or  
3 non-emergency authorized absence for a period of 5 years from  
4 the date the minor was committed to the Department of Juvenile  
5 Justice Corrections, except that the time that a minor spent in  
6 custody for the instant offense before being committed to the  
7 Department of Juvenile Justice shall be considered as time  
8 credited towards that 5 year period. Nothing in this subsection  
9 (2) shall preclude the State's Attorney from seeking to  
10 prosecute a minor as an adult as an alternative to proceeding  
11 under this Act.

12 (3) Except as provided in subsection (2), the commitment of  
13 a delinquent to the Department of Juvenile Justice Corrections  
14 shall be for an indeterminate term which shall automatically  
15 terminate upon the delinquent attaining the age of 21 years  
16 unless the delinquent is sooner discharged from parole or  
17 custodianship is otherwise terminated in accordance with this  
18 Act or as otherwise provided for by law.

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

30 (5) If a minor is committed to the Department of Juvenile  
31 Justice Corrections, Juvenile Division, the clerk of the court  
32 shall forward to the Department:

33 (a) the disposition ordered;

34 (b) all reports;

1 (c) the court's statement of the basis for ordering the  
2 disposition; and

3 (d) all additional matters which the court directs the  
4 clerk to transmit.

5 (6) Whenever the Department of Juvenile Justice  
6 ~~Corrections~~ lawfully discharges from its custody and control a  
7 minor committed to it, the ~~Assistant~~ Director of Juvenile  
8 Justice Corrections, Juvenile Division, shall petition the  
9 court for an order terminating his or her custodianship. The  
10 custodianship shall terminate automatically 30 days after  
11 receipt of the petition unless the court orders otherwise.  
12 (Source: P.A. 90-590, eff. 1-1-99.)

13 (705 ILCS 405/5-815)

14 Sec. 5-815. Habitual Juvenile Offender.

15 (a) Definition. Any minor having been twice adjudicated a  
16 delinquent minor for offenses which, had he been prosecuted as  
17 an adult, would have been felonies under the laws of this  
18 State, and who is thereafter adjudicated a delinquent minor for  
19 a third time shall be adjudged an Habitual Juvenile Offender  
20 where:

21 1. the third adjudication is for an offense occurring  
22 after adjudication on the second; and

23 2. the second adjudication was for an offense occurring  
24 after adjudication on the first; and

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

27 4. the third offense was based upon the commission of  
28 or attempted commission of the following offenses: first  
29 degree murder, second degree murder or involuntary  
30 manslaughter; criminal sexual assault or aggravated  
31 criminal sexual assault; aggravated or heinous battery  
32 involving permanent disability or disfigurement or great  
33 bodily harm to the victim; burglary of a home or other

1 residence intended for use as a temporary or permanent  
2 dwelling place for human beings; home invasion; robbery or  
3 armed robbery; or aggravated arson.

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

7 A continuance under supervision authorized by Section  
8 5-615 of this Act shall not be permitted under this Section.

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

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

17 The petition upon which such Habitual Juvenile Offender  
18 notice is based shall contain the information and averments  
19 required for all other delinquency petitions filed under this  
20 Act and its service shall be according to the provisions of  
21 this Act.

22 No prior adjudication shall be alleged in the petition.

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

26 Except as otherwise provided herein, the provisions of this  
27 Act concerning delinquency proceedings generally shall be  
28 applicable to Habitual Juvenile Offender proceedings.

29 (e) Proof of prior adjudications. No evidence or other  
30 disclosure of prior adjudications shall be presented to the  
31 court or jury during any adjudicatory hearing provided for  
32 under this Section unless otherwise permitted by the issues  
33 properly raised in such hearing. In the event the minor who is  
34 the subject of these proceedings elects to testify on his own



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

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

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

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

27 Any claim that a previous adjudication offered by the  
28 State's Attorney is not a former adjudication of an offense  
29 which, had the minor been prosecuted as an adult, would have  
30 resulted in his conviction of a felony or of any offense that  
31 involved dishonesty or false statement, is waived unless duly  
32 raised at the hearing on such adjudication, or unless the  
33 State's Attorney's proof shows that such prior adjudication was  
34 not based upon proof of what would have been a felony.

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

14 For purposes of determining good conduct credit,  
15 commitment as an Habitual Juvenile Offender shall be considered  
16 a determinate commitment, and the difference between the date  
17 of the commitment and the minor's 21st birthday shall be  
18 considered the determinate period of his confinement.

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

20 (705 ILCS 405/5-820)

21 Sec. 5-820. Violent Juvenile Offender.

22 (a) Definition. A minor having been previously adjudicated  
23 a delinquent minor for an offense which, had he or she been  
24 prosecuted as an adult, would have been a Class 2 or greater  
25 felony involving the use or threat of physical force or  
26 violence against an individual or a Class 2 or greater felony  
27 for which an element of the offense is possession or use of a  
28 firearm, and who is thereafter adjudicated a delinquent minor  
29 for a second time for any of those offenses shall be  
30 adjudicated a Violent Juvenile Offender if:

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

33 (2) The second offense occurred on or after January 1,

1 1995.

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

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

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

15 No prior adjudication shall be alleged in the petition.

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

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

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

1 shall be according to the rules and procedures applicable to  
2 the impeachment of an adult defendant by prior conviction.

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

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

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

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

31 (f) Disposition. If the court finds that the prerequisites  
32 established in subsection (a) of this Section have been proven,  
33 it shall adjudicate the minor a Violent Juvenile Offender and  
34 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:

1 (i) A judge of the circuit court and members of the  
2 staff of the court designated by the judge;

3 (ii) Parties to the proceedings and their  
4 attorneys;

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

9 (iv) Probation officers, law enforcement officers  
10 or prosecutors or their staff;

11 (v) Adult and juvenile Prisoner Review Boards.

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

16 (i) Authorized military personnel;

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

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

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

34 (v) Any individual, or any public or private agency

1 or institution, having custody of the juvenile under  
2 court order or providing educational, medical or  
3 mental health services to the juvenile or a  
4 court-approved advocate for the juvenile or any  
5 placement provider or potential placement provider as  
6 determined by the court.

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

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

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

27 (a) The court shall allow the general public to have  
28 access to the name, address, and offense of a minor who is  
29 adjudicated a delinquent minor under this Act under either  
30 of the following circumstances:

31 (i) The adjudication of delinquency was based upon  
32 the minor's commission of first degree murder, attempt  
33 to commit first degree murder, aggravated criminal  
34 sexual assault, or criminal sexual assault; or

1           (ii) The court has made a finding that the minor  
2 was at least 13 years of age at the time the act was  
3 committed and the adjudication of delinquency was  
4 based upon the minor's commission of: (A) an act in  
5 furtherance of the commission of a felony as a member  
6 of or on behalf of a criminal street gang, (B) an act  
7 involving the use of a firearm in the commission of a  
8 felony, (C) an act that would be a Class X felony  
9 offense under or the minor's second or subsequent Class  
10 2 or greater felony offense under the Cannabis Control  
11 Act if committed by an adult, (D) an act that would be  
12 a second or subsequent offense under Section 402 of the  
13 Illinois Controlled Substances Act if committed by an  
14 adult, (E) an act that would be an offense under  
15 Section 401 of the Illinois Controlled Substances Act  
16 if committed by an adult, or (F) an act that would be  
17 an offense under the Methamphetamine Control and  
18 Community Protection Act if committed by an adult.

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

25           (i) The minor has been convicted of first degree  
26 murder, attempt to commit first degree murder,  
27 aggravated criminal sexual assault, or criminal sexual  
28 assault,

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



1 use of a firearm in the commission of a felony, (C) a  
2 Class X felony offense under the Cannabis Control Act  
3 or a second or subsequent Class 2 or greater felony  
4 offense under the Cannabis Control Act, (D) a second or  
5 subsequent offense under Section 402 of the Illinois  
6 Controlled Substances Act, (E) an offense under  
7 Section 401 of the Illinois Controlled Substances Act,  
8 or (F) an offense under the Methamphetamine Control and  
9 Community Protection Act.

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

16 (7) Nothing in this Section shall affect the right of a  
17 Civil Service Commission or appointing authority examining the  
18 character and fitness of an applicant for a position as a law  
19 enforcement officer to ascertain whether that applicant was  
20 ever adjudicated to be a delinquent minor and, if so, to  
21 examine the records or evidence which were made in proceedings  
22 under this Act.

23 (8) Following any adjudication of delinquency for a crime  
24 which would be a felony if committed by an adult, or following  
25 any adjudication of delinquency for a violation of Section  
26 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961, the  
27 State's Attorney shall ascertain whether the minor respondent  
28 is enrolled in school and, if so, shall provide a copy of the  
29 sentencing order to the principal or chief administrative  
30 officer of the school. Access to such juvenile records shall be  
31 limited to the principal or chief administrative officer of the  
32 school and any guidance counselor designated by him or her.

33 (9) Nothing contained in this Act prevents the sharing or  
34 disclosure of information or records relating or pertaining to

1 juveniles subject to the provisions of the Serious Habitual  
2 Offender Comprehensive Action Program when that information is  
3 used to assist in the early identification and treatment of  
4 habitual juvenile offenders.

5 (11) The Clerk of the Circuit Court shall report to the  
6 Department of State Police, in the form and manner required by  
7 the Department of State Police, the final disposition of each  
8 minor who has been arrested or taken into custody before his or  
9 her 17th birthday for those offenses required to be reported  
10 under Section 5 of the Criminal Identification Act. Information  
11 reported to the Department under this Section may be maintained  
12 with records that the Department files under Section 2.1 of the  
13 Criminal Identification Act.

14 (12) Information or records may be disclosed to the general  
15 public when the court is conducting hearings under Section  
16 5-805 or 5-810.

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

18 (705 ILCS 405/5-905)

19 Sec. 5-905. Law enforcement records.

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

26 (a) A judge of the circuit court and members of the  
27 staff of the court designated by the judge;

28 (b) Law enforcement officers, probation officers or  
29 prosecutors or their staff;

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

33 (d) Adult and Juvenile Prisoner Review Boards;

1 (e) Authorized military personnel;

2 (f) Persons engaged in bona fide research, with the  
3 permission of the judge of juvenile court and the chief  
4 executive of the agency that prepared the particular  
5 recording: provided that publication of such research  
6 results in no disclosure of a minor's identity and protects  
7 the confidentiality of the record;

8 (g) Individuals responsible for supervising or  
9 providing temporary or permanent care and custody of minors  
10 pursuant to orders of the juvenile court or directives from  
11 officials of the Department of Children and Family Services  
12 or the Department of Human Services who certify in writing  
13 that the information will not be disclosed to any other  
14 party except as provided under law or order of court;

15 (h) The appropriate school official. Inspection and  
16 copying shall be limited to law enforcement records  
17 transmitted to the appropriate school official by a local  
18 law enforcement agency under a reciprocal reporting system  
19 established and maintained between the school district and  
20 the local law enforcement agency under Section 10-20.14 of  
21 the School Code concerning a minor enrolled in a school  
22 within the school district who has been arrested for any  
23 offense classified as a felony or a Class A or B  
24 misdemeanor.

25 (2) Information identifying victims and alleged victims of  
26 sex offenses, shall not be disclosed or open to public  
27 inspection under any circumstances. Nothing in this Section  
28 shall prohibit the victim or alleged victim of any sex offense  
29 from voluntarily disclosing his or her identity.

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

34 (4) Nothing in this Section shall prohibit the inspection

1 or disclosure to victims and witnesses of photographs contained  
2 in the records of law enforcement agencies when the inspection  
3 or disclosure is conducted in the presence of a law enforcement  
4 officer for purposes of identification or apprehension of any  
5 person in the course of any criminal investigation or  
6 prosecution.

7 (5) The records of law enforcement officers concerning all  
8 minors under 17 years of age must be maintained separate from  
9 the records of adults and may not be open to public inspection  
10 or their contents disclosed to the public except by order of  
11 the court or when the institution of criminal proceedings has  
12 been permitted under Section 5-130 or 5-805 or required under  
13 Section 5-130 or 5-805 or such a person has been convicted of a  
14 crime and is the subject of pre-sentence investigation or when  
15 provided by law.

16 (6) Except as otherwise provided in this subsection (6),  
17 law enforcement officers may not disclose the identity of any  
18 minor in releasing information to the general public as to the  
19 arrest, investigation or disposition of any case involving a  
20 minor. Any victim or parent or legal guardian of a victim may  
21 petition the court to disclose the name and address of the  
22 minor and the minor's parents or legal guardian, or both. Upon  
23 a finding by clear and convincing evidence that the disclosure  
24 is either necessary for the victim to pursue a civil remedy  
25 against the minor or the minor's parents or legal guardian, or  
26 both, or to protect the victim's person or property from the  
27 minor, then the court may order the disclosure of the  
28 information to the victim or to the parent or legal guardian of  
29 the victim only for the purpose of the victim pursuing a civil  
30 remedy against the minor or the minor's parents or legal  
31 guardian, or both, or to protect the victim's person or  
32 property from the minor.

33 (7) Nothing contained in this Section shall prohibit law  
34 enforcement agencies when acting in their official capacity

1 from communicating with each other by letter, memorandum,  
2 teletype or intelligence alert bulletin or other means the  
3 identity or other relevant information pertaining to a person  
4 under 17 years of age. The information provided under this  
5 subsection (7) shall remain confidential and shall not be  
6 publicly disclosed, except as otherwise allowed by law.

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

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

11 (705 ILCS 405/5-915)

12 Sec. 5-915. Expungement of juvenile law enforcement and  
13 court records.

14 (1) Whenever any person has attained the age of 17 or  
15 whenever all juvenile court proceedings relating to that person  
16 have been terminated, whichever is later, the person may  
17 petition the court to expunge law enforcement records relating  
18 to incidents occurring before his or her 17th birthday or his  
19 or her juvenile court records, or both, but only in the  
20 following circumstances:

21 (a) the minor was arrested and no petition for  
22 delinquency was filed with the clerk of the circuit court;  
23 or

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

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

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

32 (2) Any person may petition the court to expunge all law  
33 enforcement records relating to any incidents occurring before

1 his or her 17th birthday which did not result in proceedings in  
2 criminal court and all juvenile court records with respect to  
3 any adjudications except those based upon first degree murder  
4 and sex offenses which would be felonies if committed by an  
5 adult, if the person for whom expungement is sought has had no  
6 convictions for any crime since his or her 17th birthday and:

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

8 (b) 5 years have elapsed since all juvenile court  
9 proceedings relating to him or her have been terminated or  
10 his or her commitment to the Department of Juvenile Justice  
11 ~~Corrections, Juvenile Division~~ pursuant to this Act has  
12 been terminated;

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

14 (2.5) If a minor is arrested and no petition for  
15 delinquency is filed with the clerk of the circuit court as  
16 provided in paragraph (a) of subsection (1) at the time the  
17 minor is released from custody, the youth officer, if  
18 applicable, or other designated person from the arresting  
19 agency, shall notify verbally and in writing to the minor or  
20 the minor's parents or guardians that if the State's Attorney  
21 does not file a petition for delinquency, the minor has a right  
22 to petition to have his or her arrest record expunged when the  
23 minor attains the age of 17 or when all juvenile court  
24 proceedings relating to that minor have been terminated and  
25 that unless a petition to expunge is filed, the minor shall  
26 have an arrest record and shall provide the minor and the  
27 minor's parents or guardians with an expungement information  
28 packet, including a petition to expunge juvenile records  
29 obtained from the clerk of the circuit court.

30 (2.6) If a minor is charged with an offense and is found  
31 not delinquent of that offense; or if a minor is placed under  
32 supervision under Section 5-615, and the order of supervision  
33 is successfully terminated; or if a minor is adjudicated for an  
34 offense that would be a Class B misdemeanor, a Class C

1 misdemeanor, or a business or petty offense if committed by an  
2 adult; or if a minor has incidents occurring before his or her  
3 17th birthday that have not resulted in proceedings in criminal  
4 court, or resulted in proceedings in juvenile court, and the  
5 adjudications were not based upon first degree murder or sex  
6 offenses that would be felonies if committed by an adult; then  
7 at the time of sentencing or dismissal of the case, the judge  
8 shall inform the delinquent minor of his or her right to  
9 petition for expungement as provided by law, and the clerk of  
10 the circuit court shall provide an expungement information  
11 packet to the delinquent minor, written in plain language,  
12 including a petition for expungement, a sample of a completed  
13 petition, expungement instructions that shall include  
14 information informing the minor that (i) once the case is  
15 expunged, it shall be treated as if it never occurred, (ii) he  
16 or she may apply to have petition fees waived, (iii) once he or  
17 she obtains an expungement, he or she may not be required to  
18 disclose that he or she had a juvenile record, and (iv) he or  
19 she may file the petition on his or her own or with the  
20 assistance of an attorney. The failure of the judge to inform  
21 the delinquent minor of his or her right to petition for  
22 expungement as provided by law does not create a substantive  
23 right, nor is that failure grounds for: (i) a reversal of an  
24 adjudication of delinquency, (ii) a new trial; or (iii) an  
25 appeal.

26 (2.7) For counties with a population over 3,000,000, the  
27 clerk of the circuit court shall send a "Notification of a  
28 Possible Right to Expungement" post card to the minor at the  
29 address last received by the clerk of the circuit court on the  
30 date that the minor attains the age of 17 based on the  
31 birthdate provided to the court by the minor or his or her  
32 guardian in cases under paragraphs (b), (c), and (d) of  
33 subsection (1); and when the minor attains the age of 21 based  
34 on the birthdate provided to the court by the minor or his or

1 her guardian in cases under subsection (2).

2 (2.8) The petition for expungement for subsection (1) shall  
3 be substantially in the following form:

4 IN THE CIRCUIT COURT OF ....., ILLINOIS  
5 ..... JUDICIAL CIRCUIT

6 IN THE INTEREST OF ) NO.  
7 )  
8 )  
9 .....)  
10 (Name of Petitioner)

11 PETITION TO EXPUNGE JUVENILE RECORDS  
12 (705 ILCS 405/5-915 (SUBSECTION 1))

13 (Please prepare a separate petition for each offense)

14 Now comes ....., petitioner, and respectfully requests  
15 that this Honorable Court enter an order expunging all juvenile  
16 law enforcement and court records of petitioner and in support  
17 thereof states that: Petitioner has attained the age of 17,  
18 his/her birth date being ....., or all Juvenile Court  
19 proceedings terminated as of ....., whichever occurred later.  
20 Petitioner was arrested on ..... by the ..... Police  
21 Department for the offense of ....., and:

22 (Check One:)

23 ( ) a. no petition was filed with the Clerk of the Circuit  
24 Court.

25 ( ) b. was charged with ..... and was found not delinquent of  
26 the offense.

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

29 ( ) d. on ..... placed under supervision pursuant to Section  
30 5-615 of the Juvenile Court Act of 1987 and such order of  
31 supervision successfully terminated on .....

32 ( ) e. was adjudicated for the offense, which would have been a



1 Class B misdemeanor, a Class C misdemeanor, or a petty offense  
2 or business offense if committed by an adult.

3 Petitioner .... has .... has not been arrested on charges in  
4 this or any county other than the charges listed above. If  
5 petitioner has been arrested on additional charges, please list  
6 the charges below:

7 Charge(s): .....

8 Arresting Agency or Agencies: .....

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

10 WHEREFORE, the petitioner respectfully requests this Honorable  
11 Court to (1) order all law enforcement agencies to expunge all  
12 records of petitioner to this incident, and (2) to order the  
13 Clerk of the Court to expunge all records concerning the  
14 petitioner regarding this incident.

15 .....  
16 Petitioner (Signature)

17 .....  
18 Petitioner's Street Address

19 .....  
20 City, State, Zip Code

21 .....  
22 Petitioner's Telephone Number

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

27 .....  
28 Petitioner (Signature)

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

3 IN THE CIRCUIT COURT OF ....., ILLINOIS  
4 ..... JUDICIAL CIRCUIT

5 IN THE INTEREST OF ) NO.  
6 )  
7 )  
8 .....)  
9 (Name of Petitioner)

10 PETITION TO EXPUNGE JUVENILE RECORDS  
11 (705 ILCS 405/5-915 (SUBSECTION 2))

12 (Please prepare a separate petition for each offense)

13 Now comes ....., petitioner, and respectfully requests  
14 that this Honorable Court enter an order expunging all Juvenile  
15 Law Enforcement and Court records of petitioner and in support  
16 thereof states that:

17 The incident for which the Petitioner seeks expungement  
18 occurred before the Petitioner's 17th birthday and did not  
19 result in proceedings in criminal court and the Petitioner has  
20 not had any convictions for any crime since his/her 17th  
21 birthday; and

22 The incident for which the Petitioner seeks expungement  
23 occurred before the Petitioner's 17th birthday and the  
24 adjudication was not based upon first-degree murder or sex  
25 offenses which would be felonies if committed by an adult, and  
26 the Petitioner has not had any convictions for any crime since  
27 his/her 17th birthday.

28 Petitioner was arrested on ..... by the ..... Police  
29 Department for the offense of ....., and:

30 (Check whichever one occurred the latest:)

31 ( ) a. The Petitioner has attained the age of 21 years, his/her

1 birthday being .....; or

2 ( ) b. 5 years have elapsed since all juvenile court  
3 proceedings relating to the Petitioner have been terminated; or  
4 the Petitioner's commitment to the Department of Juvenile  
5 Justice Corrections, ~~Juvenile Division,~~ pursuant to the  
6 expungement of juvenile law enforcement and court records  
7 provisions of the Juvenile Court Act of 1987 has been  
8 terminated. Petitioner ...has ...has not been arrested on  
9 charges in this or any other county other than the charge  
10 listed above. If petitioner has been arrested on additional  
11 charges, please list the charges below:

12 Charge(s): .....

13 Arresting Agency or Agencies: .....

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

15 WHEREFORE, the petitioner respectfully requests this Honorable  
16 Court to (1) order all law enforcement agencies to expunge all  
17 records of petitioner related to this incident, and (2) to  
18 order the Clerk of the Court to expunge all records concerning  
19 the petitioner regarding this incident.

20 .....  
21 Petitioner (Signature)

22 .....  
23 Petitioner's Street Address

24 .....  
25 City, State, Zip Code

26 .....  
27 Petitioner's Telephone Number

28 Pursuant to the penalties of perjury under the Code of Civil  
29 Procedure, 735 ILCS 5/1-109, I hereby certify that the  
30 statements in this petition are true and correct, or on

1 information and belief I believe the same to be true.

2 .....

3 Petitioner (Signature)

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

1 (3.1) The Notice of Expungement shall be in substantially  
2 the following form:

3 IN THE CIRCUIT COURT OF ....., ILLINOIS  
4 ..... JUDICIAL CIRCUIT

5 IN THE INTEREST OF ) NO.  
6 )  
7 )  
8 .....)  
9 (Name of Petitioner)

10 NOTICE

11 TO: State's Attorney

12 TO: Arresting Agency

13  
14 .....

15 .....

16  
17 .....

18 .....

19 TO: Illinois State Police

20  
21 .....

22  
23 .....

24 ATTENTION: Expungement

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

30 .....  
31 Petitioner's Signature  
32 .....



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.

1 )  
 2 )  
 3 .....)  
 4 (Name of Petitioner)

NOTICE OF OBJECTION

TO: (Attorney, Public Defender, Minor)

7 .....  
 8 .....

TO: (Illinois State Police)

10 .....  
 11 .....

TO: (Clerk of the Court)

13 .....  
 14 .....

TO: (Judge)

16 .....  
 17 .....

TO: (Arresting Agency/Agencies)

19 .....  
 20 .....

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

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

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

32 DATED: .....

33 Name:



1 Attorney For:  
2 Address:  
3 City/State/Zip:  
4 Telephone:  
5 Attorney No.:

6 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

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

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

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

24 Date: .....

25 Initials of Clerk completing this section: .....

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

31 (5) Records which have not been expunged are sealed, and  
32 may be obtained only under the provisions of Sections 5-901,  
33 5-905 and 5-915.

34 (6) Nothing in this Section shall be construed to prohibit

1 the maintenance of information relating to an offense after  
2 records or files concerning the offense have been expunged if  
3 the information is kept in a manner that does not enable  
4 identification of the offender. This information may only be  
5 used for statistical and bona fide research purposes.

6 (7) (a) The State Appellate Defender shall establish,  
7 maintain, and carry out, by December 31, 2004, a juvenile  
8 expungement program to provide information and assistance to  
9 minors eligible to have their juvenile records expunged.

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

14 (i) An explanation of the State's juvenile expungement  
15 process;

16 (ii) The circumstances under which juvenile  
17 expungement may occur;

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

19 (iv) The steps necessary to initiate and complete the  
20 juvenile expungement process; and

21 (v) Directions on how to contact the State Appellate  
22 Defender.

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

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

4 (e) This Section shall be implemented from funds  
5 appropriated by the General Assembly to the State Appellate  
6 Defender for this purpose. The State Appellate Defender shall  
7 employ the necessary staff and adopt the necessary rules for  
8 implementation of this Section.

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

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

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

32 Section 21. The Sexually Violent Persons Commitment Act is  
33 amended by changing Section 15 as follows:

1 (725 ILCS 207/15)

2 Sec. 15. Sexually violent person petition; contents;  
3 filing.

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

6 (1) The Attorney General, at the request of the agency  
7 with jurisdiction over the person, as defined in subsection  
8 (a) of Section 10 of this Act, or on his or her own motion.  
9 If the Attorney General, after consulting with and advising  
10 the State's Attorney of the county referenced in paragraph  
11 (a)(2) of this Section, decides to file a petition under  
12 this Section, he or she shall file the petition before the  
13 date of the release or discharge of the person or within 30  
14 days of placement onto parole or mandatory supervised  
15 release for an offense enumerated in paragraph (e) of  
16 Section 5 of this Act.

17 (2) If the Attorney General does not file a petition  
18 under this Section, the State's Attorney of the county in  
19 which the person was convicted of a sexually violent  
20 offense, adjudicated delinquent for a sexually violent  
21 offense or found not guilty of or not responsible for a  
22 sexually violent offense by reason of insanity, mental  
23 disease, or mental defect may file a petition.

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

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

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

30 (A) The person has been convicted of a sexually  
31 violent offense;

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

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

4 (2) (Blank).

5 (3) (Blank).

6 (4) The person has a mental disorder.

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

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

11 (1) No more than 90 days before discharge or entry into  
12 mandatory supervised release from a Department of  
13 Corrections correctional facility for a sentence that was  
14 imposed upon a conviction for a sexually violent offense,  
15 or for a sentence that is being served concurrently or  
16 consecutively with a sexually violent offense, and no more  
17 than 30 days after the person's entry into parole or  
18 mandatory supervised release; or

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

20 (A) from a Department of Juvenile Justice  
21 ~~Corrections~~ juvenile correctional facility if the  
22 person was placed in the facility for being adjudicated  
23 delinquent under Section 5-20 of the Juvenile Court Act  
24 of 1987 or found guilty under Section 5-620 of that Act  
25 on the basis of a sexually violent offense; or

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

28 (c) A petition filed under this Section shall state with  
29 particularity essential facts to establish probable cause to  
30 believe the person is a sexually violent person. If the  
31 petition alleges that a sexually violent offense or act that is  
32 a basis for the allegation under paragraph (b)(1) of this  
33 Section was an act that was sexually motivated as provided  
34 under paragraph (e)(2) of Section 5 of this Act, the petition

1 shall state the grounds on which the offense or act is alleged  
2 to be sexually motivated.

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

5 (1) The circuit court for the county in which the  
6 person was convicted of a sexually violent offense,  
7 adjudicated delinquent for a sexually violent offense or  
8 found not guilty of a sexually violent offense by reason of  
9 insanity, mental disease or mental defect.

10 (2) The circuit court for the county in which the  
11 person is in custody under a sentence, a placement to a  
12 Department of Corrections correctional facility or a  
13 Department of Juvenile Justice juvenile correctional  
14 facility, or a commitment order.

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

17 Section 25. The Unified Code of Corrections is amended by  
18 adding Article 2.5 to Chapter III and by changing Sections  
19 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,  
20 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,  
21 3-9-6, 3-9-7, 3-10-1, 3-10-2, 3-10-3, 3-10-4, 3-10-5, 3-10-6,  
22 3-10-7, 3-10-8, 3-10-9, 3-10-10, 3-10-11, 3-10-12, 3-10-13,  
23 3-15-2, 3-16-5, and 5-8-6 and the heading of Article 9 of  
24 Chapter III as follows:

25 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

26 Sec. 3-1-2. Definitions.

27 (a) "Chief Administrative Officer" means the person  
28 designated by the Director to exercise the powers and duties of  
29 the Department of Corrections in regard to committed persons  
30 within a correctional institution or facility, and includes the  
31 superintendent of any juvenile institution or facility.

32 (a-5) "Sex offense" for the purposes of paragraph (16) of

1 subsection (a) of Section 3-3-7, paragraph (10) of subsection  
2 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of  
3 Section 5-6-3.1 only means:

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

16 (ii) A violation of any of the following Sections of  
17 the Criminal Code of 1961: 12-13 (criminal sexual assault),  
18 12-14 (aggravated criminal sexual assault), 12-16  
19 (aggravated criminal sexual abuse), and subsection (a) of  
20 Section 12-15 (criminal sexual abuse). An attempt to commit  
21 any of these offenses.

22 (iii) A violation of any of the following Sections of  
23 the Criminal Code of 1961 when the defendant is not a  
24 parent of the victim:

25 10-1 (kidnapping),  
26 10-2 (aggravated kidnapping),  
27 10-3 (unlawful restraint),  
28 10-3.1 (aggravated unlawful restraint).

29 An attempt to commit any of these offenses.

30 (iv) A violation of any former law of this State  
31 substantially equivalent to any offense listed in this  
32 subsection (a-5).

33 An offense violating federal law or the law of another  
34 state that is substantially equivalent to any offense listed in

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

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

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

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

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

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

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



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

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

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

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

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

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

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

34 (m) Whenever medical treatment, service, counseling, or

1 care is referred to in this Unified Code of Corrections, such  
2 term may be construed by the Department or Court, within its  
3 discretion, to include treatment, service or counseling by a  
4 Christian Science practitioner or nursing care appropriate  
5 therewith whenever request therefor is made by a person subject  
6 to the provisions of this Act.

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

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

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

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

13 (1) In addition to the powers, duties and responsibilities  
14 which are otherwise provided by law, the Department shall have  
15 the following powers:

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

22 (b) To develop and maintain reception and evaluation  
23 units for purposes of analyzing the custody and  
24 rehabilitation needs of persons committed to it and to  
25 assign such persons to institutions and programs under its  
26 control or transfer them to other appropriate agencies. In  
27 consultation with the Department of Alcoholism and  
28 Substance Abuse (now the Department of Human Services), the  
29 Department of Corrections shall develop a master plan for  
30 the screening and evaluation of persons committed to its  
31 custody who have alcohol or drug abuse problems, and for  
32 making appropriate treatment available to such persons;  
33 the Department shall report to the General Assembly on such

1 plan not later than April 1, 1987. The maintenance and  
2 implementation of such plan shall be contingent upon the  
3 availability of funds.

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

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

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

33 Pursuant to its power to establish new institutions and  
34 facilities, the Department may authorize the Department of

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

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

20 (c-5) To build and maintain regional juvenile  
21 detention centers and to charge a per diem to the counties  
22 as established by the Department to defray the costs of  
23 housing each minor in a center. In this subsection (c-5),  
24 "juvenile detention center" means a facility to house  
25 minors during pendency of trial who have been transferred  
26 from proceedings under the Juvenile Court Act of 1987 to  
27 prosecutions under the criminal laws of this State in  
28 accordance with Section 5-805 of the Juvenile Court Act of  
29 1987, whether the transfer was by operation of law or  
30 permissive under that Section. The Department shall  
31 designate the counties to be served by each regional  
32 juvenile detention center.

33 (d) To develop and maintain programs of control,  
34 rehabilitation and employment of committed persons within

1           its institutions.

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

4           (f) To establish in cooperation with the Department of  
5 Transportation to supply a sufficient number of prisoners  
6 for use by the Department of Transportation to clean up the  
7 trash and garbage along State, county, township, or  
8 municipal highways as designated by the Department of  
9 Transportation. The Department of Corrections, at the  
10 request of the Department of Transportation, shall furnish  
11 such prisoners at least annually for a period to be agreed  
12 upon between the Director of Corrections and the Director  
13 of Transportation. The prisoners used on this program shall  
14 be selected by the Director of Corrections on whatever  
15 basis he deems proper in consideration of their term,  
16 behavior and earned eligibility to participate in such  
17 program - where they will be outside of the prison facility  
18 but still in the custody of the Department of Corrections.  
19 Prisoners convicted of first degree murder, or a Class X  
20 felony, or armed violence, or aggravated kidnapping, or  
21 criminal sexual assault, aggravated criminal sexual abuse  
22 or a subsequent conviction for criminal sexual abuse, or  
23 forcible detention, or arson, or a prisoner adjudged a  
24 Habitual Criminal shall not be eligible for selection to  
25 participate in such program. The prisoners shall remain as  
26 prisoners in the custody of the Department of Corrections  
27 and such Department shall furnish whatever security is  
28 necessary. The Department of Transportation shall furnish  
29 trucks and equipment for the highway cleanup program and  
30 personnel to supervise and direct the program. Neither the  
31 Department of Corrections nor the Department of  
32 Transportation shall replace any regular employee with a  
33 prisoner.

34           (g) To maintain records of persons committed to it and

1 to establish programs of research, statistics and  
2 planning.

3 (h) To investigate the grievances of any person  
4 committed to the Department, to inquire into any alleged  
5 misconduct by employees or committed persons, and to  
6 investigate the assets of committed persons to implement  
7 Section 3-7-6 of this Code; and for these purposes it may  
8 issue subpoenas and compel the attendance of witnesses and  
9 the production of writings and papers, and may examine  
10 under oath any witnesses who may appear before it; to also  
11 investigate alleged violations of a parolee's or  
12 releasee's conditions of parole or release; and for this  
13 purpose it may issue subpoenas and compel the attendance of  
14 witnesses and the production of documents only if there is  
15 reason to believe that such procedures would provide  
16 evidence that such violations have occurred.

17 If any person fails to obey a subpoena issued under  
18 this subsection, the Director may apply to any circuit  
19 court to secure compliance with the subpoena. The failure  
20 to comply with the order of the court issued in response  
21 thereto shall be punishable as contempt of court.

22 (i) To appoint and remove the chief administrative  
23 officers, and administer programs of training and  
24 development of personnel of the Department. Personnel  
25 assigned by the Department to be responsible for the  
26 custody and control of committed persons or to investigate  
27 the alleged misconduct of committed persons or employees or  
28 alleged violations of a parolee's or releasee's conditions  
29 of parole shall be conservators of the peace for those  
30 purposes, and shall have the full power of peace officers  
31 outside of the facilities of the Department in the  
32 protection, arrest, retaking and reconfining of committed  
33 persons or where the exercise of such power is necessary to  
34 the investigation of such misconduct or violations.

1           (j) To cooperate with other departments and agencies  
2 and with local communities for the development of standards  
3 and programs for better correctional services in this  
4 State.

5           (k) To administer all moneys and properties of the  
6 Department.

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

9           (l-5) In a confidential annual report to the Governor,  
10 the Department shall identify all inmate gangs by  
11 specifying each current gang's name, population and allied  
12 gangs. The Department shall further specify the number of  
13 top leaders identified by the Department for each gang  
14 during the past year, and the measures taken by the  
15 Department to segregate each leader from his or her gang  
16 and allied gangs. The Department shall further report the  
17 current status of leaders identified and segregated in  
18 previous years. All leaders described in the report shall  
19 be identified by inmate number or other designation to  
20 enable tracking, auditing, and verification without  
21 revealing the names of the leaders. Because this report  
22 contains law enforcement intelligence information  
23 collected by the Department, the report is confidential and  
24 not subject to public disclosure.

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

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

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

1 Counties Code.

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

7 (q) To establish a diversion program.

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

15 Elements of the program shall include, but shall not be  
16 limited to, the following:

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

20 (2) Participants shall be required to maintain  
21 employment.

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

25 (4) Each participant shall:

26 (A) provide restitution to victims in  
27 accordance with any court order;

28 (B) provide financial support to his  
29 dependents; and

30 (C) make appropriate payments toward any other  
31 court-ordered obligations.

32 (5) Each participant shall complete community  
33 service in addition to employment.

34 (6) Participants shall take part in such



1 counseling, educational and other programs as the  
2 Department may deem appropriate.

3 (7) Participants shall submit to drug and alcohol  
4 screening.

5 (8) The Department shall promulgate rules  
6 governing the administration of the program.

7 (r) To enter into intergovernmental cooperation  
8 agreements under which persons in the custody of the  
9 Department may participate in a county impact  
10 incarceration program established under Section 3-6038 or  
11 3-15003.5 of the Counties Code.

12 (r-5) (Blank). ~~To enter into intergovernmental~~  
13 ~~cooperation agreements under which minors adjudicated~~  
14 ~~delinquent and committed to the Department of Corrections,~~  
15 ~~Juvenile Division, may participate in a county juvenile~~  
16 ~~impact incarceration program established under Section~~  
17 ~~3-6039 of the Counties Code.~~

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

29 (i) are members of a criminal streetgang;

30 (ii) with respect to other individuals within the  
31 streetgang, occupy a position of organizer,  
32 supervisor, or other position of management or  
33 leadership; and

34 (iii) are actively and personally engaged in

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

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

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

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

25 As used in this subdivision (1)(t), "unprivileged  
26 conversation" or "unprivileged communication" means a  
27 conversation or communication that is not protected by any  
28 privilege recognized by law or by decision, rule, or order  
29 of the Illinois Supreme Court.

30 (u) To establish a Women's and Children's Pre-release  
31 Community Supervision Program for the purpose of providing  
32 housing and services to eligible female inmates, as  
33 determined by the Department, and their newborn and young  
34 children.

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

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

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

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

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

24 (730 ILCS 5/3-2-5) (from Ch. 38, par. 1003-2-5)

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

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

1           (b) There shall be a Department of Juvenile Justice which  
2 shall be administered by a Director appointed by the Governor  
3 under the Civil Administrative Code of Illinois. The Department  
4 of Juvenile Justice shall be responsible for all persons under  
5 17 years of age when sentenced to imprisonment and committed to  
6 the Department under subsection (c) of Section 5-8-6 of this  
7 Code, Section 5-10 of the Juvenile Court Act, or Section 5-750  
8 of the Juvenile Court Act of 1987. Persons under 17 years of  
9 age committed to the Department of Juvenile Justice pursuant to  
10 this Code shall be sight and sound separate from adult  
11 offenders committed to the Department of Corrections. There  
12 ~~shall be a Juvenile Division within the Department which shall~~  
13 ~~be administered by an Assistant Director appointed by the~~  
14 ~~Governor under The Civil Administrative Code of Illinois. The~~  
15 ~~Assistant Director shall be under the direction of the~~  
16 ~~Director. The Juvenile Division shall be responsible for all~~  
17 ~~persons committed to the Juvenile Division of the Department~~  
18 ~~under Section 5-8-6 of this Code or Section 5-10 of the~~  
19 ~~Juvenile Court Act or Section 5-750 of the Juvenile Court Act~~  
20 ~~of 1987.~~

21           (c) The Department shall create a gang intelligence unit  
22 under the supervision of the Director. The unit shall be  
23 specifically designed to gather information regarding the  
24 inmate gang population, monitor the activities of gangs, and  
25 prevent the furtherance of gang activities through the  
26 development and implementation of policies aimed at deterring  
27 gang activity. The Director shall appoint a Corrections  
28 Intelligence Coordinator.

29           All information collected and maintained by the unit shall  
30 be highly confidential, and access to that information shall be  
31 restricted by the Department. The information shall be used to  
32 control and limit the activities of gangs within correctional  
33 institutions under the jurisdiction of the Illinois Department  
34 of Corrections and may be shared with other law enforcement

1 agencies in order to curb gang activities outside of  
2 correctional institutions under the jurisdiction of the  
3 Department and to assist in the investigations and prosecutions  
4 of gang activity. The Department shall establish and promulgate  
5 rules governing the release of information to outside law  
6 enforcement agencies. Due to the highly sensitive nature of the  
7 information, the information is exempt from requests for  
8 disclosure under the Freedom of Information Act as the  
9 information contained is highly confidential and may be harmful  
10 if disclosed.

11 The Department shall file an annual report with the General  
12 Assembly on the profile of the inmate population associated  
13 with gangs, gang-related activity within correctional  
14 institutions under the jurisdiction of the Department, and an  
15 overall status of the unit as it relates to its function and  
16 performance.

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

18 (730 ILCS 5/3-2-6) (from Ch. 38, par. 1003-2-6)

19 Sec. 3-2-6. Advisory Boards. (a) There shall be an ~~Adult~~  
20 Advisory Board ~~and a Juvenile Advisory Board each~~ composed of  
21 11 persons, one of whom shall be a senior citizen age 60 or  
22 over, appointed by the Governor to advise the Director on  
23 matters pertaining to adult and juvenile offenders  
24 respectively. The members of the Boards shall be qualified for  
25 their positions by demonstrated interest in and knowledge of  
26 adult and juvenile correctional work and shall not be officials  
27 of the State in any other capacity. The members first appointed  
28 under this amendatory Act of 1984 shall serve for a term of 6  
29 years and shall be appointed as soon as possible after the  
30 effective date of this amendatory Act of 1984. The members of  
31 the Boards now serving shall complete their terms as appointed,  
32 and thereafter members shall be appointed by the Governor to  
33 terms of 6 years. Any vacancy occurring shall be filled in the

1 same manner for the remainder of the term. The Director of  
2 Corrections and the Assistant Directors, ~~Adult and Juvenile~~  
3 ~~Divisions respectively, for the 2 Boards,~~ shall be ex-officio  
4 members of the Boards. Each Board shall elect a chairman from  
5 among its appointed members. The Director shall serve as  
6 secretary of each Board. Members of each Board shall serve  
7 without compensation but shall be reimbursed for expenses  
8 necessarily incurred in the performance of their duties. The  
9 ~~Each~~ Board shall meet quarterly and at other times at the call  
10 of the chairman. ~~At the request of the Director, the Boards may~~  
11 ~~meet together.~~

12 (b) The Boards shall advise the Director concerning policy  
13 matters and programs of the Department with regard to the  
14 custody, care, study, discipline, training and treatment of  
15 persons in the State correctional institutions and for the care  
16 and supervision of persons released on parole.

17 (c) There shall be a Subcommittee on Women Offenders to the  
18 ~~Adult~~ Advisory Board. The Subcommittee shall be composed of 3  
19 members of the ~~Adult~~ Advisory Board appointed by the Chairman  
20 who shall designate one member as the chairman of the  
21 Subcommittee. Members of the Subcommittee shall serve without  
22 compensation but shall be reimbursed for expenses necessarily  
23 incurred in the performance of their duties. The Subcommittee  
24 shall meet no less often than quarterly and at other times at  
25 the call of its chairman.

26 The Subcommittee shall advise the ~~Adult~~ Advisory Board and  
27 the Director on all policy matters and programs of the  
28 Department with regard to the custody, care, study, discipline,  
29 training and treatment of women in the State correctional  
30 institutions and for the care and supervision of women released  
31 on parole.

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

33 (730 ILCS 5/Ch. III Art. 2.5 heading new)

1                   ARTICLE 2.5. DEPARTMENT OF JUVENILE JUSTICE

2                   (730 ILCS 5/3-2.5-1 new)

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

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

6                   Sec. 3-2.5-5. Purpose. The purpose of this Article is to  
7 create the Department of Juvenile Justice to provide treatment  
8 and services through a comprehensive continuum of  
9 individualized educational, vocational, social, emotional, and  
10 basic life skills to enable youth to avoid delinquent futures  
11 and become productive, fulfilled citizens.

12                   This amendatory Act of the 94th General Assembly transfers  
13 to the Department certain rights, powers, duties, and functions  
14 that were exercised by the Juvenile Division of the Department  
15 of Corrections before the effective date of this amendatory Act  
16 of the 94th General Assembly.

17                   (730 ILCS 5/3-2.5-10 new)

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

20                   "Department" means the Department of Juvenile Justice.

21                   "Director" means the Director of Juvenile Justice. Any  
22 reference to the "Assistant Director of the Juvenile Division"  
23 or of a predecessor department or agency occurring in any law  
24 or instrument shall, beginning on the effective date of this  
25 amendatory Act of the 94th General Assembly, be construed to  
26 mean the Director of Juvenile Justice.

27                   (730 ILCS 5/3-2.5-15 new)

28                   Sec. 3-2.5-15. Department of Juvenile Justice; assumption  
29 of duties of the Juvenile Division.

30                   (a) The Department of Juvenile Justice shall assume the

1 rights, powers, duties, and responsibilities of the Juvenile  
2 Division of the Department of Corrections. Personnel, books,  
3 records, property, and unencumbered appropriations pertaining  
4 to the Juvenile Division of the Department of Corrections shall  
5 be transferred to the Department of Juvenile Justice on the  
6 effective date of this amendatory Act of the 94th General  
7 Assembly. Any rights of employees or the State under the  
8 Personnel Code or any other contract or plan shall be  
9 unaffected by this transfer.

10 (b) Department of Juvenile Justice personnel who are  
11 employed by the Department on the effective date of this  
12 amendatory Act of the 94th General Assembly and who participate  
13 or assist in the rehabilitative and vocational training of  
14 delinquent youths, supervise the daily activities involving  
15 direct and continuing responsibility for the youth's security,  
16 welfare and development, or participate in the personal  
17 rehabilitation of delinquent youth by training, supervising,  
18 and assisting lower level personnel who perform these duties  
19 must be over the age of 21 and have a bachelor's or advanced  
20 degree from an accredited college or university with a  
21 specialization in criminal justice, education, psychology,  
22 social work, or a closely related social science.

23 (c) Subsection (b) of this Section does not apply to  
24 personnel transferred to the Department of Juvenile Justice on  
25 the effective date of this amendatory Act of the 94th General  
26 Assembly.

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

29 (e) The Director shall organize divisions within the  
30 Department and shall assign functions, powers, duties, and  
31 personnel as required by law. The Director may create other  
32 divisions and may assign other functions, powers, duties, and  
33 personnel as may be necessary or desirable to carry out the  
34 functions and responsibilities vested by law in the Department.



1 The Director shall, with the approval of the Office of the  
2 Governor, assign to and share functions, powers, duties, and  
3 personnel with the Department of Corrections or other State  
4 agencies such that administrative services are provided by the  
5 Department of Corrections or a shared administrative service  
6 center. These administrative services include, but are not  
7 limited to, budgeting, auditing, human resources, legal,  
8 training, data collection and analysis, information technology  
9 and support.

10 (f) The Department of Juvenile Justice may enter into  
11 intergovernmental cooperation agreements under which minors  
12 adjudicated delinquent and committed to the Department of  
13 Juvenile Justice may participate in county juvenile impact  
14 incarceration programs established under Section 3-6039 of the  
15 Counties Code.

16 (730 ILCS 5/3-2.5-20 new)

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

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

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

26 (2) To maintain and administer all State juvenile  
27 correctional institutions previously under the control of  
28 the Juvenile and Women's & Children Divisions of the  
29 Department of Corrections, and to establish and maintain  
30 institutions as needed to meet the needs of the youth  
31 committed to its care.

32 (3) To identify the need for and recommend the funding  
33 and implementation of an appropriate mix of programs and

1 services within the juvenile justice continuum, including  
2 but not limited to prevention, diversion, nonresidential  
3 and residential commitment programs, day treatment, and  
4 conditional release programs and services, with the  
5 support of educational, vocational, alcohol, drug abuse,  
6 and mental health services where appropriate.

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

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

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

15 (iii) mental health services;

16 (iv) educational services;

17 (v) family counseling services; and

18 (vi) substance abuse services.

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

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

26 (7) To develop, with the approval of the Office of the  
27 Governor, budget and resource allocation methodologies and  
28 strategies.

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

1 (730 ILCS 5/3-2.5-30 new)

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

4 (a) The Juvenile Division of the Department of Corrections  
5 is abolished on the effective date of this amendatory Act of  
6 the 94th General Assembly.

7 (b) The term of the person then serving as the Assistant  
8 Director of the Juvenile Division of the Department of  
9 Corrections shall end on the effective date of this amendatory  
10 Act of the 94th General Assembly, and that office is abolished  
11 on that date.

12 (c) For the purposes of the Successor Agency Act, the  
13 Department of Juvenile Justice is declared to be the successor  
14 agency of the Juvenile Division of the Department of  
15 Corrections.

16 (730 ILCS 5/3-2.5-35 new)

17 Sec. 3-2.5-35. Transfer of powers. Except as otherwise  
18 provided in this Article, all of the rights, powers, duties,  
19 and functions vested by law in the Juvenile Division of the  
20 Department of Corrections are transferred to the Department of  
21 Juvenile Justice on the effective date of this amendatory Act  
22 of the 94th General Assembly.

23 (730 ILCS 5/3-2.5-40 new)

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

25 (a) Personnel employed by the Juvenile Division of the  
26 Department of Corrections immediately preceding the effective  
27 date of this amendatory Act of the 94th General Assembly are  
28 transferred to the Department of Juvenile Justice on the  
29 effective date of this amendatory Act of the 94th General  
30 Assembly.

31 (b) The rights of State employees, the State, and its  
32 agencies under the Personnel Code and applicable collective

1 bargaining agreements and retirement plans are not affected by  
2 this Article.

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

4 Sec. 3-2.5-40.1. Training. The Department shall design  
5 training for its personnel and shall enter into agreements with  
6 the Department of Corrections or other State agencies and  
7 through them, public and private colleges and universities, or  
8 private organizations to ensure that staff are trained to work  
9 with a broad range of youth and possess the skills necessary to  
10 assess, engage, educate, and intervene with youth in its  
11 custody in ways that are appropriate to ensure successful  
12 outcomes for those youth and their families pursuant to the  
13 mission of the Department.

14 (730 ILCS 5/3-2.5-45 new)

15 Sec. 3-2.5-45. Transfer of property. All books, records,  
16 documents, property (real and personal), unexpended  
17 appropriations, and pending business pertaining to the rights,  
18 powers, duties, and functions transferred to the Department of  
19 Juvenile Justice under this Article shall be transferred and  
20 delivered to the Department of Juvenile Justice on the  
21 effective date of this amendatory Act of the 94th General  
22 Assembly.

23 (730 ILCS 5/3-2.5-50 new)

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

25 (a) The rules and standards of the Juvenile Division of the  
26 Department of Corrections that are in effect immediately prior  
27 to the effective date of this amendatory Act of the 94th  
28 General Assembly and pertain to the rights, powers, duties, and  
29 functions transferred to the Department of Juvenile Justice  
30 under this Article shall become the rules and standards of the  
31 Department of Juvenile Justice on the effective date of this

1 amendatory Act of the 94th General Assembly and shall continue  
2 in effect until amended or repealed by the Department.

3 (b) Any rules pertaining to the rights, powers, duties, and  
4 functions transferred to the Department under this Article that  
5 have been proposed by the Juvenile Division of the Department  
6 of Corrections but have not taken effect or been finally  
7 adopted immediately prior to the effective date of this  
8 amendatory Act of the 94th General Assembly shall become  
9 proposed rules of the Department of Juvenile Justice on the  
10 effective date of this amendatory Act of the 94th General  
11 Assembly, and any rulemaking procedures that have already been  
12 completed by the Juvenile Division of the Department of  
13 Corrections for those proposed rules need not be repeated.

14 (c) As soon as practical after the effective date of this  
15 amendatory Act of the 94th General Assembly, the Department of  
16 Juvenile Justice shall revise and clarify the rules transferred  
17 to it under this Article to reflect the reorganization of  
18 rights, powers, duties, and functions effected by this Article  
19 using the procedures for recodification of rules available  
20 under the Illinois Administrative Procedure Act, except that  
21 existing title, part, and section numbering for the affected  
22 rules may be retained. The Department may propose and adopt  
23 under the Illinois Administrative Procedure Act such other  
24 rules as may be necessary to consolidate and clarify the rules  
25 of the agency reorganized by this Article.

26 (730 ILCS 5/3-2.5-60 new)

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

28 (a) The rights, powers, duties, and functions transferred  
29 to the Department of Juvenile Justice by this Article shall be  
30 vested in and exercised by the Department subject to the  
31 provisions of this Article. An act done by the Department of an  
32 officer, employee, or agent of the Department in the exercise  
33 of the transferred rights, powers, duties, or functions shall

1 have the same legal effect as if done by the Juvenile Division  
2 of the Department of Corrections or an officer, employee, or  
3 agent of the Juvenile Division of the Department of  
4 Corrections.

5 (b) The transfer of rights, powers, duties, and functions  
6 to the Department of Juvenile Justice under this Article does  
7 not invalidate any previous action taken by or in respect to  
8 the Juvenile Division of the Department of Corrections or its  
9 officers, employees, or agents. References to the Juvenile  
10 Division of the Department of Corrections or its officers,  
11 employees, or agents in any document, contract, agreement, or  
12 law shall in appropriate contexts, be deemed to refer to the  
13 Department or its officers, employees, or agents.

14 (c) The transfer of rights, powers, duties, and functions  
15 to the Department of Juvenile Justice under this Article does  
16 not affect any person's rights, obligations, or duties,  
17 including any civil or criminal penalties applicable thereto,  
18 arising out of those transferred rights, powers, duties, and  
19 functions.

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

23 (1) Beginning on the effective date of this amendatory  
24 Act of the 94th General Assembly, a report or notice that  
25 was previously required to be made or given by any person  
26 to the Juvenile Division of the Department of Corrections  
27 or any of its officers, employees, or agents shall be made  
28 or given in the same manner to the Department or its  
29 appropriate officer, employee, or agent.

30 (2) Beginning on the effective date of this amendatory  
31 Act of the 94th General Assembly, a document that was  
32 previously required to be furnished or served by any person  
33 to or upon the Juvenile Division of the Department of  
34 Corrections or any of its officers, employees, or agents

1       shall be furnished or served in the same manner to or upon  
2       the Department of Juvenile Justice or its appropriate  
3       officer, employee, or agent.

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

13           (730 ILCS 5/3-2.5-65 new)

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

15       (a) There is created a Juvenile Advisory Board composed of  
16       11 persons, appointed by the Governor to advise the Director on  
17       matters pertaining to juvenile offenders. The members of the  
18       Board shall be qualified for their positions by demonstrated  
19       interest in and knowledge of juvenile correctional work  
20       consistent with the definition of purpose and mission of the  
21       Department in Section 3-2.5-5 and shall not be officials of the  
22       State in any other capacity. The members under this amendatory  
23       Act of the 94th General Assembly shall be appointed as soon as  
24       possible after the effective date of this amendatory Act of the  
25       94th General Assembly and be appointed to staggered terms 3  
26       each expiring in 2007, 2008, and 2009 and 2 of the members'  
27       terms expiring in 2010. Thereafter all members will serve for a  
28       term of 6 years, except that members shall continue to serve  
29       until their replacements are appointed. Any vacancy occurring  
30       shall be filled in the same manner for the remainder of the  
31       term. The Director of Juvenile Justice shall be an ex officio  
32       member of the Board. The Board shall elect a chair from among  
33       its appointed members. The Director shall serve as secretary of

1 the Board. Members of the Board shall serve without  
2 compensation but shall be reimbursed for expenses necessarily  
3 incurred in the performance of their duties. The Board shall  
4 meet quarterly and at other times at the call of the chair.

5 (b) The Board shall:

6 (1) Advise the Director concerning policy matters and  
7 programs of the Department with regard to the custody,  
8 care, study, discipline, training, and treatment of  
9 juveniles in the State juvenile correctional institutions  
10 and for the care and supervision of juveniles released on  
11 parole.

12 (2) Review the annual budget.

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

22 (730 ILCS 5/3-2.5-70 new)

23 Sec. 3-2.5-70. Transition plan. For the purposes of  
24 planning and organizing the Department, the Director shall  
25 develop and implement with the assistance and approval of the  
26 Office of the Governor a transition plan detailing but not  
27 limited to the operation, budget structure, services,  
28 staffing, administration, and training for the new Department  
29 after passage and approval of this amendatory Act of the 94th  
30 General Assembly. The plan shall provide for transfer of all  
31 personnel and facilities no later than July 1, 2006.  
32 Development of the Department's Fiscal Year 2007 budget is the  
33 responsibility of the Director with the approval of the Office



1 of the Governor. Both the plan and budget shall be reviewed by  
2 the Juvenile Advisory Board prior to implementation.

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

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

5 (a) Except for those offenders who accept the fixed release  
6 date established by the Prisoner Review Board under Section  
7 3-3-2.1, every person serving a term of imprisonment under the  
8 law in effect prior to the effective date of this amendatory  
9 Act of 1977 shall be eligible for parole when he has served:

10 (1) the minimum term of an indeterminate sentence less  
11 time credit for good behavior, or 20 years less time credit  
12 for good behavior, whichever is less; or

13 (2) 20 years of a life sentence less time credit for  
14 good behavior; or

15 (3) 20 years or one-third of a determinate sentence,  
16 whichever is less, less time credit for good behavior.

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

20 (c) Except for those sentenced to a term of natural life  
21 imprisonment, every person sentenced to imprisonment under  
22 this amendatory Act of 1977 or given a release date under  
23 Section 3-3-2.1 of this Act shall serve the full term of a  
24 determinate sentence less time credit for good behavior and  
25 shall then be released under the mandatory supervised release  
26 provisions of paragraph (d) of Section 5-8-1 of this Code.

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

29 (e) Every person committed to the Department of Juvenile  
30 Justice ~~Juvenile Division~~ under Section 5-10 of the Juvenile  
31 Court Act or Section 5-750 of the Juvenile Court Act of 1987 or  
32 Section 5-8-6 of this Code and confined in the State  
33 correctional institutions or facilities if such juvenile has

1 not been tried as an adult shall be eligible for parole without  
2 regard to the length of time the person has been confined or  
3 whether the person has served any minimum term imposed.  
4 However, if a juvenile has been tried as an adult he shall only  
5 be eligible for parole or mandatory supervised release as an  
6 adult under this Section.

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

8 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

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

10 (a) The Prisoner Review Board shall consider the parole of  
11 each eligible person committed to the Adult Division at least  
12 30 days prior to the date he shall first become eligible for  
13 parole, and shall consider the parole of each person committed  
14 to the Department of Juvenile Justice ~~Juvenile Division~~ as a  
15 delinquent at least 30 days prior to the expiration of the  
16 first year of confinement.

17 (b) A person eligible for parole shall, in advance of his  
18 parole hearing, prepare a parole plan in accordance with the  
19 rules of the Prisoner Review Board. The person shall be  
20 assisted in preparing his parole plan by personnel of the  
21 Department of Corrections, or the Department of Juvenile  
22 Justice in the case of a person committed to that Department,  
23 and may, for this purpose, be released on furlough under  
24 Article 11 or on authorized absence under Section 3-9-4. The  
25 appropriate Department shall also provide assistance in  
26 obtaining information and records helpful to the individual for  
27 his parole hearing.

28 (c) The members of the Board shall have access at all  
29 reasonable times to any committed person and to his master  
30 record file within the Department, and the Department shall  
31 furnish such reports to the Board as the Board may require  
32 concerning the conduct and character of any such person.

33 (d) In making its determination of parole, the Board shall

1 consider:

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

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

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

10 (4) a parole progress report;

11 (5) a medical and psychological report, if requested by  
12 the Board;

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

16 (7) material in writing, or on film, video tape or  
17 other electronic means in the form of a recording or  
18 testimony submitted by the State's Attorney and the victim  
19 pursuant to the Rights of Crime Victims and Witnesses Act.

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

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

30 (g) Any recording considered under the provisions of  
31 subsection (d)(6), (d)(7) or (e) of this Section shall be in  
32 the form designated by the Board. Such recording shall be both  
33 visual and aural. Every voice on the recording and person  
34 present shall be identified and the recording shall contain

1 either a visual or aural statement of the person submitting  
2 such recording, the date of the recording and the name of the  
3 person whose parole eligibility is being considered. Such  
4 recordings, if retained by the Board shall be deemed to be  
5 submitted at any subsequent parole hearing if the victim or  
6 State's Attorney submits in writing a declaration clearly  
7 identifying such recording as representing the present  
8 position of the victim or State's Attorney regarding the issues  
9 to be considered at the parole hearing.

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

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

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

13 (a) The Prisoner Review Board shall meet as often as need  
14 requires to consider the cases of persons eligible for parole.  
15 Except as otherwise provided in paragraph (2) of subsection (a)  
16 of Section 3-3-2 of this Act, the Prisoner Review Board may  
17 meet and order its actions in panels of 3 or more members. The  
18 action of a majority of the panel shall be the action of the  
19 Board. In consideration of persons committed to the Department  
20 of Juvenile Justice ~~Juvenile Division~~, the panel shall have at  
21 least a majority of members experienced in juvenile matters.

22 (b) If the person under consideration for parole is in the  
23 custody of the Department, at least one member of the Board  
24 shall interview him, and a report of that interview shall be  
25 available for the Board's consideration. However, in the  
26 discretion of the Board, the interview need not be conducted if  
27 a psychiatric examination determines that the person could not  
28 meaningfully contribute to the Board's consideration. The  
29 Board may in its discretion parole a person who is then outside  
30 the jurisdiction on his record without an interview. The Board  
31 need not hold a hearing or interview a person who is paroled  
32 under paragraphs (d) or (e) of this Section or released on  
33 Mandatory release under Section 3-3-10.

1 (c) The Board shall not parole a person eligible for parole  
2 if it determines that:

3 (1) there is a substantial risk that he will not  
4 conform to reasonable conditions of parole; or

5 (2) his release at that time would deprecate the  
6 seriousness of his offense or promote disrespect for the  
7 law; or

8 (3) his release would have a substantially adverse  
9 effect on institutional discipline.

10 (d) A person committed under the Juvenile Court Act or the  
11 Juvenile Court Act of 1987 who has not been sooner released  
12 shall be paroled on or before his 20th birthday to begin  
13 serving a period of parole under Section 3-3-8.

14 (e) A person who has served the maximum term of  
15 imprisonment imposed at the time of sentencing less time credit  
16 for good behavior shall be released on parole to serve a period  
17 of parole under Section 5-8-1.

18 (f) The Board shall render its decision within a reasonable  
19 time after hearing and shall state the basis therefor both in  
20 the records of the Board and in written notice to the person on  
21 whose application it has acted. In its decision, the Board  
22 shall set the person's time for parole, or if it denies parole  
23 it shall provide for a rehearing not less frequently than once  
24 every year, except that the Board may, after denying parole,  
25 schedule a rehearing no later than 3 years from the date of the  
26 parole denial, if the Board finds that it is not reasonable to  
27 expect that parole would be granted at a hearing prior to the  
28 scheduled rehearing date. If the Board shall parole a person,  
29 and, if he is not released within 90 days from the effective  
30 date of the order granting parole, the matter shall be returned  
31 to the Board for review.

32 (g) The Board shall maintain a registry of decisions in  
33 which parole has been granted, which shall include the name and  
34 case number of the prisoner, the highest charge for which the

1 prisoner was sentenced, the length of sentence imposed, the  
2 date of the sentence, the date of the parole, the basis for the  
3 decision of the Board to grant parole and the vote of the Board  
4 on any such decisions. The registry shall be made available for  
5 public inspection and copying during business hours and shall  
6 be a public record pursuant to the provisions of the Freedom of  
7 Information Act.

8 (h) The Board shall promulgate rules regarding the exercise  
9 of its discretion under this Section.

10 (Source: P.A. 91-798, eff. 7-9-00; 91-946, eff. 2-9-01.)

11 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

12 Sec. 3-3-9. Violations; changes of conditions; preliminary  
13 hearing; revocation of parole or mandatory supervised release;  
14 revocation hearing.

15 (a) If prior to expiration or termination of the term of  
16 parole or mandatory supervised release, a person violates a  
17 condition set by the Prisoner Review Board or a condition of  
18 parole or mandatory supervised release under Section 3-3-7 of  
19 this Code to govern that term, the Board may:

20 (1) continue the existing term, with or without  
21 modifying or enlarging the conditions; or

22 (2) parole or release the person to a half-way house;  
23 or

24 (3) revoke the parole or mandatory supervised release  
25 and reconfine the person for a term computed in the  
26 following manner:

27 (i) (A) For those sentenced under the law in effect  
28 prior to this amendatory Act of 1977, the recommitment  
29 shall be for any portion of the imposed maximum term of  
30 imprisonment or confinement which had not been served  
31 at the time of parole and the parole term, less the  
32 time elapsed between the parole of the person and the  
33 commission of the violation for which parole was

1           revoked;

2           (B) Except as set forth in paragraph (C), for those  
3           subject to mandatory supervised release under  
4           paragraph (d) of Section 5-8-1 of this Code, the  
5           recommitment shall be for the total mandatory  
6           supervised release term, less the time elapsed between  
7           the release of the person and the commission of the  
8           violation for which mandatory supervised release is  
9           revoked. The Board may also order that a prisoner serve  
10          up to one year of the sentence imposed by the court  
11          which was not served due to the accumulation of good  
12          conduct credit;

13          (C) For those subject to sex offender supervision  
14          under clause (d)(4) of Section 5-8-1 of this Code, the  
15          reconfinement period for violations of clauses (a)(3)  
16          through (b-1)(15) of Section 3-3-7 shall not exceed 2  
17          years from the date of reconfinement.

18          (ii) the person shall be given credit against the  
19          term of reimprisonment or reconfinement for time spent  
20          in custody since he was paroled or released which has  
21          not been credited against another sentence or period of  
22          confinement;

23          (iii) persons committed under the Juvenile Court  
24          Act or the Juvenile Court Act of 1987 shall be  
25          recommitted until the age of 21;

26          (iv) this Section is subject to the release under  
27          supervision and the reparole and rerelease provisions  
28          of Section 3-3-10.

29          (b) The Board may revoke parole or mandatory supervised  
30          release for violation of a condition for the duration of the  
31          term and for any further period which is reasonably necessary  
32          for the adjudication of matters arising before its expiration.  
33          The issuance of a warrant of arrest for an alleged violation of  
34          the conditions of parole or mandatory supervised release shall

1 toll the running of the term until the final determination of  
2 the charge, but where parole or mandatory supervised release is  
3 not revoked that period shall be credited to the term.

4 (b-5) The Board shall revoke parole or mandatory supervised  
5 release for violation of the conditions prescribed in paragraph  
6 (7.6) of subsection (a) of Section 3-3-7.

7 (c) A person charged with violating a condition of parole  
8 or mandatory supervised release shall have a preliminary  
9 hearing before a hearing officer designated by the Board to  
10 determine if there is cause to hold the person for a revocation  
11 hearing. However, no preliminary hearing need be held when  
12 revocation is based upon new criminal charges and a court finds  
13 probable cause on the new criminal charges or when the  
14 revocation is based upon a new criminal conviction and a  
15 certified copy of that conviction is available.

16 (d) Parole or mandatory supervised release shall not be  
17 revoked without written notice to the offender setting forth  
18 the violation of parole or mandatory supervised release charged  
19 against him.

20 (e) A hearing on revocation shall be conducted before at  
21 least one member of the Prisoner Review Board. The Board may  
22 meet and order its actions in panels of 3 or more members. The  
23 action of a majority of the panel shall be the action of the  
24 Board. In consideration of persons committed to the Department  
25 of Juvenile Justice ~~Juvenile Division~~, the member hearing the  
26 matter and at least a majority of the panel shall be  
27 experienced in juvenile matters. A record of the hearing shall  
28 be made. At the hearing the offender shall be permitted to:

29 (1) appear and answer the charge; and

30 (2) bring witnesses on his behalf.

31 (f) The Board shall either revoke parole or mandatory  
32 supervised release or order the person's term continued with or  
33 without modification or enlargement of the conditions.

34 (g) Parole or mandatory supervised release shall not be



1 revoked for failure to make payments under the conditions of  
2 parole or release unless the Board determines that such failure  
3 is due to the offender's willful refusal to pay.

4 (Source: P.A. 94-161, eff. 7-11-05; 94-165, eff. 7-11-05;  
5 revised 8-19-05.)

6 (730 ILCS 5/3-4-3) (from Ch. 38, par. 1003-4-3)

7 Sec. 3-4-3. Funds and Property of Persons Committed.

8 (a) The Department of Corrections and the Department of  
9 Juvenile Justice shall establish accounting records with  
10 accounts for each person who has or receives money while in an  
11 institution or facility of that ~~the~~ Department and it shall  
12 allow the withdrawal and disbursement of money by the person  
13 under rules and regulations of that ~~the~~ Department. Any  
14 interest or other income from moneys deposited with the  
15 Department by a resident of the Department of Juvenile Justice  
16 ~~Juvenile Division~~ in excess of \$200 shall accrue to the  
17 individual's account, or in balances up to \$200 shall accrue to  
18 the Residents' Benefit Fund. For an individual in an  
19 institution or facility of the Adult Division the interest  
20 shall accrue to the Residents' Benefit Fund. The Department  
21 shall disburse all moneys so held no later than the person's  
22 final discharge from the Department. Moneys in the account of a  
23 committed person who files a lawsuit determined frivolous under  
24 Article XXII of the Code of Civil Procedure shall be deducted  
25 to pay for the filing fees and cost of the suit as provided in  
26 that Article. The Department shall under rules and regulations  
27 record and receipt all personal property not allowed to  
28 committed persons. The Department shall return such property to  
29 the individual no later than the person's release on parole.

30 (b) Any money held in accounts of committed persons  
31 separated from the Department by death, discharge, or  
32 unauthorized absence and unclaimed for a period of 1 year  
33 thereafter by the person or his legal representative shall be

1 transmitted to the State Treasurer who shall deposit it into  
2 the General Revenue Fund. Articles of personal property of  
3 persons so separated may be sold or used by the Department if  
4 unclaimed for a period of 1 year for the same purpose.  
5 Clothing, if unclaimed within 30 days, may be used or disposed  
6 of as determined by the Department.

7 (c) Forty percent of the profits on sales from commissary  
8 stores shall be expended by the Department for the special  
9 benefit of committed persons which shall include but not be  
10 limited to the advancement of inmate payrolls, for the special  
11 benefit of employees, and for the advancement or reimbursement  
12 of employee travel, provided that amounts expended for  
13 employees shall not exceed the amount of profits derived from  
14 sales made to employees by such commissaries, as determined by  
15 the Department. The remainder of the profits from sales from  
16 commissary stores must be used first to pay for wages and  
17 benefits of employees covered under a collective bargaining  
18 agreement who are employed at commissary facilities of the  
19 Department and then to pay the costs of dietary staff.

20 (d) The Department shall confiscate any unauthorized  
21 currency found in the possession of a committed person. The  
22 Department shall transmit the confiscated currency to the State  
23 Treasurer who shall deposit it into the General Revenue Fund.

24 (Source: P.A. 93-607, eff. 1-1-04.)

25 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

26 Sec. 3-5-1. Master Record File.

27 (a) The Department of Corrections and the Department of  
28 Juvenile Justice shall maintain a master record file on each  
29 person committed to it, which shall contain the following  
30 information:

31 (1) all information from the committing court;

32 (2) reception summary;

33 (3) evaluation and assignment reports and

1 recommendations;

2 (4) reports as to program assignment and progress;

3 (5) reports of disciplinary infractions and  
4 disposition;

5 (6) any parole plan;

6 (7) any parole reports;

7 (8) the date and circumstances of final discharge; and  
8 any other pertinent data concerning the person's  
9 background, conduct, associations and family relationships  
10 as may be required by the respective Department. A current  
11 summary index shall be maintained on each file which shall  
12 include the person's known active and past gang  
13 affiliations and ranks.

14 (b) All files shall be confidential and access shall be  
15 limited to authorized personnel of the respective Department.  
16 Personnel of other correctional, welfare or law enforcement  
17 agencies may have access to files under rules and regulations  
18 of the respective Department. The respective Department shall  
19 keep a record of all outside personnel who have access to  
20 files, the files reviewed, any file material copied, and the  
21 purpose of access. If the respective Department or the Prisoner  
22 Review Board makes a determination under this Code which  
23 affects the length of the period of confinement or commitment,  
24 the committed person and his counsel shall be advised of  
25 factual information relied upon by the respective Department or  
26 Board to make the determination, provided that the Department  
27 or Board shall not be required to advise a person committed to  
28 the Department of Juvenile Justice ~~Juvenile Division~~ any such  
29 information which in the opinion of the Department of Juvenile  
30 Justice or Board would be detrimental to his treatment or  
31 rehabilitation.

32 (c) The master file shall be maintained at a place  
33 convenient to its use by personnel of the respective Department  
34 in charge of the person. When custody of a person is

1 transferred from the Department to another department or  
2 agency, a summary of the file shall be forwarded to the  
3 receiving agency with such other information required by law or  
4 requested by the agency under rules and regulations of the  
5 respective Department.

6 (d) The master file of a person no longer in the custody of  
7 the respective Department shall be placed on inactive status  
8 and its use shall be restricted subject to rules and  
9 regulations of the Department.

10 (e) All public agencies may make available to the  
11 respective Department on request any factual data not otherwise  
12 privileged as a matter of law in their possession in respect to  
13 individuals committed to the respective Department.

14 (Source: P.A. 89-688, eff. 6-1-97; 89-689, eff. 12-31-96.)

15 (730 ILCS 5/3-5-3.1) (from Ch. 38, par. 1003-5-3.1)

16 Sec. 3-5-3.1. As used in this Section, "facility" includes  
17 any facility of the Adult Division ~~and any facility of the~~  
18 ~~Juvenile Division~~ of the Department of Corrections and any  
19 facility of the Department of Juvenile Justice.

20 The Department of Corrections and the Department of  
21 Juvenile Justice shall each, by January 1st, April 1st, July  
22 1st, and October 1st of each year, transmit to the General  
23 Assembly, a report which shall include the following  
24 information reflecting the period ending fifteen days prior to  
25 the submission of the report: 1) the number of residents in all  
26 Department facilities indicating the number of residents in  
27 each listed facility; 2) a classification of each facility's  
28 residents by the nature of the offense for which each resident  
29 was committed to the Department; 3) the number of residents in  
30 maximum, medium, and minimum security facilities indicating  
31 the classification of each facility's residents by the nature  
32 of the offense for which each resident was committed to the  
33 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

1 responsible for all persons assigned to the institution or  
2 facility. The chief administrative officer shall administer  
3 the programs of the Department for the custody and treatment of  
4 such persons.

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

7 (c) The Director or Assistant Director shall have the  
8 emergency powers to temporarily transfer individuals without  
9 formal procedures to any State, county, municipal or regional  
10 correctional or detention institution or facility in the State,  
11 subject to the acceptance of such receiving institution or  
12 facility, or to designate any reasonably secure place in the  
13 State as such an institution or facility and to make transfers  
14 thereto. However, transfers made under emergency powers shall  
15 be reviewed as soon as practicable under Article 8, and shall  
16 be subject to Section 5-905 of the Juvenile Court Act of 1987.  
17 This Section shall not apply to transfers to the Department of  
18 Human Services which are provided for under Section 3-8-5 or  
19 Section 3-10-5.

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

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

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

22 (e) A person committed to the Department who becomes in  
23 need of medical or surgical treatment but is incapable of  
24 giving consent thereto shall receive such medical or surgical  
25 treatment by the chief administrative officer consenting on the  
26 person's behalf. Before the chief administrative officer  
27 consents, he or she shall obtain the advice of one or more  
28 physicians licensed to practice medicine in all its branches in  
29 this State. If such physician or physicians advise:

30 (1) that immediate medical or surgical treatment is  
31 required relative to a condition threatening to cause  
32 death, damage or impairment to bodily functions, or  
33 disfigurement; and

34 (2) that the person is not capable of giving consent to

1       such treatment; the chief administrative officer may give  
2       consent for such medical or surgical treatment, and such  
3       consent shall be deemed to be the consent of the person for  
4       all purposes, including, but not limited to, the authority  
5       of a physician to give such treatment.

6       (e-5) If a physician providing medical care to a committed  
7       person on behalf of the Department advises the chief  
8       administrative officer that the committed person's mental or  
9       physical health has deteriorated as a result of the cessation  
10      of ingestion of food or liquid to the point where medical or  
11      surgical treatment is required to prevent death, damage, or  
12      impairment to bodily functions, the chief administrative  
13      officer may authorize such medical or surgical treatment.

14      (f) In the event that the person requires medical care and  
15      treatment at a place other than the institution or facility,  
16      the person may be removed therefrom under conditions prescribed  
17      by the Department. The Department shall require the committed  
18      person receiving medical or dental services on a non-emergency  
19      basis to pay a \$2 co-payment to the Department for each visit  
20      for medical or dental services. The amount of each co-payment  
21      shall be deducted from the committed person's individual  
22      account. A committed person who has a chronic illness, as  
23      defined by Department rules and regulations, shall be exempt  
24      from the \$2 co-payment for treatment of the chronic illness. A  
25      committed person shall not be subject to a \$2 co-payment for  
26      follow-up visits ordered by a physician, who is employed by, or  
27      contracts with, the Department. A committed person who is  
28      indigent is exempt from the \$2 co-payment and is entitled to  
29      receive medical or dental services on the same basis as a  
30      committed person who is financially able to afford the  
31      co-payment. Notwithstanding any other provision in this  
32      subsection (f) to the contrary, any person committed to any  
33      facility operated by the Department of Juvenile Justice  
34      ~~Juvenile Division~~, as set forth in ~~subsection (b) of Section~~



1 3-2.5-15 ~~3-2-5~~ of this Code, is exempt from the co-payment  
2 requirement for the duration of confinement in those  
3 facilities.

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

12 (h) The Department may provide Family Responsibility  
13 Services which may consist of, but not be limited to the  
14 following:

15 (1) family advocacy counseling;

16 (2) parent self-help group;

17 (3) parenting skills training;

18 (4) parent and child overnight program;

19 (5) parent and child reunification counseling, either  
20 separately or together, preceding the inmate's release;  
21 and

22 (6) a prerelease reunification staffing involving the  
23 family advocate, the inmate and the child's counselor, or  
24 both and the inmate.

25 (i) Prior to the release of any inmate who has a documented  
26 history of intravenous drug use, and upon the receipt of that  
27 inmate's written informed consent, the Department shall  
28 provide for the testing of such inmate for infection with human  
29 immunodeficiency virus (HIV) and any other identified  
30 causative agent of acquired immunodeficiency syndrome (AIDS).  
31 The testing provided under this subsection shall consist of an  
32 enzyme-linked immunosorbent assay (ELISA) test or such other  
33 test as may be approved by the Illinois Department of Public  
34 Health. If the test result is positive, the Western Blot Assay

1 or more reliable confirmatory test shall be administered. All  
2 inmates tested in accordance with the provisions of this  
3 subsection shall be provided with pre-test and post-test  
4 counseling. Notwithstanding any provision of this subsection  
5 to the contrary, the Department shall not be required to  
6 conduct the testing and counseling required by this subsection  
7 unless sufficient funds to cover all costs of such testing and  
8 counseling are appropriated for that purpose by the General  
9 Assembly.

10 (j) Any person convicted of a sex offense as defined in the  
11 Sex Offender Management Board Act shall be required to receive  
12 a sex offender evaluation prior to release into the community  
13 from the Department of Corrections. The sex offender evaluation  
14 shall be conducted in conformance with the standards and  
15 guidelines developed under the Sex Offender Management Board  
16 Act and by an evaluator approved by the Board.

17 (k) Any minor committed to the Department of Juvenile  
18 Justice ~~Corrections Juvenile Division~~ for a sex offense as  
19 defined by the Sex Offender Management Board Act shall be  
20 required to undergo sex offender treatment by a treatment  
21 provider approved by the Board and conducted in conformance  
22 with the Sex Offender Management Board Act.

23 (l) Prior to the release of any inmate, the Department must  
24 provide the inmate with the option of testing for infection  
25 with human immunodeficiency virus (HIV), as well as counseling  
26 in connection with such testing, with no copayment for the  
27 test. At the same time, the Department shall require each such  
28 inmate to sign a form stating that the inmate has been informed  
29 of his or her rights with respect to the testing required to be  
30 offered under this subsection (l) and providing the inmate with  
31 an opportunity to indicate either that he or she wants to be  
32 tested or that he or she does not want to be tested. The  
33 Department, in consultation with the Department of Public  
34 Health, shall prescribe the contents of the form. The testing

1 provided under this subsection (1) shall consist of an  
2 enzyme-linked immunosorbent assay (ELISA) test or any other  
3 test approved by the Department of Public Health. If the test  
4 result is positive, the Western Blot Assay or more reliable  
5 confirmatory test shall be administered.

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

10 Implementation of this subsection (1) is subject to  
11 appropriation.

12 (Source: P.A. 93-616, eff. 1-1-04; 93-928, eff. 1-1-05; 94-629,  
13 eff. 1-1-06.)

14 (730 ILCS 5/Ch. III Art. 9 heading)

15 ARTICLE 9. PROGRAMS OF THE DEPARTMENT OF JUVENILE JUSTICE

16 ~~JUVENILE DIVISION~~

17 (730 ILCS 5/3-9-1) (from Ch. 38, par. 1003-9-1)

18 Sec. 3-9-1. Educational Programs.

19 (a) The Department of Juvenile Justice, subject to  
20 appropriation and with the cooperation of other State agencies  
21 that work with children, shall establish programming, the  
22 components of which shall include, but are not limited to:

23 (1) Case management services.

24 (2) Treatment modalities, including substance abuse  
25 treatment services, mental health services, and  
26 developmental disability services.

27 (3) Prevocational education and career education  
28 services.

29 (4) Diagnostic evaluation services/Medical screening

30 (5) Educational services.

31 (6) Self-sufficiency planning.

32 (7) Independent living skills.

1           (8) Parenting skills.

2           (9) Recreational and leisure time activities.

3           (10) Program evaluation.

4           (11) Medical services.

5           (b) ~~(a)~~ All institutions or facilities housing persons of  
6 such age as to be subject to compulsory school attendance shall  
7 establish an educational program to provide such persons the  
8 opportunity to attain an elementary and secondary school  
9 education equivalent to the completion of the twelfth grade in  
10 the public school systems of this State; and, in furtherance  
11 thereof, shall utilize assistance from local public school  
12 districts and State agencies in established curricula and  
13 staffing such program.

14           (c) ~~(b)~~ All institutions or facilities housing persons not  
15 subject to compulsory school attendance shall make available  
16 programs and training to provide such persons an opportunity to  
17 attain an elementary and secondary school education equivalent  
18 to the completion of the twelfth grade in the public school  
19 systems of this State; and, in furtherance thereof, such  
20 institutions or facilities may utilize assistance from local  
21 public school districts and State agencies in creating  
22 curricula and staffing the program.

23           (d) ~~(c)~~ The Department of Juvenile Justice ~~Corrections~~  
24 shall develop and establish a suicide reduction program in all  
25 institutions or facilities housing persons committed to the  
26 Department of Juvenile Justice ~~Juvenile Division~~. The program  
27 shall be designed to increase the life coping skills and self  
28 esteem of juvenile offenders and to decrease their propensity  
29 to commit self destructive acts.

30           (Source: P.A. 85-736.)

31           (730 ILCS 5/3-9-2) (from Ch. 38, par. 1003-9-2)

32           Sec. 3-9-2. Work Training Programs.

33           (a) The Department of Juvenile Justice ~~Juvenile Division~~,

1 in conjunction with the private sector, may establish and offer  
2 work training to develop work habits and equip persons  
3 committed to it with marketable skills to aid in their  
4 community placement upon release. Committed persons  
5 participating in this program shall be paid wages similar to  
6 those of comparable jobs in the surrounding community. A  
7 portion of the wages earned shall go to the Department of  
8 Juvenile Justice ~~Juvenile Division~~ to pay part of the committed  
9 person's room and board, a portion shall be deposited into the  
10 Violent Crime Victim's Assistance Fund to assist victims of  
11 crime, and the remainder shall be placed into a savings account  
12 for the committed person which shall be given to the committed  
13 person upon release. The Department shall promulgate rules to  
14 regulate the distribution of the wages earned.

15 (b) The Department of Juvenile Justice ~~Juvenile Division~~  
16 may establish programs of incentive by achievement,  
17 participation in which shall be on a voluntary basis, to sell  
18 goods or services to the public with the net earnings  
19 distributed to the program participants subject to rules of the  
20 Department of Juvenile Justice.

21 (Source: P.A. 87-199.)

22 (730 ILCS 5/3-9-3) (from Ch. 38, par. 1003-9-3)

23 Sec. 3-9-3. Day Release.

24 (a) The Department of Juvenile Justice may institute day  
25 release programs for persons committed to the Department of  
26 Juvenile Justice ~~Juvenile Division~~ and shall establish rules  
27 and regulations therefor.

28 (b) The Department of Juvenile Justice may arrange with  
29 local schools, public or private agencies or persons approved  
30 by the Department for the release of persons committed to the  
31 Department of Juvenile Justice ~~Juvenile Division~~ on a daily  
32 basis to the custody of such schools, agencies or persons for  
33 participation in programs or activities.

1 (Source: P.A. 77-2097.)

2 (730 ILCS 5/3-9-4) (from Ch. 38, par. 1003-9-4)

3 Sec. 3-9-4. Authorized Absence.

4 The Department of Juvenile Justice may extend the limits of  
5 the place of confinement of a person committed to the  
6 Department of Juvenile Justice ~~Juvenile Division~~ so that he may  
7 leave such place on authorized absence. Whether or not such  
8 person is to be accompanied shall be determined by the chief  
9 administrative officer of the institution or facility from  
10 which such authorized absence is granted. An authorized absence  
11 may be granted for a period of time determined by the  
12 Department of Juvenile Justice and any purpose approved by the  
13 Department of Juvenile Justice.

14 (Source: P.A. 77-2097.)

15 (730 ILCS 5/3-9-5) (from Ch. 38, par. 1003-9-5)

16 Sec. 3-9-5. Minimum Standards.

17 The minimum standards under Article 7 shall apply to all  
18 institutions and facilities under the authority of the  
19 Department of Juvenile Justice ~~Juvenile Division~~.

20 (Source: P.A. 77-2097.)

21 (730 ILCS 5/3-9-6) (from Ch. 38, par. 1003-9-6)

22 Sec. 3-9-6. Unauthorized Absence. Whenever a person  
23 committed to the Department of Juvenile Justice ~~Juvenile~~  
24 ~~Division of the Department of Corrections~~ absconds or absents  
25 himself or herself without authority to do so, from any  
26 facility or program to which he or she is assigned, he or she  
27 may be held in custody for return to the proper correctional  
28 official by the authorities or whomsoever directed, when an  
29 order is certified by the Director of Juvenile Justice or a  
30 person duly designated by the Director, with the seal of the  
31 Department of Juvenile Justice ~~Corrections~~ attached. The

1 person so designated by the Director of Juvenile Justice with  
2 such seal attached may be one or more persons and the  
3 appointment shall be made as a ministerial one with no  
4 recordation or notice necessary as to the designated  
5 appointees. The order shall be directed to all sheriffs,  
6 coroners, police officers, keepers or custodians of jails or  
7 other detention facilities whether in or out of the State of  
8 Illinois, or to any particular person named in the order.

9 (Source: P.A. 83-346.)

10 (730 ILCS 5/3-9-7) (from Ch. 38, par. 1003-9-7)

11 Sec. 3-9-7. Sexual abuse counseling programs.

12 (a) The Department of Juvenile Justice ~~Juvenile Division~~  
13 shall establish and offer sexual abuse counseling to both  
14 victims of sexual abuse and sexual offenders in as many  
15 facilities as necessary to insure sexual abuse counseling  
16 throughout the State.

17 (b) Any minor committed to the Department of Juvenile  
18 Justice ~~Corrections Juvenile Division~~ for a sex offense as  
19 defined under the Sex Offender Management Board Act shall be  
20 required to undergo sex offender treatment by a treatment  
21 provider approved by the Board and conducted in conformance  
22 with the standards developed by the Sex Offender Management  
23 Board Act.

24 (Source: P.A. 93-616, eff. 1-1-04.)

25 (730 ILCS 5/3-10-1) (from Ch. 38, par. 1003-10-1)

26 Sec. 3-10-1. Receiving Procedures.

27 The receiving procedures under Section 3-8-1 shall be  
28 applicable to institutions and facilities of the Department of  
29 Juvenile Justice ~~Juvenile Division~~.

30 (Source: P.A. 77-2097.)

31 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

1           Sec. 3-10-2. Examination of Persons Committed to the  
2 Department of Juvenile Justice ~~Juvenile Division~~.

3           (a) A person committed to the Department of Juvenile  
4 Justice ~~Juvenile Division~~ shall be examined in regard to his  
5 medical, psychological, social, educational and vocational  
6 condition and history, including the use of alcohol and other  
7 drugs, the circumstances of his offense and any other  
8 information as the Department of Juvenile Justice may  
9 determine.

10          (a-5) Upon admission of a person committed to the  
11 Department of Juvenile Justice ~~Juvenile Division~~, the  
12 Department of Juvenile Justice must provide the person with  
13 appropriate written information and counseling concerning HIV  
14 and AIDS. The Department of Juvenile Justice shall develop the  
15 written materials in consultation with the Department of Public  
16 Health. At the same time, the Department of Juvenile Justice  
17 also must offer the person the option of being tested, at no  
18 charge to the person, for infection with human immunodeficiency  
19 virus (HIV) or any other identified causative agent of acquired  
20 immunodeficiency syndrome (AIDS). The Department of Juvenile  
21 Justice shall require each person committed to the Department  
22 of Juvenile Justice ~~Juvenile Division~~ to sign a form stating  
23 that the person has been informed of his or her rights with  
24 respect to the testing required to be offered under this  
25 subsection (a-5) and providing the person with an opportunity  
26 to indicate either that he or she wants to be tested or that he  
27 or she does not want to be tested. The Department of Juvenile  
28 Justice, in consultation with the Department of Public Health,  
29 shall prescribe the contents of the form. The testing provided  
30 under this subsection (a-5) shall consist of an enzyme-linked  
31 immunosorbent assay (ELISA) test or any other test approved by  
32 the Department of Public Health. If the test result is  
33 positive, the Western Blot Assay or more reliable confirmatory  
34 test shall be administered.



1           Also upon admission of a person committed to the Department  
2 of Juvenile Justice ~~Juvenile Division~~, the Department of  
3 Juvenile Justice must inform the person of the Department's  
4 obligation to provide the person with medical care.

5           Implementation of this subsection (a-5) is subject to  
6 appropriation.

7           (b) Based on its examination, the Department of Juvenile  
8 Justice may exercise the following powers in developing a  
9 treatment program of any person committed to the Department of  
10 Juvenile Justice ~~Juvenile Division~~:

11           (1) Require participation by him in vocational,  
12 physical, educational and corrective training and  
13 activities to return him to the community.

14           (2) Place him in any institution or facility of the  
15 Department of Juvenile Justice ~~Juvenile Division~~.

16           (3) Order replacement or referral to the Parole and  
17 Pardon Board as often as it deems desirable. The Department  
18 of Juvenile Justice shall refer the person to the Parole  
19 and Pardon Board as required under Section 3-3-4.

20           (4) Enter into agreements with the Secretary of Human  
21 Services and the Director of Children and Family Services,  
22 with courts having probation officers, and with private  
23 agencies or institutions for separate care or special  
24 treatment of persons subject to the control of the  
25 Department of Juvenile Justice.

26           (c) The Department of Juvenile Justice shall make periodic  
27 reexamination of all persons under the control of the  
28 Department of Juvenile Justice ~~Juvenile Division~~ to determine  
29 whether existing orders in individual cases should be modified  
30 or continued. This examination shall be made with respect to  
31 every person at least once annually.

32           (d) A record of the treatment decision including any  
33 modification thereof and the reason therefor, shall be part of  
34 the committed person's master record file.

1 (e) The Department of Juvenile Justice shall by certified  
2 mail, return receipt requested, notify the parent, guardian or  
3 nearest relative of any person committed to the Department of  
4 Juvenile Justice ~~Juvenile Division~~ of his physical location and  
5 any change thereof.

6 (Source: P.A. 94-629, eff. 1-1-06.)

7 (730 ILCS 5/3-10-3) (from Ch. 38, par. 1003-10-3)  
8 Sec. 3-10-3. Program Assignment.

9 (a) The chief administrative officer of each institution or  
10 facility of the Department of Juvenile Justice ~~Juvenile~~  
11 ~~Division~~ shall designate a person or persons to classify and  
12 assign juveniles to programs in the institution or facility.

13 (b) The program assignment of persons assigned to  
14 institutions or facilities of the Department of Juvenile  
15 Justice ~~Juvenile Division~~ shall be made on the following basis:

16 (1) As soon as practicable after he is received, and in any  
17 case no later than the expiration of the first 30 days, his  
18 file shall be studied and he shall be interviewed and a  
19 determination made as to the program of education, employment,  
20 training, treatment, care and custody appropriate for him. A  
21 record of such program assignment shall be made and shall be a  
22 part of his master record file. A staff member shall be  
23 designated for each person as his staff counselor.

24 (2) The program assignment shall be reviewed at least once  
25 every 3 months and he shall be interviewed if it is deemed  
26 desirable or if he so requests. After review, such changes in  
27 his program of education, employment, training, treatment,  
28 care and custody may be made as is considered necessary or  
29 desirable and a record thereof made a part of his file. If he  
30 requests a change in his program and such request is denied,  
31 the basis for denial shall be given to him and a written  
32 statement thereof shall be made a part of his file.

33 (c) The Department may promulgate rules and regulations

1 governing the administration of treatment programs within  
2 institutions and facilities of the Department of Juvenile  
3 Justice.

4 (Source: P.A. 77-2097.)

5 (730 ILCS 5/3-10-4) (from Ch. 38, par. 1003-10-4)

6 Sec. 3-10-4. Intradivisional Transfers.

7 (a) The transfer of committed persons between institutions  
8 or facilities of the Department of Juvenile Justice ~~Juvenile~~  
9 ~~Division~~ shall be under this Section, except that emergency  
10 transfers shall be under Section 3-6-2.

11 (b) The chief administrative officer of an institution or  
12 facility desiring to transfer a committed person to another  
13 institution or facility shall notify the ~~Assistant~~ Director of  
14 Juvenile Justice ~~the Juvenile Division~~ or his delegate of the  
15 basis for the transfer. The ~~Assistant~~ Director or his delegate  
16 shall approve or deny such request.

17 (c) If a transfer request is made by a committed person or  
18 his parent, guardian or nearest relative, the chief  
19 administrative officer of the institution or facility from  
20 which the transfer is requested shall notify the Director of  
21 Juvenile Justice ~~Assistant Director of the Juvenile Division~~ or  
22 his delegate of the request, the reasons therefor and his  
23 recommendation. The ~~Assistant~~ Director of Juvenile Justice or  
24 his delegate shall either grant the request or if he denies the  
25 request he shall advise the person or his parent, guardian or  
26 nearest relative of the basis for the denial.

27 (Source: P.A. 77-2097.)

28 (730 ILCS 5/3-10-5) (from Ch. 38, par. 1003-10-5)

29 Sec. 3-10-5. Transfers to the Department of Human Services.

30 (a) If a person committed to the Department of Juvenile  
31 Justice ~~Juvenile Division~~ meets the standard for admission of a  
32 minor to a mental health facility or is suitable for admission

1 to a developmental disability facility, as these terms are used  
2 in the Mental Health and Developmental Disabilities Code, the  
3 Department may transfer the person to an appropriate State  
4 hospital or institution of the Department of Human Services for  
5 a period not to exceed 6 months, if the person consents in  
6 writing to the transfer. The person shall be advised of his  
7 right not to consent, and if he does not consent, the transfer  
8 may be effected only by commitment under paragraph (e) of this  
9 Section.

10 (b) The parent, guardian or nearest relative and the  
11 attorney of record shall be advised of his right to object. If  
12 an objection is made, the transfer may be effected only by  
13 commitment under paragraph (e) of this Section. Notice of the  
14 transfer shall be mailed to the person's parent, guardian or  
15 nearest relative marked for delivery to addressee only at his  
16 last known address by certified mail with return receipt  
17 requested together with written notification of the manner and  
18 time within which he may object to the transfer. Objection to  
19 the transfer must be made by the parent, guardian or nearest  
20 relative within 15 days of receipt of the notification of  
21 transfer, by written notice of the objection to the ~~Assistant~~  
22 Director of Juvenile Justice or chief administrative officer of  
23 the institution or facility of the Department of Juvenile  
24 Justice where the person was confined.

25 (c) If a person committed to the Department under the  
26 Juvenile Court Act or the Juvenile Court Act of 1987 is  
27 committed to a hospital or facility of the Department of Human  
28 Services under this Section, the ~~Assistant~~ Director of Juvenile  
29 Justice ~~the Juvenile Division~~ shall so notify the committing  
30 juvenile court.

31 (d) Nothing in this Section shall limit the right of the  
32 ~~Assistant~~ Director of Juvenile Justice ~~the Juvenile Division~~ or  
33 the chief administrative officer of any institution or facility  
34 to utilize the emergency admission provisions of the Mental

1 Health and Developmental Disabilities Code with respect to any  
2 person in his custody or care. The transfer of a person to an  
3 institution or facility of the Department of Human Services  
4 under paragraph (a) of this Section does not discharge the  
5 person from the control of the Department of Juvenile Justice.

6 (e) If the person does not consent to his transfer to the  
7 Department of Human Services or if a person objects under  
8 paragraph (b) of this Section, or if the Department of Human  
9 Services determines that a transferred person requires  
10 admission to the Department of Human Services for more than 6  
11 months for any reason, the ~~Assistant~~ Director of Juvenile  
12 Justice ~~the Juvenile Division~~ shall file a petition in the  
13 circuit court of the county in which the institution or  
14 facility is located requesting admission of the person to the  
15 Department of Human Services. A certificate of a clinical  
16 psychologist, licensed clinical social worker who is a  
17 qualified examiner as defined in Section 1-122 of the Mental  
18 Health and Developmental Disabilities Code, or psychiatrist,  
19 or, if admission to a developmental disability facility is  
20 sought, of a physician that the person is in need of commitment  
21 to the Department of Human Services for treatment or  
22 habilitation shall be attached to the petition. Copies of the  
23 petition shall be furnished to the named person, his parent, or  
24 guardian or nearest relative, the committing court, and to the  
25 state's attorneys of the county in which the institution or  
26 facility of the Department of Juvenile Justice ~~Juvenile~~  
27 ~~Division~~ from which the person was transferred is located and  
28 the county from which the named person was committed to the  
29 Department of Juvenile Justice ~~Corrections~~.

30 (f) The court shall set a date for a hearing on the  
31 petition within the time limit set forth in the Mental Health  
32 and Developmental Disabilities Code. The hearing shall be  
33 conducted in the manner prescribed by the Mental Health and  
34 Developmental Disabilities Code. If the person is found to be

1 in need of commitment to the Department of Human Services for  
2 treatment or habilitation, the court may commit him to that  
3 Department.

4 (g) In the event that a person committed to the Department  
5 under the Juvenile Court Act or the Juvenile Court Act of 1987  
6 is committed to facilities of the Department of Human Services  
7 under paragraph (e) of this Section, the ~~Assistant~~ Director of  
8 Juvenile Justice shall petition the committing juvenile court  
9 for an order terminating the ~~Assistant~~ Director's custody.

10 (Source: P.A. 89-507, eff. 7-1-97.)

11 (730 ILCS 5/3-10-6) (from Ch. 38, par. 1003-10-6)

12 Sec. 3-10-6. Return and Release from Department of Human  
13 Services.

14 (a) The Department of Human Services shall return to the  
15 Department of Juvenile Justice ~~Juvenile Division~~ any person  
16 committed to a facility of the Department under paragraph (a)  
17 of Section 3-10-5 when the person no longer meets the standard  
18 for admission of a minor to a mental health facility, or is  
19 suitable for administrative admission to a developmental  
20 disability facility.

21 (b) If a person returned to the Department of Juvenile  
22 Justice ~~Juvenile Division~~ under paragraph (a) of this Section  
23 has not had a parole hearing within the preceding 6 months, he  
24 shall have a parole hearing within 45 days after his return.

25 (c) The Department of Juvenile Justice ~~Juvenile Division~~  
26 shall notify the Secretary of Human Services of the expiration  
27 of the commitment or sentence of any person transferred to the  
28 Department of Human Services under Section 3-10-5. If the  
29 Department of Human Services determines that such person  
30 transferred to it under paragraph (a) of Section 3-10-5  
31 requires further hospitalization, it shall file a petition for  
32 commitment of such person under the Mental Health and  
33 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.

1           The minor shall be served with notice of the date of the  
2 hearing, shall be present at the hearing, and has the right to  
3 counsel at the hearing. The minor, with the consent of his or  
4 her counsel or guardian may waive his presence at hearing.

5           (b) Unless sooner paroled under Section 3-3-3, the  
6 confinement of a minor person committed for an indeterminate  
7 sentence in a criminal proceeding shall terminate at the  
8 expiration of the maximum term of imprisonment, and he shall  
9 thereupon be released to serve a period of parole under Section  
10 5-8-1, but if the maximum term of imprisonment does not expire  
11 until after his 21st birthday, he shall continue to be subject  
12 to the control and custody of the Department of Juvenile  
13 Justice, and on his 21st birthday, he shall be transferred to  
14 the Adult Division of the Department of Corrections. If such  
15 person is on parole on his 21st birthday, his parole  
16 supervision may be transferred to the Adult Division of the  
17 Department of Corrections.

18           (c) Any interdivisional transfer hearing conducted  
19 pursuant to subsection (a) of this Section shall consider all  
20 available information which may bear upon the issue of  
21 transfer. All evidence helpful to the court in determining the  
22 question of transfer, including oral and written reports  
23 containing hearsay, may be relied upon to the extent of its  
24 probative value, even though not competent for the purposes of  
25 an adjudicatory hearing. The court shall consider, along with  
26 any other relevant matter, the following:

27           1. The nature of the offense for which the minor was found  
28 guilty and the length of the sentence the minor has to serve  
29 and the record and previous history of the minor.

30           2. The record of the minor's adjustment within the  
31 Department of Juvenile Justice ~~Corrections' Juvenile Division~~,  
32 including, but not limited to, reports from the minor's  
33 counselor, any escapes, attempted escapes or violent or  
34 disruptive conduct on the part of the minor, any tickets



1 received by the minor, summaries of classes attended by the  
2 minor, and any record of work performed by the minor while in  
3 the institution.

4 3. The relative maturity of the minor based upon the  
5 physical, psychological and emotional development of the  
6 minor.

7 4. The record of the rehabilitative progress of the minor  
8 and an assessment of the vocational potential of the minor.

9 5. An assessment of the necessity for transfer of the  
10 minor, including, but not limited to, the availability of space  
11 within the Department of Corrections, the disciplinary and  
12 security problem which the minor has presented to the  
13 Department of Juvenile Justice ~~Juvenile Division~~ and the  
14 practicability of maintaining the minor in a juvenile facility,  
15 whether resources have been exhausted within the Department of  
16 Juvenile Justice ~~Juvenile Division of the Department of~~  
17 ~~Corrections~~, the availability of rehabilitative and vocational  
18 programs within the Department of Corrections, and the  
19 anticipated ability of the minor to adjust to confinement  
20 within an adult institution based upon the minor's physical  
21 size and maturity.

22 All relevant factors considered under this subsection need  
23 not be resolved against the juvenile in order to justify such  
24 transfer. Access to social records, probation reports or any  
25 other reports which are considered by the court for the purpose  
26 of transfer shall be made available to counsel for the juvenile  
27 at least 30 days prior to the date of the transfer hearing. The  
28 Sentencing Court, upon granting a transfer order, shall  
29 accompany such order with a statement of reasons.

30 (d) Whenever the Director of Juvenile Justice or his  
31 designee determines that the interests of safety, security and  
32 discipline require the transfer to the Department of  
33 Corrections ~~Adult Division~~ of a person 17 years or older who  
34 was prosecuted under the provisions of the Criminal Code of

1 1961, as amended, and sentenced under the provisions of this  
2 Act pursuant to Section 2-7 of the Juvenile Court Act or  
3 Section 5-805 of the Juvenile Court Act of 1987 and committed  
4 to the Department of Juvenile Justice ~~Juvenile Division~~ under  
5 Section 5-8-6, the Director or his designee may authorize the  
6 emergency transfer of such person, unless the transfer of the  
7 person is governed by subsection (e) of this Section. The  
8 sentencing court shall be provided notice of any emergency  
9 transfer no later than 3 days after the emergency transfer.  
10 Upon motion brought within 60 days of the emergency transfer by  
11 the sentencing court or any party, the sentencing court may  
12 conduct a hearing pursuant to the provisions of subsection (c)  
13 of this Section in order to determine whether the person shall  
14 remain confined in the Department of Corrections ~~Adult~~  
15 ~~Division~~.

16 (e) The Director of Juvenile Justice or his designee may  
17 authorize the permanent transfer to the Department of  
18 Corrections ~~Adult Division~~ of any person 18 years or older who  
19 was prosecuted under the provisions of the Criminal Code of  
20 1961, as amended, and sentenced under the provisions of this  
21 Act pursuant to Section 2-7 of the Juvenile Court Act or  
22 Section 5-805 of the Juvenile Court Act of 1987 and committed  
23 to the Department of Juvenile Justice ~~Juvenile Division~~ under  
24 Section 5-8-6 of this Act. The Director of Juvenile Justice or  
25 his designee shall be governed by the following factors in  
26 determining whether to authorize the permanent transfer of the  
27 person to the Department of Corrections ~~Adult Division~~:

28 1. The nature of the offense for which the person was found  
29 guilty and the length of the sentence the person has to serve  
30 and the record and previous history of the person.

31 2. The record of the person's adjustment within the  
32 Department of Juvenile Justice ~~Department of Corrections~~  
33 ~~Juvenile Division~~, including, but not limited to, reports from  
34 the person's counselor, any escapes, attempted escapes or

1 violent or disruptive conduct on the part of the person, any  
2 tickets received by the person, summaries of classes attended  
3 by the person, and any record of work performed by the person  
4 while in the institution.

5 3. The relative maturity of the person based upon the  
6 physical, psychological and emotional development of the  
7 person.

8 4. The record of the rehabilitative progress of the person  
9 and an assessment of the vocational potential of the person.

10 5. An assessment of the necessity for transfer of the  
11 person, including, but not limited to, the availability of  
12 space within the Department of Corrections, the disciplinary  
13 and security problem which the person has presented to the  
14 Department of Juvenile Justice ~~Juvenile Division~~ and the  
15 practicability of maintaining the person in a juvenile  
16 facility, whether resources have been exhausted within the  
17 Department of Juvenile Justice ~~Juvenile Division of the~~  
18 ~~Department of Corrections~~, the availability of rehabilitative  
19 and vocational programs within the Department of Corrections,  
20 and the anticipated ability of the person to adjust to  
21 confinement within an adult institution based upon the person's  
22 physical size and maturity.

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

24 (730 ILCS 5/3-10-8) (from Ch. 38, par. 1003-10-8)

25 Sec. 3-10-8. Discipline.) (a) (1) Corporal punishment and  
26 disciplinary restrictions on diet, medical or sanitary  
27 facilities, clothing, bedding or mail are prohibited, as are  
28 reductions in the frequency of use of toilets, washbowls and  
29 showers.

30 (2) Disciplinary restrictions on visitation, work,  
31 education or program assignments, the use of toilets, washbowls  
32 and showers shall be related as closely as practicable to abuse  
33 of such privileges or facilities. This paragraph shall not

1 apply to segregation or isolation of persons for purposes of  
2 institutional control.

3 (3) No person committed to the Department of Juvenile  
4 Justice ~~Juvenile Division~~ may be isolated for disciplinary  
5 reasons for more than 7 consecutive days nor more than 15 days  
6 out of any 30 day period except in cases of violence or  
7 attempted violence committed against another person or  
8 property when an additional period of isolation for  
9 disciplinary reasons is approved by the chief administrative  
10 officer. A person who has been isolated for 24 hours or more  
11 shall be interviewed daily by his staff counselor or other  
12 staff member.

13 (b) The Department of Juvenile Justice ~~Juvenile Division~~  
14 shall establish rules and regulations governing disciplinary  
15 practices, the penalties for violation thereof, and the  
16 disciplinary procedure by which such penalties may be imposed.  
17 The rules of behavior shall be made known to each committed  
18 person, and the discipline shall be suited to the infraction  
19 and fairly applied.

20 (c) All disciplinary action imposed upon persons in  
21 institutions and facilities of the Department of Juvenile  
22 Justice ~~Juvenile Division~~ shall be consistent with this Section  
23 and Department rules and regulations adopted hereunder.

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

26 (e) A written report of any infraction for which discipline  
27 is imposed shall be filed with the chief administrative officer  
28 within 72 hours of the occurrence of the infraction or the  
29 discovery of it and such report shall be placed in the file of  
30 the institution or facility.

31 (f) All institutions and facilities of the Department of  
32 Juvenile Justice ~~Juvenile Division~~ shall establish, subject to  
33 the approval of the Director of Juvenile Justice, procedures  
34 for disciplinary cases except those that may involve the

1 imposition of disciplinary isolation; delay in referral to the  
2 Parole and Pardon Board or a change in work, education or other  
3 program assignment of more than 7 days duration.

4 (g) In disciplinary cases which may involve the imposition  
5 of disciplinary isolation, delay in referral to the Parole and  
6 Pardon Board, or a change in work, education or other program  
7 assignment of more than 7 days duration, the Director shall  
8 establish disciplinary procedures consistent with the  
9 following principles:

10 (1) Any person or persons who initiate a disciplinary  
11 charge against a person shall not decide the charge. To the  
12 extent possible, a person representing the counseling staff of  
13 the institution or facility shall participate in deciding the  
14 disciplinary case.

15 (2) Any committed person charged with a violation of  
16 Department rules of behavior shall be given notice of the  
17 charge including a statement of the misconduct alleged and of  
18 the rules this conduct is alleged to violate.

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

23 (4) The person or persons deciding the charge may also  
24 summon to testify any witnesses or other persons with relevant  
25 knowledge of the incident. The person charged may be permitted  
26 to question any person so summoned.

27 (5) If the charge is sustained, the person charged is  
28 entitled to a written statement of the decision by the persons  
29 deciding the charge which shall include the basis for the  
30 decision and the disciplinary action, if any, to be imposed.

31 (6) A change in work, education, or other program  
32 assignment shall not be used for disciplinary purposes except  
33 as provided in paragraph (a) of the Section and then only after  
34 review and approval under Section 3-10-3.

1 (Source: P.A. 80-1099.)

2 (730 ILCS 5/3-10-9) (from Ch. 38, par. 1003-10-9)

3 Sec. 3-10-9. Grievances.

4 The procedures for grievances of the Department of Juvenile  
5 Justice ~~Juvenile Division~~ shall be governed under Section  
6 3-8-8.

7 (Source: P.A. 77-2097.)

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

9 Sec. 3-10-10. Assistance to Committed Persons.

10 A person committed to the Department of Juvenile Justice  
11 ~~Juvenile Division~~ shall be furnished with staff assistance in  
12 the exercise of any rights and privileges granted him under  
13 this Code. Such person shall be informed of his right to  
14 assistance by his staff counselor or other staff member.

15 (Source: P.A. 77-2097.)

16 (730 ILCS 5/3-10-11) (from Ch. 38, par. 1003-10-11)

17 Sec. 3-10-11. Transfers from Department of Children and  
18 Family Services.

19 (a) If (i) a minor 10 years of age or older is adjudicated  
20 a delinquent under the Juvenile Court Act or the Juvenile Court  
21 Act of 1987 and placed with the Department of Children and  
22 Family Services, (ii) it is determined by an interagency review  
23 committee that the Department of Children and Family Services  
24 lacks adequate facilities to care for and rehabilitate such  
25 minor and that placement of such minor with the Department of  
26 Juvenile Justice ~~Corrections~~, subject to certification by the  
27 Department of Juvenile Justice ~~Corrections~~, is appropriate,  
28 and (iii) the Department of Juvenile Justice ~~Corrections~~  
29 certifies that it has suitable facilities and personnel  
30 available for the confinement of the minor, the Department of  
31 Children and Family Services may transfer custody of the minor

1 to the Department of Juvenile Justice ~~Juvenile Division of the~~  
2 ~~Department of Corrections~~ provided that:

3 (1) the juvenile court that adjudicated the minor a  
4 delinquent orders the transfer after a hearing with  
5 opportunity to the minor to be heard and defend; and

6 (2) the ~~Assistant~~ Director of Juvenile Justice ~~the~~  
7 ~~Department of Corrections, Juvenile Division,~~ is made a  
8 party to the action; and

9 (3) notice of such transfer is given to the minor's  
10 parent, guardian or nearest relative; and

11 (4) a term of incarceration is permitted by law for  
12 adults found guilty of the offense for which the minor was  
13 adjudicated delinquent.

14 The interagency review committee shall include a  
15 representative from the Department of Children and Family  
16 Services, a representative from the Department of Juvenile  
17 Justice ~~Corrections~~, and an educator and a qualified mental  
18 health professional jointly selected by the Department of  
19 Children and Family Services and the Department of Juvenile  
20 Justice ~~Corrections~~. The Department of Children and Family  
21 Services, in consultation with the Department of Juvenile  
22 Justice ~~Corrections~~, shall promulgate rules governing the  
23 operation of the interagency review committee pursuant to the  
24 Illinois Administrative Procedure Act.

25 (b) Guardianship of a minor transferred under this Section  
26 shall remain with the Department of Children and Family  
27 Services.

28 (c) Minors transferred under this Section may be placed by  
29 the Department of Juvenile Justice ~~Corrections~~ in any program  
30 or facility of the Department of Juvenile Justice ~~Corrections,~~  
31 ~~Juvenile Division,~~ or any juvenile residential facility.

32 (d) A minor transferred under this Section shall remain in  
33 the custody of the Department of Juvenile Justice ~~Corrections,~~  
34 ~~Juvenile Division,~~ until the Department of Juvenile Justice

1 ~~Corrections~~ determines that the minor is ready to leave its  
2 program. The Department of Juvenile Justice ~~Corrections~~ in  
3 consultation with the Department of Children and Family  
4 Services shall develop a transition plan and cooperate with the  
5 Department of Children and Family Services to move the minor to  
6 an alternate program. Thirty days before implementing the  
7 transition plan, the Department of Juvenile Justice  
8 ~~Corrections~~ shall provide the court with notice of the plan.  
9 The Department of Juvenile Justice's ~~Corrections'~~  
10 custodianship of the minor shall automatically terminate 30  
11 days after notice is provided to the court and the State's  
12 Attorney.

13 (e) In no event shall a minor transferred under this  
14 Section remain in the custody of the Department of Juvenile  
15 Justice ~~Corrections~~ for a period of time in excess of that  
16 period for which an adult could be committed for the same act.

17 (Source: P.A. 88-680, eff. 1-1-95.)

18 (730 ILCS 5/3-10-12) (from Ch. 38, par. 1003-10-12)

19 Sec. 3-10-12.

20 The Director of the Department of Juvenile Justice  
21 ~~Corrections~~ may authorize the use of any institution or  
22 facility of the Department of Juvenile Justice ~~Juvenile~~  
23 ~~Division~~ as a Juvenile Detention Facility for the confinement  
24 of minors under 16 years of age in the custody or detained by  
25 the Sheriff of any County or the police department of any city  
26 when said juvenile is being held for appearance before a  
27 Juvenile Court or by Order of Court or for other legal reason,  
28 when there is no Juvenile Detention facility available or there  
29 are no other arrangements suitable for the confinement of  
30 juveniles. The Director of Juvenile Justice ~~the Department of~~  
31 ~~Corrections~~ may certify that suitable facilities and personnel  
32 are available at the appropriate institution or facility for  
33 the confinement of such minors and this certification shall be



1 filed with the Clerk of the Circuit Court of the County. The  
2 Director of Juvenile Justice ~~the Department of Corrections~~ may  
3 withdraw or withhold certification at any time. Upon the filing  
4 of the certificate in a county the authorities of the county  
5 may then use those facilities and set forth in the certificate  
6 under the terms and conditions therein for the above purpose.  
7 Juveniles confined, by the Department of Juvenile Justice  
8 ~~Corrections~~, under this Section, must be kept separate from  
9 adjudicated delinquents.

10 (Source: P.A. 78-878.)

11 (730 ILCS 5/3-10-13)

12 Sec. 3-10-13. Notifications of Release or Escape.

13 (a) The Department of Juvenile Justice shall establish  
14 procedures to provide written notification of the release of  
15 any person from the Department of Juvenile Justice ~~Juvenile~~  
16 ~~Division~~ to the persons and agencies specified in subsection  
17 (c) of Section 3-14-1 of this Code.

18 (b) The Department of Juvenile Justice shall establish  
19 procedures to provide immediate notification of the escape of  
20 any person from the Department of Juvenile Justice ~~Juvenile~~  
21 ~~Division~~ to the persons and agencies specified in subsection  
22 (c) of Section 3-14-1 of this Code.

23 (Source: P.A. 91-695, eff. 4-13-00.)

24 (730 ILCS 5/3-15-2) (from Ch. 38, par. 1003-15-2)

25 Sec. 3-15-2. Standards and Assistance to Local Jails and  
26 Detention and Shelter Care Facilities.

27 (a) The Department of Corrections shall establish for the  
28 operation of county and municipal jails and houses of  
29 correction, ~~and county juvenile detention and shelter care~~  
30 ~~facilities established pursuant to the "County Shelter Care and~~  
31 ~~Detention Home Act",~~ minimum standards for the physical  
32 condition of such institutions and for the treatment of inmates

1 with respect to their health and safety and the security of the  
2 community.

3 The Department of Juvenile Justice shall establish for the  
4 operation of county juvenile detention and shelter care  
5 facilities established pursuant to the County Shelter Care and  
6 Detention Home Act, minimum standards for the physical  
7 condition of such institutions and for the treatment of  
8 juveniles with respect to their health and safety and the  
9 security of the community.

10 Such standards shall not apply to county shelter care  
11 facilities which were in operation prior to January 1, 1980.  
12 Such standards shall not seek to mandate minimum floor space  
13 requirements for each inmate housed in cells and detention  
14 rooms in county and municipal jails and houses of correction.  
15 However, no more than two inmates may be housed in a single  
16 cell or detention room.

17 When an inmate is tested for an airborne communicable  
18 disease, as determined by the Illinois Department of Public  
19 Health including but not limited to tuberculosis, the results  
20 of the test shall be personally delivered by the warden or his  
21 or her designee in a sealed envelope to the judge of the court  
22 in which the inmate must appear for the judge's inspection in  
23 camera if requested by the judge. Acting in accordance with the  
24 best interests of those in the courtroom, the judge shall have  
25 the discretion to determine what if any precautions need to be  
26 taken to prevent transmission of the disease in the courtroom.

27 (b) At least once each year, the Department of Corrections  
28 may inspect each adult facility for compliance with the  
29 standards established and the results of such inspection shall  
30 be made available by the Department for public inspection. At  
31 least once each year, the Department of Juvenile Justice shall  
32 inspect each county juvenile detention and shelter care  
33 facility for compliance with the standards established, and the  
34 Department of Juvenile Justice shall make the results of such

1 inspections available for public inspection. If any detention,  
2 shelter care or correctional facility does not comply with the  
3 standards established, the Director of Corrections or the  
4 Director of Juvenile Justice, as the case may be, shall give  
5 notice to the county board and the sheriff or the corporate  
6 authorities of the municipality, as the case may be, of such  
7 noncompliance, specifying the particular standards that have  
8 not been met by such facility. If the facility is not in  
9 compliance with such standards when six months have elapsed  
10 from the giving of such notice, the Director of Corrections or  
11 the Director of Juvenile Justice, as the case may be, may  
12 petition the appropriate court for an order requiring such  
13 facility to comply with the standards established by the  
14 Department or for other appropriate relief.

15 (c) The Department of Corrections may provide consultation  
16 services for the design, construction, programs and  
17 administration of ~~detention, shelter care, and~~ correctional  
18 facilities and services for ~~children and~~ adults operated by  
19 counties and municipalities and may make studies and surveys of  
20 the programs and the administration of such facilities.  
21 Personnel of the Department shall be admitted to these  
22 facilities as required for such purposes. The Department may  
23 develop and administer programs of grants-in-aid for  
24 correctional services in cooperation with local agencies. The  
25 Department may provide courses of training for the personnel of  
26 such institutions and conduct pilot projects in the  
27 institutions.

28 (c-5) The Department of Juvenile Justice may provide  
29 consultation services for the design, construction, programs,  
30 and administration of detention and shelter care services for  
31 children operated by counties and municipalities and may make  
32 studies and surveys of the programs and the administration of  
33 such facilities. Personnel of the Department of Juvenile  
34 Justice shall be admitted to these facilities as required for

1 such purposes. The Department of Juvenile Justice may develop  
2 and administer programs of grants-in-aid for juvenile  
3 correctional services in cooperation with local agencies. The  
4 Department of Juvenile Justice may provide courses of training  
5 for the personnel of such institutions and conduct pilot  
6 projects in the institutions.

7 (d) The Department is authorized to issue reimbursement  
8 grants for counties, municipalities or public building  
9 commissions for the purpose of meeting minimum correctional  
10 facilities standards set by the Department under this Section.  
11 Grants may be issued only for projects that were completed  
12 after July 1, 1980 and initiated prior to January 1, 1987.

13 (1) Grants for regional correctional facilities shall  
14 not exceed 90% of the project costs or \$7,000,000,  
15 whichever is less.

16 (2) Grants for correctional facilities by a single  
17 county, municipality or public building commission shall  
18 not exceed 75% of the proposed project costs or \$4,000,000,  
19 whichever is less.

20 (3) As used in this subsection (d), "project" means  
21 only that part of a facility that is constructed for jail,  
22 correctional or detention purposes and does not include  
23 other areas of multi-purpose buildings.

24 Construction or renovation grants are authorized to be  
25 issued by the Capital Development Board from capital  
26 development bond funds after application by a county or  
27 counties, municipality or municipalities or public building  
28 commission or commissions and approval of a construction or  
29 renovation grant by the Department for projects initiated after  
30 January 1, 1987.

31 (e) The Department of Juvenile Justice shall adopt  
32 standards for county jails to hold juveniles on a temporary  
33 basis, as provided in Section 5-410 of the Juvenile Court Act  
34 of 1987. These standards shall include educational,

1 recreational, and disciplinary standards as well as access to  
2 medical services, crisis intervention, mental health services,  
3 suicide prevention, health care, nutritional needs, and  
4 visitation rights. The Department of Juvenile Justice shall  
5 also notify any county applying to hold juveniles in a county  
6 jail of the monitoring and program standards for juvenile  
7 detention facilities under Section 5-410 of the Juvenile Court  
8 Act of 1987.

9 (Source: P.A. 89-64, eff. 1-1-96; 89-477, eff. 6-18-96; 89-656,  
10 eff. 8-14-96; 90-14, eff. 7-1-97; 90-590, eff. 1-1-99.)

11 (730 ILCS 5/3-16-5)

12 Sec. 3-16-5. Multi-year pilot program for selected paroled  
13 youth released from institutions of the Juvenile Division.

14 (a) The Department of Juvenile Justice ~~Corrections~~ may  
15 establish in Cook County, DuPage County, Lake County, Will  
16 County, and Kane County a 6 year pilot program for selected  
17 youthful offenders released to parole by the Department of  
18 Juvenile Justice ~~Juvenile Division of the Department of~~  
19 ~~Corrections~~.

20 (b) A person who is being released to parole from the  
21 Department of Juvenile Justice ~~Juvenile Division~~ under  
22 subsection (e) of Section 3-3-3 whom the Department of Juvenile  
23 Justice ~~Juvenile Division~~ deems a serious or at risk delinquent  
24 youth who is likely to have difficulty re-adjusting to the  
25 community, who has had either significant clinical problems or  
26 a history of criminal activity related to sex offenses, drugs,  
27 weapons, or gangs, and who is returning to Cook County, Will  
28 County, Lake County, DuPage County, or Kane County may be  
29 screened for eligibility to participate in the pilot program.

30 (c) If the Department of Juvenile Justice establishes a  
31 pilot program under this Section, the Department of Juvenile  
32 Justice ~~Juvenile Division~~ shall provide supervision and  
33 structured services to persons selected to participate in the

1 program to: (i) ensure that they receive high levels of  
2 supervision and case managed, structured services; (ii)  
3 prepare them for re-integration into the community; (iii)  
4 effectively monitor their compliance with parole requirements  
5 and programming; and (iv) minimize the likelihood that they  
6 will commit additional offenses.

7 (d) Based upon the needs of a participant, the Department  
8 of Juvenile Justice may provide any or all of the following to  
9 a participant:

- 10 (1) Risk and needs assessment;
- 11 (2) Comprehensive case management;
- 12 (3) Placement in licensed secured community facilities  
13 as a transitional measure;
- 14 (4) Transition to residential programming;
- 15 (5) Targeted intensive outpatient treatment services;
- 16 (6) Structured day and evening reporting programs and  
17 behavioral day treatment;
- 18 (7) Family counseling;
- 19 (8) Transitional programs to independent living;
- 20 (9) Alternative placements;
- 21 (10) Substance abuse treatment.

22 (e) A needs assessment case plan and parole supervision  
23 profile may be completed by the Department of Juvenile Justice  
24 ~~Corrections~~ before the selected eligible person's release from  
25 institutional custody to parole supervision. The needs  
26 assessment case plan and parole supervision profile shall  
27 include identification of placement requirements, intensity of  
28 parole supervision, and assessments of educational,  
29 psychological, vocational, medical, and substance abuse  
30 treatment needs. Following the completion by the Department of  
31 Juvenile Justice ~~Corrections~~ of the parole supervision profile  
32 and needs assessment case plan, a comprehensive parole case  
33 management plan shall be developed for each committed youth  
34 eligible and selected for admission to the pilot program. The

1 comprehensive parole case management plan shall be submitted  
2 for approval by the Department of Juvenile Justice and for  
3 presentation to the Prisoner Review Board.

4 (f) The Department of Juvenile Justice may identify in a  
5 comprehensive parole case management plan any special  
6 conditions for parole supervision and establish sanctions for a  
7 participant who fails to comply with the program requirements  
8 or who violates parole rules. These sanctions may include the  
9 return of a participant to a secure community placement or  
10 recommendations for parole revocation to the Prisoner Review  
11 Board. Paroled youth may be held for investigation in secure  
12 community facilities or on warrant pending revocation in local  
13 detention or jail facilities based on age.

14 (g) The Department of Juvenile Justice may select and  
15 contract with a community-based network and work in partnership  
16 with private providers to provide the services specified in  
17 subsection (d).

18 (h) If the Department of Juvenile Justice establishes a  
19 pilot program under this Section, the Department of Juvenile  
20 Justice shall, in the 3 years following the effective date of  
21 this amendatory Act of 1997, first implement the pilot program  
22 in Cook County and then implement the pilot program in DuPage  
23 County, Lake County, Will County, and Kane County in accordance  
24 with a schedule to be developed by the Department of Juvenile  
25 Justice.

26 (i) If the Department of Juvenile Justice establishes a  
27 pilot program under this Section, the Department of Juvenile  
28 Justice shall establish a 3 year follow-up evaluation and  
29 outcome assessment for all participants in the pilot program.

30 (j) If the Department of Juvenile Justice establishes a  
31 pilot program under this Section, the Department of Juvenile  
32 Justice shall publish an outcome study covering a 3 year  
33 follow-up period for participants in the pilot program.

34 (Source: P.A. 90-79, eff. 1-1-98.)

1 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

2 Sec. 5-8-6. Place of Confinement. (a) Offenders sentenced  
3 to a term of imprisonment for a felony shall be committed to  
4 the penitentiary system of the Department of Corrections.  
5 However, such sentence shall not limit the powers of the  
6 Department of Children and Family Services in relation to any  
7 child under the age of one year in the sole custody of a person  
8 so sentenced, nor in relation to any child delivered by a  
9 female so sentenced while she is so confined as a consequence  
10 of such sentence. A person sentenced for a felony may be  
11 assigned by the Department of Corrections to any of its  
12 institutions, facilities or programs.

13 (b) Offenders sentenced to a term of imprisonment for less  
14 than one year shall be committed to the custody of the sheriff.  
15 A person committed to the Department of Corrections, prior to  
16 July 14, 1983, for less than one year may be assigned by the  
17 Department to any of its institutions, facilities or programs.

18 (c) All offenders under 17 years of age when sentenced to  
19 imprisonment shall be committed to the Department of Juvenile  
20 Justice ~~Juvenile Division of the Department of Corrections~~ and  
21 the court in its order of commitment shall set a definite term.  
22 Such order of commitment shall be the sentence of the court  
23 which may be amended by the court while jurisdiction is  
24 retained; and such sentence shall apply whenever the offender  
25 sentenced is in the control and custody of the ~~Adult Division~~  
26 ~~of the~~ Department of Corrections. The provisions of Section  
27 3-3-3 shall be a part of such commitment as fully as though  
28 written in the order of commitment. The committing court shall  
29 retain jurisdiction of the subject matter and the person until  
30 he or she reaches the age of 21 unless earlier discharged.  
31 However, the Department of Juvenile Justice ~~Juvenile Division~~  
32 ~~of the Department of Corrections~~ shall, after a juvenile has  
33 reached 17 years of age, petition the court to conduct a



1 hearing pursuant to subsection (c) of Section 3-10-7 of this  
2 Code.

3 (d) No defendant shall be committed to the Department of  
4 Corrections for the recovery of a fine or costs.

5 (e) When a court sentences a defendant to a term of  
6 imprisonment concurrent with a previous and unexpired sentence  
7 of imprisonment imposed by any district court of the United  
8 States, it may commit the offender to the custody of the  
9 Attorney General of the United States. The Attorney General of  
10 the United States, or the authorized representative of the  
11 Attorney General of the United States, shall be furnished with  
12 the warrant of commitment from the court imposing sentence,  
13 which warrant of commitment shall provide that, when the  
14 offender is released from federal confinement, whether by  
15 parole or by termination of sentence, the offender shall be  
16 transferred by the Sheriff of the committing county to the  
17 Department of Corrections. The court shall cause the Department  
18 to be notified of such sentence at the time of commitment and  
19 to be provided with copies of all records regarding the  
20 sentence.

21 (Source: P.A. 83-1362.)

22 Section 30. The Probation and Probation Officers Act is  
23 amended by changing Sections 15 and 16.1 as follows:

24 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

25 Sec. 15. (1) The Supreme Court of Illinois may establish a  
26 Division of Probation Services whose purpose shall be the  
27 development, establishment, promulgation, and enforcement of  
28 uniform standards for probation services in this State, and to  
29 otherwise carry out the intent of this Act. The Division may:

30 (a) establish qualifications for chief probation  
31 officers and other probation and court services personnel  
32 as to hiring, promotion, and training.

1 (b) make available, on a timely basis, lists of those  
2 applicants whose qualifications meet the regulations  
3 referred to herein, including on said lists all candidates  
4 found qualified.

5 (c) establish a means of verifying the conditions for  
6 reimbursement under this Act and develop criteria for  
7 approved costs for reimbursement.

8 (d) develop standards and approve employee  
9 compensation schedules for probation and court services  
10 departments.

11 (e) employ sufficient personnel in the Division to  
12 carry out the functions of the Division.

13 (f) establish a system of training and establish  
14 standards for personnel orientation and training.

15 (g) develop standards for a system of record keeping  
16 for cases and programs, gather statistics, establish a  
17 system of uniform forms, and develop research for planning  
18 of Probation Services.

19 (h) develop standards to assure adequate support  
20 personnel, office space, equipment and supplies, travel  
21 expenses, and other essential items necessary for  
22 Probation and Court Services Departments to carry out their  
23 duties.

24 (i) review and approve annual plans submitted by  
25 Probation and Court Services Departments.

26 (j) monitor and evaluate all programs operated by  
27 Probation and Court Services Departments, and may include  
28 in the program evaluation criteria such factors as the  
29 percentage of Probation sentences for felons convicted of  
30 Probationable offenses.

31 (k) seek the cooperation of local and State government  
32 and private agencies to improve the quality of probation  
33 and court services.

34 (l) where appropriate, establish programs and

1 corresponding standards designed to generally improve the  
2 quality of probation and court services and reduce the rate  
3 of adult or juvenile offenders committed to the Department  
4 of Corrections.

5 (m) establish such other standards and regulations and  
6 do all acts necessary to carry out the intent and purposes  
7 of this Act.

8 The Division shall establish a model list of structured  
9 intermediate sanctions that may be imposed by a probation  
10 agency for violations of terms and conditions of a sentence of  
11 probation, conditional discharge, or supervision.

12 The State of Illinois shall provide for the costs of  
13 personnel, travel, equipment, telecommunications, postage,  
14 commodities, printing, space, contractual services and other  
15 related costs necessary to carry out the intent of this Act.

16 (2) (a) The chief judge of each circuit shall provide  
17 full-time probation services for all counties within the  
18 circuit, in a manner consistent with the annual probation plan,  
19 the standards, policies, and regulations established by the  
20 Supreme Court. A probation district of two or more counties  
21 within a circuit may be created for the purposes of providing  
22 full-time probation services. Every county or group of counties  
23 within a circuit shall maintain a probation department which  
24 shall be under the authority of the Chief Judge of the circuit  
25 or some other judge designated by the Chief Judge. The Chief  
26 Judge, through the Probation and Court Services Department  
27 shall submit annual plans to the Division for probation and  
28 related services.

29 (b) The Chief Judge of each circuit shall appoint the Chief  
30 Probation Officer and all other probation officers for his or  
31 her circuit from lists of qualified applicants supplied by the  
32 Supreme Court. Candidates for chief managing officer and other  
33 probation officer positions must apply with both the Chief  
34 Judge of the circuit and the Supreme Court.

1           (3) A Probation and Court Service Department shall apply to  
2 the Supreme Court for funds for basic services, and may apply  
3 for funds for new and expanded programs or Individualized  
4 Services and Programs. Costs shall be reimbursed monthly based  
5 on a plan and budget approved by the Supreme Court. No  
6 Department may be reimbursed for costs which exceed or are not  
7 provided for in the approved annual plan and budget. After the  
8 effective date of this amendatory Act of 1985, each county must  
9 provide basic services in accordance with the annual plan and  
10 standards created by the division. No department may receive  
11 funds for new or expanded programs or individualized services  
12 and programs unless they are in compliance with standards as  
13 enumerated in paragraph (h) of subsection (1) of this Section,  
14 the annual plan, and standards for basic services.

15           (4) The Division shall reimburse the county or counties for  
16 probation services as follows:

17           (a) 100% of the salary of all chief managing officers  
18 designated as such by the Chief Judge and the division.

19           (b) 100% of the salary for all probation officer and  
20 supervisor positions approved for reimbursement by the  
21 division after April 1, 1984, to meet workload standards  
22 and to implement intensive sanction and probation  
23 supervision programs and other basic services as defined in  
24 this Act.

25           (c) 100% of the salary for all secure detention  
26 personnel and non-secure group home personnel approved for  
27 reimbursement after December 1, 1990. For all such  
28 positions approved for reimbursement before December 1,  
29 1990, the counties shall be reimbursed \$1,250 per month  
30 beginning July 1, 1995, and an additional \$250 per month  
31 beginning each July 1st thereafter until the positions  
32 receive 100% salary reimbursement. Allocation of such  
33 positions will be based on comparative need considering  
34 capacity, staff/resident ratio, physical plant and

1 program.

2 (d) \$1,000 per month for salaries for the remaining  
3 probation officer positions engaged in basic services and  
4 new or expanded services. All such positions shall be  
5 approved by the division in accordance with this Act and  
6 division standards.

7 (e) 100% of the travel expenses in accordance with  
8 Division standards for all Probation positions approved  
9 under paragraph (b) of subsection 4 of this Section.

10 (f) If the amount of funds reimbursed to the county  
11 under paragraphs (a) through (e) of subsection 4 of this  
12 Section on an annual basis is less than the amount the  
13 county had received during the 12 month period immediately  
14 prior to the effective date of this amendatory Act of 1985,  
15 then the Division shall reimburse the amount of the  
16 difference to the county. The effect of paragraph (b) of  
17 subsection 7 of this Section shall be considered in  
18 implementing this supplemental reimbursement provision.

19 (5) The Division shall provide funds beginning on April 1,  
20 1987 for the counties to provide Individualized Services and  
21 Programs as provided in Section 16 of this Act.

22 (6) A Probation and Court Services Department in order to  
23 be eligible for the reimbursement must submit to the Supreme  
24 Court an application containing such information and in such a  
25 form and by such dates as the Supreme Court may require.  
26 Departments to be eligible for funding must satisfy the  
27 following conditions:

28 (a) The Department shall have on file with the Supreme  
29 Court an annual Probation plan for continuing, improved,  
30 and new Probation and Court Services Programs approved by  
31 the Supreme Court or its designee. This plan shall indicate  
32 the manner in which Probation and Court Services will be  
33 delivered and improved, consistent with the minimum  
34 standards and regulations for Probation and Court

1 Services, as established by the Supreme Court. In counties  
2 with more than one Probation and Court Services Department  
3 eligible to receive funds, all Departments within that  
4 county must submit plans which are approved by the Supreme  
5 Court.

6 (b) The annual probation plan shall seek to generally  
7 improve the quality of probation services and to reduce the  
8 commitment of adult ~~and juvenile~~ offenders to the  
9 Department of Corrections and to reduce the commitment of  
10 juvenile offenders to the Department of Juvenile Justice  
11 and shall require, when appropriate, coordination with the  
12 Department of Corrections, the Department of Juvenile  
13 Justice, and the Department of Children and Family Services  
14 in the development and use of community resources,  
15 information systems, case review and permanency planning  
16 systems to avoid the duplication of services.

17 (c) The Department shall be in compliance with  
18 standards developed by the Supreme Court for basic, new and  
19 expanded services, training, personnel hiring and  
20 promotion.

21 (d) The Department shall in its annual plan indicate  
22 the manner in which it will support the rights of crime  
23 victims and in which manner it will implement Article I,  
24 Section 8.1 of the Illinois Constitution and in what manner  
25 it will coordinate crime victims' support services with  
26 other criminal justice agencies within its jurisdiction,  
27 including but not limited to, the State's Attorney, the  
28 Sheriff and any municipal police department.

29 (7) No statement shall be verified by the Supreme Court or  
30 its designee or vouchered by the Comptroller unless each of the  
31 following conditions have been met:

32 (a) The probation officer is a full-time employee  
33 appointed by the Chief Judge to provide probation services.

34 (b) The probation officer, in order to be eligible for

1 State reimbursement, is receiving a salary of at least  
2 \$17,000 per year.

3 (c) The probation officer is appointed or was  
4 reappointed in accordance with minimum qualifications or  
5 criteria established by the Supreme Court; however, all  
6 probation officers appointed prior to January 1, 1978,  
7 shall be exempted from the minimum requirements  
8 established by the Supreme Court. Payments shall be made to  
9 counties employing these exempted probation officers as  
10 long as they are employed in the position held on the  
11 effective date of this amendatory Act of 1985. Promotions  
12 shall be governed by minimum qualifications established by  
13 the Supreme Court.

14 (d) The Department has an established compensation  
15 schedule approved by the Supreme Court. The compensation  
16 schedule shall include salary ranges with necessary  
17 increments to compensate each employee. The increments  
18 shall, within the salary ranges, be based on such factors  
19 as bona fide occupational qualifications, performance, and  
20 length of service. Each position in the Department shall be  
21 placed on the compensation schedule according to job duties  
22 and responsibilities of such position. The policy and  
23 procedures of the compensation schedule shall be made  
24 available to each employee.

25 (8) In order to obtain full reimbursement of all approved  
26 costs, each Department must continue to employ at least the  
27 same number of probation officers and probation managers as  
28 were authorized for employment for the fiscal year which  
29 includes January 1, 1985. This number shall be designated as  
30 the base amount of the Department. No positions approved by the  
31 Division under paragraph (b) of subsection 4 will be included  
32 in the base amount. In the event that the Department employs  
33 fewer Probation officers and Probation managers than the base  
34 amount for a period of 90 days, funding received by the

1 Department under subsection 4 of this Section may be reduced on  
2 a monthly basis by the amount of the current salaries of any  
3 positions below the base amount.

4 (9) Before the 15th day of each month, the treasurer of any  
5 county which has a Probation and Court Services Department, or  
6 the treasurer of the most populous county, in the case of a  
7 Probation or Court Services Department funded by more than one  
8 county, shall submit an itemized statement of all approved  
9 costs incurred in the delivery of Basic Probation and Court  
10 Services under this Act to the Supreme Court. The treasurer may  
11 also submit an itemized statement of all approved costs  
12 incurred in the delivery of new and expanded Probation and  
13 Court Services as well as Individualized Services and Programs.  
14 The Supreme Court or its designee shall verify compliance with  
15 this Section and shall examine and audit the monthly statement  
16 and, upon finding them to be correct, shall forward them to the  
17 Comptroller for payment to the county treasurer. In the case of  
18 payment to a treasurer of a county which is the most populous  
19 of counties sharing the salary and expenses of a Probation and  
20 Court Services Department, the treasurer shall divide the money  
21 between the counties in a manner that reflects each county's  
22 share of the cost incurred by the Department.

23 (10) The county treasurer must certify that funds received  
24 under this Section shall be used solely to maintain and improve  
25 Probation and Court Services. The county or circuit shall  
26 remain in compliance with all standards, policies and  
27 regulations established by the Supreme Court. If at any time  
28 the Supreme Court determines that a county or circuit is not in  
29 compliance, the Supreme Court shall immediately notify the  
30 Chief Judge, county board chairman and the Director of Court  
31 Services Chief Probation Officer. If after 90 days of written  
32 notice the noncompliance still exists, the Supreme Court shall  
33 be required to reduce the amount of monthly reimbursement by  
34 10%. An additional 10% reduction of monthly reimbursement shall



1 occur for each consecutive month of noncompliance. Except as  
2 provided in subsection 5 of Section 15, funding to counties  
3 shall commence on April 1, 1986. Funds received under this Act  
4 shall be used to provide for Probation Department expenses  
5 including those required under Section 13 of this Act. For  
6 State fiscal years 2004, 2005, and 2006 only, the Mandatory  
7 Arbitration Fund may be used to provide for Probation  
8 Department expenses, including those required under Section 13  
9 of this Act.

10 (11) The respective counties shall be responsible for  
11 capital and space costs, fringe benefits, clerical costs,  
12 equipment, telecommunications, postage, commodities and  
13 printing.

14 (12) For purposes of this Act only, probation officers  
15 shall be considered peace officers. In the exercise of their  
16 official duties, probation officers, sheriffs, and police  
17 officers may, anywhere within the State, arrest any probationer  
18 who is in violation of any of the conditions of his or her  
19 probation, conditional discharge, or supervision, and it shall  
20 be the duty of the officer making the arrest to take the  
21 probationer before the Court having jurisdiction over the  
22 probationer for further order.

23 (Source: P.A. 93-25, eff. 6-20-03; 93-576, eff. 1-1-04; 93-839,  
24 eff. 7-30-04; 94-91, eff. 7-1-05.)

25 (730 ILCS 110/16.1)

26 Sec. 16.1. Redeploy Illinois Program.

27 (a) The purpose of this Section is to encourage the  
28 deinstitutionalization of juvenile offenders establishing  
29 pilot projects in counties or groups of counties that  
30 reallocate State funds from juvenile correctional confinement  
31 to local jurisdictions, which will establish a continuum of  
32 local, community-based sanctions and treatment alternatives  
33 for juvenile offenders who would be incarcerated if those local

1 services and sanctions did not exist. The allotment of funds  
2 will be based on a formula that rewards local jurisdictions for  
3 the establishment or expansion of local alternatives to  
4 incarceration, and requires them to pay for utilization of  
5 incarceration as a sanction. This redeployment of funds shall  
6 be made in a manner consistent with the Juvenile Court Act of  
7 1987 and the following purposes and policies:

8 (1) The juvenile justice system should protect the  
9 community, impose accountability to victims and  
10 communities for violations of law, and equip juvenile  
11 offenders with competencies to live responsibly and  
12 productively.

13 (2) Juveniles should be treated in the least  
14 restrictive manner possible while maintaining the safety  
15 of the community.

16 (3) A continuum of services and sanctions from least  
17 restrictive to most restrictive should be available in  
18 every community.

19 (4) There should be local responsibility and authority  
20 for planning, organizing, and coordinating service  
21 resources in the community. People in the community can  
22 best choose a range of services which reflect community  
23 values and meet the needs of their own youth.

24 (5) Juveniles who pose a threat to the community or  
25 themselves need special care, including secure settings.  
26 Such services as detention, long-term incarceration, or  
27 residential treatment are too costly to provide in each  
28 community and should be coordinated and provided on a  
29 regional or Statewide basis.

30 (6) The roles of State and local government in creating  
31 and maintaining services to youth in the juvenile justice  
32 system should be clearly defined. The role of the State is  
33 to fund services, set standards of care, train service  
34 providers, and monitor the integration and coordination of

1 services. The role of local government should be to oversee  
2 the provision of services.

3 (b) Each county or circuit participating in the pilot  
4 program must create a local plan demonstrating how it will  
5 reduce the county or circuit's utilization of secure  
6 confinement of juvenile offenders in the Illinois Department of  
7 Juvenile Justice ~~Corrections~~ or county detention centers by the  
8 creation or expansion of individualized services or programs  
9 that may include but are not limited to the following:

10 (1) Assessment and evaluation services to provide the  
11 juvenile justice system with accurate individualized case  
12 information on each juvenile offender including mental  
13 health, substance abuse, educational, and family  
14 information;

15 (2) Direct services to individual juvenile offenders  
16 including educational, vocational, mental health,  
17 substance abuse, supervision, and service coordination;  
18 and

19 (3) Programs that seek to restore the offender to the  
20 community, such as victim offender panels, teen courts,  
21 competency building, enhanced accountability measures,  
22 restitution, and community service. The local plan must be  
23 directed in such a manner as to emphasize an individualized  
24 approach to providing services to juvenile offenders in an  
25 integrated community based system including probation as  
26 the broker of services. The plan must also detail the  
27 reduction in utilization of secure confinement. The local  
28 plan shall be limited to services and shall not include  
29 costs for:

- 30 (i) capital expenditures;  
31 (ii) renovations or remodeling;  
32 (iii) personnel costs for probation.

33 The local plan shall be submitted to the Department of  
34 Human Services.

1 (c) A county or group of counties may develop an agreement  
2 with the Department of Human Services to reduce their number of  
3 commitments of juvenile offenders, excluding minors sentenced  
4 based upon a finding of guilt of first degree murder or an  
5 offense which is a Class X forcible felony as defined in the  
6 Criminal Code of 1961, to the Department of Juvenile Justice  
7 ~~Corrections~~, and then use the savings to develop local  
8 programming for youth who would otherwise have been committed  
9 to the Department of Juvenile Justice ~~Corrections~~. The county  
10 or group of counties shall agree to limit their commitments to  
11 75% of the level of commitments from the average number of  
12 juvenile commitments for the past 3 years, and will receive the  
13 savings to redeploy for local programming for juveniles who  
14 would otherwise be held in confinement. The agreement shall set  
15 forth the following:

16 (1) a Statement of the number and type of juvenile  
17 offenders from the county who were held in secure  
18 confinement by the Illinois Department of Juvenile Justice  
19 ~~Corrections~~ or in county detention the previous year, and  
20 an explanation of which, and how many, of these offenders  
21 might be served through the proposed Redeploy Illinois  
22 Program for which the funds shall be used;

23 (2) a Statement of the service needs of currently  
24 confined juveniles;

25 (3) a Statement of the type of services and programs to  
26 provide for the individual needs of the juvenile offenders,  
27 and the research or evidence base that qualifies those  
28 services and programs as proven or promising practices;

29 (4) a budget indicating the costs of each service or  
30 program to be funded under the plan;

31 (5) a summary of contracts and service agreements  
32 indicating the treatment goals and number of juvenile  
33 offenders to be served by each service provider; and

34 (6) a Statement indicating that the Redeploy Illinois

1 Program will not duplicate existing services and programs.  
2 Funds for this plan shall not supplant existing county  
3 funded programs.

4 (d) (Blank).

5 (e) The Department of Human Services shall be responsible  
6 for the following:

7 (1) Reviewing each Redeploy Illinois Program plan for  
8 compliance with standards established for such plans. A  
9 plan may be approved as submitted, approved with  
10 modifications, or rejected. No plan shall be considered for  
11 approval if the circuit or county is not in full compliance  
12 with all regulations, standards and guidelines pertaining  
13 to the delivery of basic probation services as established  
14 by the Supreme Court.

15 (2) Monitoring on a continual basis and evaluating  
16 annually both the program and its fiscal activities in all  
17 counties receiving an allocation under the Redeploy  
18 Illinois Program. Any program or service that has not met  
19 the goals and objectives of its contract or service  
20 agreement shall be subject to denial for funding in  
21 subsequent years. The Department of Human Services shall  
22 evaluate the effectiveness of the Redeploy Illinois  
23 Program in each circuit or county. In determining the  
24 future funding for the Redeploy Illinois Program under this  
25 Act, the evaluation shall include, as a primary indicator  
26 of success, a decreased number of confinement days for the  
27 county's juvenile offenders.

28 (f) Any Redeploy Illinois Program allocations not applied  
29 for and approved by the Department of Human Services shall be  
30 available for redistribution to approved plans for the  
31 remainder of that fiscal year. Any county that invests local  
32 moneys in the Redeploy Illinois Program shall be given first  
33 consideration for any redistribution of allocations.  
34 Jurisdictions participating in Redeploy Illinois that exceed

1 their agreed upon level of commitments to the Department of  
2 Juvenile Justice ~~Corrections~~ shall reimburse the Department of  
3 Corrections for each commitment above the agreed upon level.

4 (g) Implementation of Redeploy Illinois.

5 (1) Planning Phase.

6 (i) Redeploy Illinois Oversight Board. The  
7 Department of Human Services shall convene an  
8 oversight board to develop plans for a pilot Redeploy  
9 Illinois Program. The Board shall include, but not be  
10 limited to, designees from the Department of Juvenile  
11 Justice ~~Corrections~~, the Administrative Office of  
12 Illinois Courts, the Illinois Juvenile Justice  
13 Commission, the Illinois Criminal Justice Information  
14 Authority, the Department of Children and Family  
15 Services, the State Board of Education, the Cook County  
16 State's Attorney, and a State's Attorney selected by  
17 the President of the Illinois State's Attorney's  
18 Association.

19 (ii) Responsibilities of the Redeploy Illinois  
20 Oversight Board. The Oversight Board shall:

21 (A) Identify jurisdictions to be invited in  
22 the initial pilot program of Redeploy Illinois.

23 (B) Develop a formula for reimbursement of  
24 local jurisdictions for local and community-based  
25 services utilized in lieu of commitment to the  
26 Department of Juvenile Justice ~~Corrections~~, as  
27 well as for any charges for local jurisdictions for  
28 commitments above the agreed upon limit in the  
29 approved plan.

30 (C) Identify resources sufficient to support  
31 the administration and evaluation of Redeploy  
32 Illinois.

33 (D) Develop a process and identify resources  
34 to support on-going monitoring and evaluation of

1 Redeploy Illinois.

2 (E) Develop a process and identify resources  
3 to support training on Redeploy Illinois.

4 (F) Report to the Governor and the General  
5 Assembly on an annual basis on the progress of  
6 Redeploy Illinois.

7 (iii) Length of Planning Phase. The planning phase  
8 may last up to, but may in no event last longer than,  
9 July 1, 2004.

10 (2) Pilot Phase. In the second phase of the Redeploy  
11 Illinois program, the Department of Human Services shall  
12 implement several pilot programs of Redeploy Illinois in  
13 counties or groups of counties as identified by the  
14 Oversight Board. Annual review of the Redeploy Illinois  
15 program by the Oversight Board shall include  
16 recommendations for future sites for Redeploy Illinois.

17 (Source: P.A. 93-641, eff. 12-31-03.)

18 Section 35. The Private Correctional Facility Moratorium  
19 Act is amended by changing Section 3 as follows:

20 (730 ILCS 140/3) (from Ch. 38, par. 1583)

21 Sec. 3. Certain contracts prohibited. After the effective  
22 date of this Act, the State shall not contract with a private  
23 contractor or private vendor for the provision of services  
24 relating to the operation of a correctional facility or the  
25 incarceration of persons in the custody of the Department of  
26 Corrections or of the Department of Juvenile Justice; however,  
27 this Act does not apply to (1) State work release centers or  
28 juvenile residential facilities that provide separate care or  
29 special treatment operated in whole or part by private  
30 contractors or (2) contracts for ancillary services, including  
31 medical services, educational services, repair and maintenance  
32 contracts, or other services not directly related to the

1 ownership, management or operation of security services in a  
2 correctional facility.

3 (Source: P.A. 88-680, eff. 1-1-95.)

4 Section 40. The Line of Duty Compensation Act is amended by  
5 changing Section 2 as follows:

6 (820 ILCS 315/2) (from Ch. 48, par. 282)

7 Sec. 2. As used in this Act, unless the context otherwise  
8 requires:

9 (a) "Law enforcement officer" or "officer" means any person  
10 employed by the State or a local governmental entity as a  
11 policeman, peace officer, auxiliary policeman or in some like  
12 position involving the enforcement of the law and protection of  
13 the public interest at the risk of that person's life. This  
14 includes supervisors, wardens, superintendents and their  
15 assistants, guards and keepers, correctional officers, youth  
16 supervisors, parole agents, school teachers and correctional  
17 counsellors in all facilities of both the ~~Juvenile and Adult~~  
18 ~~Divisions of the~~ Department of Corrections and the Department  
19 of Juvenile Justice, while within the facilities under the  
20 control of the Department of Corrections or the Department of  
21 Juvenile Justice or in the act of transporting inmates or wards  
22 from one location to another or while performing their official  
23 duties, and all other Department of Correction or Department of  
24 Juvenile Justice employees who have daily contact with inmates.

25 The death of the foregoing employees of the Department of  
26 Corrections or the Department of Juvenile Justice in order to  
27 be included herein must be by the direct or indirect willful  
28 act of an inmate, ward, work-releasee, parolee, parole  
29 violator, person under conditional release, or any person  
30 sentenced or committed, or otherwise subject to confinement in  
31 or to the Department of Corrections or the Department of  
32 Juvenile Justice.



1 (b) "Fireman" means any person employed by the State or a  
2 local governmental entity as, or otherwise serving as, a member  
3 or officer of a fire department either for the purpose of the  
4 prevention or control of fire or the underwater recovery of  
5 drowning victims, including volunteer firemen.

6 (c) "Local governmental entity" includes counties,  
7 municipalities and municipal corporations.

8 (d) "State" means the State of Illinois and its  
9 departments, divisions, boards, bureaus, commissions,  
10 authorities and colleges and universities.

11 (e) "Killed in the line of duty" means losing one's life as  
12 a result of injury received in the active performance of duties  
13 as a law enforcement officer, civil defense worker, civil air  
14 patrol member, paramedic, fireman, or chaplain if the death  
15 occurs within one year from the date the injury was received  
16 and if that injury arose from violence or other accidental  
17 cause. In the case of a State employee, "killed in the line of  
18 duty" means losing one's life as a result of injury received in  
19 the active performance of one's duties as a State employee, if  
20 the death occurs within one year from the date the injury was  
21 received and if that injury arose from a willful act of  
22 violence by another State employee committed during such other  
23 employee's course of employment and after January 1, 1988. The  
24 term excludes death resulting from the willful misconduct or  
25 intoxication of the officer, civil defense worker, civil air  
26 patrol member, paramedic, fireman, chaplain, or State  
27 employee. However, the burden of proof of such willful  
28 misconduct or intoxication of the officer, civil defense  
29 worker, civil air patrol member, paramedic, fireman, chaplain,  
30 or State employee is on the Attorney General. Subject to the  
31 conditions set forth in subsection (a) with respect to  
32 inclusion under this Act of Department of Corrections and  
33 Department of Juvenile Justice employees described in that  
34 subsection, for the purposes of this Act, instances in which a

1 law enforcement officer receives an injury in the active  
2 performance of duties as a law enforcement officer include but  
3 are not limited to instances when:

4 (1) the injury is received as a result of a wilful act  
5 of violence committed other than by the officer and a  
6 relationship exists between the commission of such act and  
7 the officer's performance of his duties as a law  
8 enforcement officer, whether or not the injury is received  
9 while the officer is on duty as a law enforcement officer;

10 (2) the injury is received by the officer while the  
11 officer is attempting to prevent the commission of a  
12 criminal act by another or attempting to apprehend an  
13 individual the officer suspects has committed a crime,  
14 whether or not the injury is received while the officer is  
15 on duty as a law enforcement officer;

16 (3) the injury is received by the officer while the  
17 officer is travelling to or from his employment as a law  
18 enforcement officer or during any meal break, or other  
19 break, which takes place during the period in which the  
20 officer is on duty as a law enforcement officer.

21 In the case of an Armed Forces member, "killed in the line  
22 of duty" means losing one's life while on active duty in  
23 connection with the September 11, 2001 terrorist attacks on the  
24 United States, Operation Enduring Freedom, or Operation Iraqi  
25 Freedom.

26 (f) "Volunteer fireman" means a person having principal  
27 employment other than as a fireman, but who is carried on the  
28 rolls of a regularly constituted fire department either for the  
29 purpose of the prevention or control of fire or the underwater  
30 recovery of drowning victims, the members of which are under  
31 the jurisdiction of the corporate authorities of a city,  
32 village, incorporated town, or fire protection district, and  
33 includes a volunteer member of a fire department organized  
34 under the "General Not for Profit Corporation Act", approved

1 July 17, 1943, as now or hereafter amended, which is under  
2 contract with any city, village, incorporated town, fire  
3 protection district, or persons residing therein, for fire  
4 fighting services. "Volunteer fireman" does not mean an  
5 individual who volunteers assistance without being regularly  
6 enrolled as a fireman.

7 (g) "Civil defense worker" means any person employed by the  
8 State or a local governmental entity as, or otherwise serving  
9 as, a member of a civil defense work force, including volunteer  
10 civil defense work forces engaged in serving the public  
11 interest during periods of disaster, whether natural or  
12 man-made.

13 (h) "Civil air patrol member" means any person employed by  
14 the State or a local governmental entity as, or otherwise  
15 serving as, a member of the organization commonly known as the  
16 "Civil Air Patrol", including volunteer members of the  
17 organization commonly known as the "Civil Air Patrol".

18 (i) "Paramedic" means an Emergency Medical  
19 Technician-Paramedic certified by the Illinois Department of  
20 Public Health under the Emergency Medical Services (EMS)  
21 Systems Act, and all other emergency medical personnel  
22 certified by the Illinois Department of Public Health who are  
23 members of an organized body or not-for-profit corporation  
24 under the jurisdiction of a city, village, incorporated town,  
25 fire protection district or county, that provides emergency  
26 medical treatment to persons of a defined geographical area.

27 (j) "State employee" means any employee as defined in  
28 Section 14-103.05 of the Illinois Pension Code, as now or  
29 hereafter amended.

30 (k) "Chaplain" means an individual who:

31 (1) is a chaplain of (i) a fire department or (ii) a  
32 police department or other agency consisting of law  
33 enforcement officers; and

34 (2) has been designated a chaplain by (i) the fire

1 department, police department, or other agency or an  
2 officer or body having jurisdiction over the department or  
3 agency or (ii) a labor organization representing the  
4 firemen or law enforcement officers.

5 (1) "Armed Forces member" means an Illinois resident who  
6 is: a member of the Armed Forces of the United States; a member  
7 of the Illinois National Guard while on active military service  
8 pursuant to an order of the President of the United States; or  
9 a member of any reserve component of the Armed Forces of the  
10 United States while on active military service pursuant to an  
11 order of the President of the United States.

12 (Source: P.A. 93-1047, eff. 10-18-04; 93-1073, eff.  
13 1-18-05.)".