



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1518

Introduced 2/22/2007, by Rep. Annazette Collins

SYNOPSIS AS INTRODUCED:

705 ILCS 405/1-7	from Ch. 37, par. 801-7
705 ILCS 405/1-8	from Ch. 37, par. 801-8
705 ILCS 405/1-9	from Ch. 37, par. 801-9
705 ILCS 405/2-10	from Ch. 37, par. 802-10
705 ILCS 405/3-12	from Ch. 37, par. 803-12
705 ILCS 405/4-9	from Ch. 37, par. 804-9
705 ILCS 405/5-105	
705 ILCS 405/5-120	
705 ILCS 405/5-130	
705 ILCS 405/5-401.5	
705 ILCS 405/5-410	
705 ILCS 405/5-901	
705 ILCS 405/5-905	
705 ILCS 405/5-915	
730 ILCS 5/3-2-5	from Ch. 38, par. 1003-2-5
730 ILCS 5/3-10-7	from Ch. 38, par. 1003-10-7
730 ILCS 5/3-19-5	
730 ILCS 5/5-5-3	from Ch. 38, par. 1005-5-3
730 ILCS 5/5-5-3.2	from Ch. 38, par. 1005-5-3.2
730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
730 ILCS 5/5-6-3.1	from Ch. 38, par. 1005-6-3.1
730 ILCS 5/5-7-1	from Ch. 38, par. 1005-7-1
730 ILCS 5/5-8-1.1	from Ch. 38, par. 1005-8-1.1
730 ILCS 5/5-8-1.2	
730 ILCS 5/5-8-6	from Ch. 38, par. 1005-8-6
730 ILCS 150/2	from Ch. 38, par. 222
730 ILCS 150/3	from Ch. 38, par. 223
730 ILCS 154/5	
730 ILCS 154/10	

Amends the Juvenile Court Act of 1987, the Unified Code of Corrections, the Sex Offender Registration Act, and the Child Murderer and Violent Offender Against Youth Registration Act. Provides that persons under 18 years of age (rather than under 17 years of age) who commit offenses are subject to the proceedings under the Act for delinquent minors.

LRB095 07915 RLC 28077 b

A BILL FOR

1 AN ACT in relation to minors.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 1-7, 1-8, 1-9, 2-10, 3-12, 4-9, 5-105, 5-120,
6 5-130, 5-401.5, 5-410, 5-901, 5-905, and 5-915 as follows:

7 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

8 Sec. 1-7. Confidentiality of law enforcement records.

9 (A) Inspection and copying of law enforcement records
10 maintained by law enforcement agencies that relate to a minor
11 who has been arrested or taken into custody before his or her
12 18th ~~17th~~ birthday shall be restricted to the following:

13 (1) Any local, State or federal law enforcement
14 officers of any jurisdiction or agency when necessary for
15 the discharge of their official duties during the
16 investigation or prosecution of a crime or relating to a
17 minor who has been adjudicated delinquent and there has
18 been a previous finding that the act which constitutes the
19 previous offense was committed in furtherance of criminal
20 activities by a criminal street gang. For purposes of this
21 Section, "criminal street gang" has the meaning ascribed to
22 it in Section 10 of the Illinois Streetgang Terrorism
23 Omnibus Prevention Act.

1 (2) Prosecutors, probation officers, social workers,
2 or other individuals assigned by the court to conduct a
3 pre-adjudication or pre-disposition investigation, and
4 individuals responsible for supervising or providing
5 temporary or permanent care and custody for minors pursuant
6 to the order of the juvenile court, when essential to
7 performing their responsibilities.

8 (3) Prosecutors and probation officers:

9 (a) in the course of a trial when institution of
10 criminal proceedings has been permitted or required
11 under Section 5-805; or

12 (b) when institution of criminal proceedings has
13 been permitted or required under Section 5-805 and such
14 minor is the subject of a proceeding to determine the
15 amount of bail; or

16 (c) when criminal proceedings have been permitted
17 or required under Section 5-805 and such minor is the
18 subject of a pre-trial investigation, pre-sentence
19 investigation, fitness hearing, or proceedings on an
20 application for probation.

21 (4) Adult and Juvenile Prisoner Review Board.

22 (5) Authorized military personnel.

23 (6) Persons engaged in bona fide research, with the
24 permission of the Presiding Judge of the Juvenile Court and
25 the chief executive of the respective law enforcement
26 agency; provided that publication of such research results

1 in no disclosure of a minor's identity and protects the
2 confidentiality of the minor's record.

3 (7) Department of Children and Family Services child
4 protection investigators acting in their official
5 capacity.

6 (8) The appropriate school official. Inspection and
7 copying shall be limited to law enforcement records
8 transmitted to the appropriate school official by a local
9 law enforcement agency under a reciprocal reporting system
10 established and maintained between the school district and
11 the local law enforcement agency under Section 10-20.14 of
12 the School Code concerning a minor enrolled in a school
13 within the school district who has been arrested or taken
14 into custody for any of the following offenses:

15 (i) unlawful use of weapons under Section 24-1 of
16 the Criminal Code of 1961;

17 (ii) a violation of the Illinois Controlled
18 Substances Act;

19 (iii) a violation of the Cannabis Control Act;

20 (iv) a forcible felony as defined in Section 2-8 of
21 the Criminal Code of 1961; or

22 (v) a violation of the Methamphetamine Control and
23 Community Protection Act.

24 (9) Mental health professionals on behalf of the
25 Illinois Department of Corrections or the Department of
26 Human Services or prosecutors who are evaluating,

1 prosecuting, or investigating a potential or actual
2 petition brought under the Sexually Violent Persons
3 Commitment Act relating to a person who is the subject of
4 juvenile law enforcement records or the respondent to a
5 petition brought under the Sexually Violent Persons
6 Commitment Act who is the subject of the juvenile law
7 enforcement records sought. Any records and any
8 information obtained from those records under this
9 paragraph (9) may be used only in sexually violent persons
10 commitment proceedings.

11 (B) (1) Except as provided in paragraph (2), no law
12 enforcement officer or other person or agency may knowingly
13 transmit to the Department of Corrections, Adult Division
14 or the Department of State Police or to the Federal Bureau
15 of Investigation any fingerprint or photograph relating to
16 a minor who has been arrested or taken into custody before
17 his or her 18th ~~17th~~ birthday, unless the court in
18 proceedings under this Act authorizes the transmission or
19 enters an order under Section 5-805 permitting or requiring
20 the institution of criminal proceedings.

21 (2) Law enforcement officers or other persons or
22 agencies shall transmit to the Department of State Police
23 copies of fingerprints and descriptions of all minors who
24 have been arrested or taken into custody before their 18th
25 ~~17th~~ birthday for the offense of unlawful use of weapons
26 under Article 24 of the Criminal Code of 1961, a Class X or

1 Class 1 felony, a forcible felony as defined in Section 2-8
2 of the Criminal Code of 1961, or a Class 2 or greater
3 felony under the Cannabis Control Act, the Illinois
4 Controlled Substances Act, the Methamphetamine Control and
5 Community Protection Act, or Chapter 4 of the Illinois
6 Vehicle Code, pursuant to Section 5 of the Criminal
7 Identification Act. Information reported to the Department
8 pursuant to this Section may be maintained with records
9 that the Department files pursuant to Section 2.1 of the
10 Criminal Identification Act. Nothing in this Act prohibits
11 a law enforcement agency from fingerprinting a minor taken
12 into custody or arrested before his or her 18th ~~17th~~
13 birthday for an offense other than those listed in this
14 paragraph (2).

15 (C) The records of law enforcement officers concerning all
16 minors under 18 ~~17~~ years of age must be maintained separate
17 from the records of arrests and may not be open to public
18 inspection or their contents disclosed to the public except by
19 order of the court or when the institution of criminal
20 proceedings has been permitted or required under Section 5-805
21 or such a person has been convicted of a crime and is the
22 subject of pre-sentence investigation or proceedings on an
23 application for probation or when provided by law.

24 (D) Nothing contained in subsection (C) of this Section
25 shall prohibit the inspection or disclosure to victims and
26 witnesses of photographs contained in the records of law

1 enforcement agencies when the inspection and disclosure is
2 conducted in the presence of a law enforcement officer for the
3 purpose of the identification or apprehension of any person
4 subject to the provisions of this Act or for the investigation
5 or prosecution of any crime.

6 (E) Law enforcement officers may not disclose the identity
7 of any minor in releasing information to the general public as
8 to the arrest, investigation or disposition of any case
9 involving a minor.

10 (F) Nothing contained in this Section shall prohibit law
11 enforcement agencies from communicating with each other by
12 letter, memorandum, teletype or intelligence alert bulletin or
13 other means the identity or other relevant information
14 pertaining to a person under 18 ~~17~~ years of age if there are
15 reasonable grounds to believe that the person poses a real and
16 present danger to the safety of the public or law enforcement
17 officers. The information provided under this subsection (F)
18 shall remain confidential and shall not be publicly disclosed,
19 except as otherwise allowed by law.

20 (G) Nothing in this Section shall prohibit the right of a
21 Civil Service Commission or appointing authority of any state,
22 county or municipality examining the character and fitness of
23 an applicant for employment with a law enforcement agency,
24 correctional institution, or fire department from obtaining
25 and examining the records of any law enforcement agency
26 relating to any record of the applicant having been arrested or

1 taken into custody before the applicant's 18th ~~17th~~ birthday.

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

3 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

4 Sec. 1-8. Confidentiality and accessibility of juvenile
5 court records.

6 (A) Inspection and copying of juvenile court records
7 relating to a minor who is the subject of a proceeding under
8 this Act shall be restricted to the following:

9 (1) The minor who is the subject of record, his
10 parents, guardian and counsel.

11 (2) Law enforcement officers and law enforcement
12 agencies when such information is essential to executing an
13 arrest or search warrant or other compulsory process, or to
14 conducting an ongoing investigation or relating to a minor
15 who has been adjudicated delinquent and there has been a
16 previous finding that the act which constitutes the
17 previous offense was committed in furtherance of criminal
18 activities by a criminal street gang.

19 Before July 1, 1994, for the purposes of this Section,
20 "criminal street gang" means any ongoing organization,
21 association, or group of 3 or more persons, whether formal
22 or informal, having as one of its primary activities the
23 commission of one or more criminal acts and that has a
24 common name or common identifying sign, symbol or specific
25 color apparel displayed, and whose members individually or

1 collectively engage in or have engaged in a pattern of
2 criminal activity.

3 Beginning July 1, 1994, for purposes of this Section,
4 "criminal street gang" has the meaning ascribed to it in
5 Section 10 of the Illinois Streetgang Terrorism Omnibus
6 Prevention Act.

7 (3) Judges, hearing officers, prosecutors, probation
8 officers, social workers or other individuals assigned by
9 the court to conduct a pre-adjudication or predisposition
10 investigation, and individuals responsible for supervising
11 or providing temporary or permanent care and custody for
12 minors pursuant to the order of the juvenile court when
13 essential to performing their responsibilities.

14 (4) Judges, prosecutors and probation officers:

15 (a) in the course of a trial when institution of
16 criminal proceedings has been permitted or required
17 under Section 5-805; or

18 (b) when criminal proceedings have been permitted
19 or required under Section 5-805 and a minor is the
20 subject of a proceeding to determine the amount of
21 bail; or

22 (c) when criminal proceedings have been permitted
23 or required under Section 5-805 and a minor is the
24 subject of a pre-trial investigation, pre-sentence
25 investigation or fitness hearing, or proceedings on an
26 application for probation; or

1 (d) when a minor becomes 18 ~~17~~ years of age or
2 older, and is the subject of criminal proceedings,
3 including a hearing to determine the amount of bail, a
4 pre-trial investigation, a pre-sentence investigation,
5 a fitness hearing, or proceedings on an application for
6 probation.

7 (5) Adult and Juvenile Prisoner Review Boards.

8 (6) Authorized military personnel.

9 (7) Victims, their subrogees and legal
10 representatives; however, such persons shall have access
11 only to the name and address of the minor and information
12 pertaining to the disposition or alternative adjustment
13 plan of the juvenile court.

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

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

26 (10) The administrator of a bonafide substance abuse

1 student assistance program with the permission of the
2 presiding judge of the juvenile court.

3 (11) Mental health professionals on behalf of the
4 Illinois Department of Corrections or the Department of
5 Human Services or prosecutors who are evaluating,
6 prosecuting, or investigating a potential or actual
7 petition brought under the Sexually Persons Commitment Act
8 relating to a person who is the subject of juvenile court
9 records or the respondent to a petition brought under the
10 Sexually Violent Persons Commitment Act, who is the subject
11 of juvenile court records sought. Any records and any
12 information obtained from those records under this
13 paragraph (11) may be used only in sexually violent persons
14 commitment proceedings.

15 (B) A minor who is the victim in a juvenile proceeding
16 shall be provided the same confidentiality regarding
17 disclosure of identity as the minor who is the subject of
18 record.

19 (C) Except as otherwise provided in this subsection (C),
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 parents, guardian and
25 counsel shall at all times have the right to examine court
26 files and records.

1 (1) The court shall allow the general public to have
2 access to the name, address, and offense of a minor who is
3 adjudicated a delinquent minor under this Act under either
4 of the following circumstances:

5 (A) The adjudication of delinquency was based upon
6 the minor's commission of first degree murder, attempt
7 to commit first degree murder, aggravated criminal
8 sexual assault, or criminal sexual assault; or

9 (B) The court has made a finding that the minor was
10 at least 13 years of age at the time the act was
11 committed and the adjudication of delinquency was
12 based upon the minor's commission of: (i) an act in
13 furtherance of the commission of a felony as a member
14 of or on behalf of a criminal street gang, (ii) an act
15 involving the use of a firearm in the commission of a
16 felony, (iii) an act that would be a Class X felony
17 offense under or the minor's second or subsequent Class
18 2 or greater felony offense under the Cannabis Control
19 Act if committed by an adult, (iv) an act that would be
20 a second or subsequent offense under Section 402 of the
21 Illinois Controlled Substances Act if committed by an
22 adult, (v) an act that would be an offense under
23 Section 401 of the Illinois Controlled Substances Act
24 if committed by an adult, (vi) an act that would be a
25 second or subsequent offense under Section 60 of the
26 Methamphetamine Control and Community Protection Act,

1 or (vii) an act that would be an offense under another
2 Section of the Methamphetamine Control and Community
3 Protection Act.

4 (2) The court shall allow the general public to have
5 access to the name, address, and offense of a minor who is
6 at least 13 years of age at the time the offense is
7 committed and who is convicted, in criminal proceedings
8 permitted or required under Section 5-4, under either of
9 the following circumstances:

10 (A) The minor has been convicted of first degree
11 murder, attempt to commit first degree murder,
12 aggravated criminal sexual assault, or criminal sexual
13 assault,

14 (B) The court has made a finding that the minor was
15 at least 13 years of age at the time the offense was
16 committed and the conviction was based upon the minor's
17 commission of: (i) an offense in furtherance of the
18 commission of a felony as a member of or on behalf of a
19 criminal street gang, (ii) an offense involving the use
20 of a firearm in the commission of a felony, (iii) a
21 Class X felony offense under or a second or subsequent
22 Class 2 or greater felony offense under the Cannabis
23 Control Act, (iv) a second or subsequent offense under
24 Section 402 of the Illinois Controlled Substances Act,
25 (v) an offense under Section 401 of the Illinois
26 Controlled Substances Act, (vi) an act that would be a

1 second or subsequent offense under Section 60 of the
2 Methamphetamine Control and Community Protection Act,
3 or (vii) an act that would be an offense under another
4 Section of the Methamphetamine Control and Community
5 Protection Act.

6 (D) Pending or following any adjudication of delinquency
7 for any offense defined in Sections 12-13 through 12-16 of the
8 Criminal Code of 1961, the victim of any such offense shall
9 receive the rights set out in Sections 4 and 6 of the Bill of
10 Rights for Victims and Witnesses of Violent Crime Act; and the
11 juvenile who is the subject of the adjudication,
12 notwithstanding any other provision of this Act, shall be
13 treated as an adult for the purpose of affording such rights to
14 the victim.

15 (E) Nothing in this Section shall affect the right of a
16 Civil Service Commission or appointing authority of any state,
17 county or municipality examining the character and fitness of
18 an applicant for employment with a law enforcement agency,
19 correctional institution, or fire department to ascertain
20 whether that applicant was ever adjudicated to be a delinquent
21 minor and, if so, to examine the records of disposition or
22 evidence which were made in proceedings under this Act.

23 (F) 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

1 State's Attorney shall ascertain whether the minor respondent
2 is enrolled in school and, if so, shall provide a copy of the
3 dispositional order to the principal or chief administrative
4 officer of the school. Access to such juvenile records shall be
5 limited to the principal or chief administrative officer of the
6 school and any guidance counselor designated by him.

7 (G) Nothing contained in this Act prevents the sharing or
8 disclosure of information or records relating or pertaining to
9 juveniles subject to the provisions of the Serious Habitual
10 Offender Comprehensive Action Program when that information is
11 used to assist in the early identification and treatment of
12 habitual juvenile offenders.

13 (H) When a Court hearing a proceeding under Article II of
14 this Act becomes aware that an earlier proceeding under Article
15 II had been heard in a different county, that Court shall
16 request, and the Court in which the earlier proceedings were
17 initiated shall transmit, an authenticated copy of the Court
18 record, including all documents, petitions, and orders filed
19 therein and the minute orders, transcript of proceedings, and
20 docket entries of the Court.

21 (I) The Clerk of the Circuit Court shall report to the
22 Department of State Police, in the form and manner required by
23 the Department of State Police, the final disposition of each
24 minor who has been arrested or taken into custody before his or
25 her 18th ~~17th~~ birthday for those offenses required to be
26 reported under Section 5 of the Criminal Identification Act.

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

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

5 (705 ILCS 405/1-9) (from Ch. 37, par. 801-9)

6 Sec. 1-9. Expungement of law enforcement and juvenile court
7 records.

8 (1) Expungement of law enforcement and juvenile court
9 delinquency records shall be governed by Section 5-915.

10 (2) This subsection (2) applies to expungement of law
11 enforcement and juvenile court records other than delinquency
12 proceedings. Whenever any person has attained the age of 18 ~~17~~
13 or whenever all juvenile court proceedings relating to that
14 person have been terminated, whichever is later, the person may
15 petition the court to expunge law enforcement records relating
16 to incidents occurring before his 18th ~~17th~~ birthday or his
17 juvenile court records, or both, if the minor was placed under
18 supervision pursuant to Sections 2-20, 3-21, or 4-18, and such
19 order of supervision has since been successfully terminated.

20 (3) The chief judge of the circuit in which an arrest was
21 made or a charge was brought or any judge of that circuit
22 designated by the chief judge may, upon verified petition of a
23 person who is the subject of an arrest or a juvenile court
24 proceeding pursuant to subsection (2) of this Section, order
25 the law enforcement records or juvenile court records, or both,

1 to be expunged from the official records of the arresting
2 authority and the clerk of the circuit court. Notice of the
3 petition shall be served upon the State's Attorney and upon the
4 arresting authority which is the subject of the petition for
5 expungement.

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

7 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

8 Sec. 2-10. Temporary custody hearing. At the appearance of
9 the minor before the court at the temporary custody hearing,
10 all witnesses present shall be examined before the court in
11 relation to any matter connected with the allegations made in
12 the petition.

13 (1) If the court finds that there is not probable cause to
14 believe that the minor is abused, neglected or dependent it
15 shall release the minor and dismiss the petition.

16 (2) If the court finds that there is probable cause to
17 believe that the minor is abused, neglected or dependent, the
18 court shall state in writing the factual basis supporting its
19 finding and the minor, his or her parent, guardian, custodian
20 and other persons able to give relevant testimony shall be
21 examined before the court. The Department of Children and
22 Family Services shall give testimony concerning indicated
23 reports of abuse and neglect, of which they are aware of
24 through the central registry, involving the minor's parent,
25 guardian or custodian. After such testimony, the court may,

1 consistent with the health, safety and best interests of the
2 minor, enter an order that the minor shall be released upon the
3 request of parent, guardian or custodian if the parent,
4 guardian or custodian appears to take custody. Custodian shall
5 include any agency of the State which has been given custody or
6 wardship of the child. If it is consistent with the health,
7 safety and best interests of the minor, the court may also
8 prescribe shelter care and order that the minor be kept in a
9 suitable place designated by the court or in a shelter care
10 facility designated by the Department of Children and Family
11 Services or a licensed child welfare agency; however, a minor
12 charged with a criminal offense under the Criminal Code of 1961
13 or adjudicated delinquent shall not be placed in the custody of
14 or committed to the Department of Children and Family Services
15 by any court, except a minor less than 13 years of age and
16 committed to the Department of Children and Family Services
17 under Section 5-710 of this Act or a minor for whom an
18 independent basis of abuse, neglect, or dependency exists,
19 which must be defined by departmental rule. In placing the
20 minor, the Department or other agency shall, to the extent
21 compatible with the court's order, comply with Section 7 of the
22 Children and Family Services Act. In determining the health,
23 safety and best interests of the minor to prescribe shelter
24 care, the court must find that it is a matter of immediate and
25 urgent necessity for the safety and protection of the minor or
26 of the person or property of another that the minor be placed

1 in a shelter care facility or that he or she is likely to flee
2 the jurisdiction of the court, and must further find that
3 reasonable efforts have been made or that, consistent with the
4 health, safety and best interests of the minor, no efforts
5 reasonably can be made to prevent or eliminate the necessity of
6 removal of the minor from his or her home. The court shall
7 require documentation from the Department of Children and
8 Family Services as to the reasonable efforts that were made to
9 prevent or eliminate the necessity of removal of the minor from
10 his or her home or the reasons why no efforts reasonably could
11 be made to prevent or eliminate the necessity of removal. When
12 a minor is placed in the home of a relative, the Department of
13 Children and Family Services shall complete a preliminary
14 background review of the members of the minor's custodian's
15 household in accordance with Section 4.3 of the Child Care Act
16 of 1969 within 90 days of that placement. If the minor is
17 ordered placed in a shelter care facility of the Department of
18 Children and Family Services or a licensed child welfare
19 agency, the court shall, upon request of the appropriate
20 Department or other agency, appoint the Department of Children
21 and Family Services Guardianship Administrator or other
22 appropriate agency executive temporary custodian of the minor
23 and the court may enter such other orders related to the
24 temporary custody as it deems fit and proper, including the
25 provision of services to the minor or his family to ameliorate
26 the causes contributing to the finding of probable cause or to

1 the finding of the existence of immediate and urgent necessity.

2 Where the Department of Children and Family Services
3 Guardianship Administrator is appointed as the executive
4 temporary custodian, the Department of Children and Family
5 Services shall file with the court and serve on the parties a
6 parent-child visiting plan, within 10 days, excluding weekends
7 and holidays, after the appointment. The parent-child visiting
8 plan shall set out the time and place of visits, the frequency
9 of visits, the length of visits, who shall be present at the
10 visits, and where appropriate, the minor's opportunities to
11 have telephone and mail communication with the parents. For
12 good cause, the court may waive the requirement to file the
13 parent-child visiting plan or extend the time for filing the
14 parent-child visiting plan. Any party may, by motion, request
15 the court to review the parent-child visiting plan to determine
16 whether it is reasonably calculated to expeditiously
17 facilitate the achievement of the permanency goal and is
18 consistent with the minor's best interest. The frequency,
19 duration, and locations of visitation shall be measured by the
20 needs of the child and family, and not by the convenience of
21 Department personnel. Child development principles shall be
22 considered by the court in its analysis of how frequent
23 visitation should be, how long it should last, where it should
24 take place, and who should be present. If upon motion of the
25 party to review the plan and after receiving evidence, the
26 court determines that the parent-child visiting plan is not

1 reasonably calculated to expeditiously facilitate the
2 achievement of the permanency goal or that the restrictions
3 placed on parent-child contact are contrary to the child's best
4 interests, the court shall put in writing the factual basis
5 supporting the determination and enter specific findings based
6 on the evidence. The court shall enter an order for the
7 Department to implement changes to the parent-child visiting
8 plan, consistent with the court's findings. At any stage of
9 proceeding, any party may by motion request the court to enter
10 any orders necessary to implement the parent-child visiting
11 plan. Nothing under this subsection (2) shall restrict the
12 court from granting discretionary authority to the Department
13 to increase opportunities for additional parent-child
14 contacts, without further court orders. Nothing in this
15 subsection (2) shall restrict the Department from immediately
16 restricting or terminating parent-child contact, without
17 either amending the parent-child visiting plan or obtaining a
18 court order, where the Department or its assigns reasonably
19 believe that continuation of parent-child contact, as set out
20 in the parent-child visiting plan, would be contrary to the
21 child's health, safety, and welfare. The Department shall file
22 with the court and serve on the parties any amendments to the
23 visitation plan within 10 days, excluding weekends and
24 holidays, of the change of the visitation. Any party may, by
25 motion, request the court to review the parent-child visiting
26 plan to determine whether the parent-child visiting plan is

1 reasonably calculated to expeditiously facilitate the
2 achievement of the permanency goal, and is consistent with the
3 minor's health, safety, and best interest.

4 Acceptance of services shall not be considered an admission
5 of any allegation in a petition made pursuant to this Act, nor
6 may a referral of services be considered as evidence in any
7 proceeding pursuant to this Act, except where the issue is
8 whether the Department has made reasonable efforts to reunite
9 the family. In making its findings that it is consistent with
10 the health, safety and best interests of the minor to prescribe
11 shelter care, the court shall state in writing (i) the factual
12 basis supporting its findings concerning the immediate and
13 urgent necessity for the protection of the minor or of the
14 person or property of another and (ii) the factual basis
15 supporting its findings that reasonable efforts were made to
16 prevent or eliminate the removal of the minor from his or her
17 home or that no efforts reasonably could be made to prevent or
18 eliminate the removal of the minor from his or her home. The
19 parents, guardian, custodian, temporary custodian and minor
20 shall each be furnished a copy of such written findings. The
21 temporary custodian shall maintain a copy of the court order
22 and written findings in the case record for the child. The
23 order together with the court's findings of fact in support
24 thereof shall be entered of record in the court.

25 Once the court finds that it is a matter of immediate and
26 urgent necessity for the protection of the minor that the minor

1 be placed in a shelter care facility, the minor shall not be
2 returned to the parent, custodian or guardian until the court
3 finds that such placement is no longer necessary for the
4 protection of the minor.

5 If the child is placed in the temporary custody of the
6 Department of Children and Family Services for his or her
7 protection, the court shall admonish the parents, guardian,
8 custodian or responsible relative that the parents must
9 cooperate with the Department of Children and Family Services,
10 comply with the terms of the service plans, and correct the
11 conditions which require the child to be in care, or risk
12 termination of their parental rights.

13 (3) If prior to the shelter care hearing for a minor
14 described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is
15 unable to serve notice on the party respondent, the shelter
16 care hearing may proceed ex-parte. A shelter care order from an
17 ex-parte hearing shall be endorsed with the date and hour of
18 issuance and shall be filed with the clerk's office and entered
19 of record. The order shall expire after 10 days from the time
20 it is issued unless before its expiration it is renewed, at a
21 hearing upon appearance of the party respondent, or upon an
22 affidavit of the moving party as to all diligent efforts to
23 notify the party respondent by notice as herein prescribed. The
24 notice prescribed shall be in writing and shall be personally
25 delivered to the minor or the minor's attorney and to the last
26 known address of the other person or persons entitled to

1 notice. The notice shall also state the nature of the
 2 allegations, the nature of the order sought by the State,
 3 including whether temporary custody is sought, and the
 4 consequences of failure to appear and shall contain a notice
 5 that the parties will not be entitled to further written
 6 notices or publication notices of proceedings in this case,
 7 including the filing of an amended petition or a motion to
 8 terminate parental rights, except as required by Supreme Court
 9 Rule 11; and shall explain the right of the parties and the
 10 procedures to vacate or modify a shelter care order as provided
 11 in this Section. The notice for a shelter care hearing shall be
 12 substantially as follows:

13 NOTICE TO PARENTS AND CHILDREN
 14 OF SHELTER CARE HEARING

15 On at, before the Honorable
 16, (address:), the State
 17 of Illinois will present evidence (1) that (name of child
 18 or children) are abused, neglected
 19 or dependent for the following reasons:

20 and (2)
 21 that there is "immediate and urgent necessity" to remove
 22 the child or children from the responsible relative.

23 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
 24 PLACEMENT of the child or children in foster care until a
 25 trial can be held. A trial may not be held for up to 90
 26 days. You will not be entitled to further notices of

1 proceedings in this case, including the filing of an
2 amended petition or a motion to terminate parental rights.

3 At the shelter care hearing, parents have the following
4 rights:

5 1. To ask the court to appoint a lawyer if they
6 cannot afford one.

7 2. To ask the court to continue the hearing to
8 allow them time to prepare.

9 3. To present evidence concerning:

10 a. Whether or not the child or children were
11 abused, neglected or dependent.

12 b. Whether or not there is "immediate and
13 urgent necessity" to remove the child from home
14 (including: their ability to care for the child,
15 conditions in the home, alternative means of
16 protecting the child other than removal).

17 c. The best interests of the child.

18 4. To cross examine the State's witnesses.

19 The Notice for rehearings shall be substantially as
20 follows:

21 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

22 TO REHEARING ON TEMPORARY CUSTODY

23 If you were not present at and did not have adequate
24 notice of the Shelter Care Hearing at which temporary
25 custody of was awarded to

1 , you have the right to request a full
 2 rehearing on whether the State should have temporary
 3 custody of To request this rehearing,
 4 you must file with the Clerk of the Juvenile Court
 5 (address): , in person or by
 6 mailing a statement (affidavit) setting forth the
 7 following:

- 8 1. That you were not present at the shelter care
- 9 hearing.
- 10 2. That you did not get adequate notice (explaining
- 11 how the notice was inadequate).
- 12 3. Your signature.
- 13 4. Signature must be notarized.

14 The rehearing should be scheduled within 48 hours of
 15 your filing this affidavit.

16 At the rehearing, your rights are the same as at the
 17 initial shelter care hearing. The enclosed notice explains
 18 those rights.

19 At the Shelter Care Hearing, children have the
 20 following rights:

- 21 1. To have a guardian ad litem appointed.
- 22 2. To be declared competent as a witness and to
- 23 present testimony concerning:
- 24 a. Whether they are abused, neglected or
- 25 dependent.
- 26 b. Whether there is "immediate and urgent

1 necessity" to be removed from home.

2 c. Their best interests.

3 3. To cross examine witnesses for other parties.

4 4. To obtain an explanation of any proceedings and
5 orders of the court.

6 (4) If the parent, guardian, legal custodian, responsible
7 relative, minor age 8 or over, or counsel of the minor did not
8 have actual notice of or was not present at the shelter care
9 hearing, he or she may file an affidavit setting forth these
10 facts, and the clerk shall set the matter for rehearing not
11 later than 48 hours, excluding Sundays and legal holidays,
12 after the filing of the affidavit. At the rehearing, the court
13 shall proceed in the same manner as upon the original hearing.

14 (5) Only when there is reasonable cause to believe that the
15 minor taken into custody is a person described in subsection
16 (3) of Section 5-105 may the minor be kept or detained in a
17 detention home or county or municipal jail. This Section shall
18 in no way be construed to limit subsection (6).

19 (6) No minor under 16 years of age may be confined in a
20 jail or place ordinarily used for the confinement of prisoners
21 in a police station. Minors under 18 ~~17~~ years of age must be
22 kept separate from confined adults and may not at any time be
23 kept in the same cell, room, or yard with adults confined
24 pursuant to the criminal law.

25 (7) If the minor is not brought before a judicial officer
26 within the time period as specified in Section 2-9, the minor

1 must immediately be released from custody.

2 (8) If neither the parent, guardian or custodian appears
3 within 24 hours to take custody of a minor released upon
4 request pursuant to subsection (2) of this Section, then the
5 clerk of the court shall set the matter for rehearing not later
6 than 7 days after the original order and shall issue a summons
7 directed to the parent, guardian or custodian to appear. At the
8 same time the probation department shall prepare a report on
9 the minor. If a parent, guardian or custodian does not appear
10 at such rehearing, the judge may enter an order prescribing
11 that the minor be kept in a suitable place designated by the
12 Department of Children and Family Services or a licensed child
13 welfare agency.

14 (9) Notwithstanding any other provision of this Section any
15 interested party, including the State, the temporary
16 custodian, an agency providing services to the minor or family
17 under a service plan pursuant to Section 8.2 of the Abused and
18 Neglected Child Reporting Act, foster parent, or any of their
19 representatives, on notice to all parties entitled to notice,
20 may file a motion that it is in the best interests of the minor
21 to modify or vacate a temporary custody order on any of the
22 following grounds:

23 (a) It is no longer a matter of immediate and urgent
24 necessity that the minor remain in shelter care; or

25 (b) There is a material change in the circumstances of
26 the natural family from which the minor was removed and the

1 child can be cared for at home without endangering the
2 child's health or safety; or

3 (c) A person not a party to the alleged abuse, neglect
4 or dependency, including a parent, relative or legal
5 guardian, is capable of assuming temporary custody of the
6 minor; or

7 (d) Services provided by the Department of Children and
8 Family Services or a child welfare agency or other service
9 provider have been successful in eliminating the need for
10 temporary custody and the child can be cared for at home
11 without endangering the child's health or safety.

12 In ruling on the motion, the court shall determine whether
13 it is consistent with the health, safety and best interests of
14 the minor to modify or vacate a temporary custody order.

15 The clerk shall set the matter for hearing not later than
16 14 days after such motion is filed. In the event that the court
17 modifies or vacates a temporary custody order but does not
18 vacate its finding of probable cause, the court may order that
19 appropriate services be continued or initiated in behalf of the
20 minor and his or her family.

21 (10) When the court finds or has found that there is
22 probable cause to believe a minor is an abused minor as
23 described in subsection (2) of Section 2-3 and that there is an
24 immediate and urgent necessity for the abused minor to be
25 placed in shelter care, immediate and urgent necessity shall be
26 presumed for any other minor residing in the same household as

1 the abused minor provided:

2 (a) Such other minor is the subject of an abuse or
3 neglect petition pending before the court; and

4 (b) A party to the petition is seeking shelter care for
5 such other minor.

6 Once the presumption of immediate and urgent necessity has
7 been raised, the burden of demonstrating the lack of immediate
8 and urgent necessity shall be on any party that is opposing
9 shelter care for the other minor.

10 (Source: P.A. 94-604, eff. 1-1-06.)

11 (705 ILCS 405/3-12) (from Ch. 37, par. 803-12)

12 Sec. 3-12. Shelter care hearing. At the appearance of the
13 minor before the court at the shelter care hearing, all
14 witnesses present shall be examined before the court in
15 relation to any matter connected with the allegations made in
16 the petition.

17 (1) If the court finds that there is not probable cause to
18 believe that the minor is a person requiring authoritative
19 intervention, it shall release the minor and dismiss the
20 petition.

21 (2) If the court finds that there is probable cause to
22 believe that the minor is a person requiring authoritative
23 intervention, the minor, his or her parent, guardian, custodian
24 and other persons able to give relevant testimony shall be
25 examined before the court. After such testimony, the court may

1 enter an order that the minor shall be released upon the
2 request of a parent, guardian or custodian if the parent,
3 guardian or custodian appears to take custody. Custodian shall
4 include any agency of the State which has been given custody or
5 wardship of the child. The Court shall require documentation by
6 representatives of the Department of Children and Family
7 Services or the probation department as to the reasonable
8 efforts that were made to prevent or eliminate the necessity of
9 removal of the minor from his or her home, and shall consider
10 the testimony of any person as to those reasonable efforts. If
11 the court finds that it is a matter of immediate and urgent
12 necessity for the protection of the minor or of the person or
13 property of another that the minor be placed in a shelter care
14 facility, or that he or she is likely to flee the jurisdiction
15 of the court, and further finds that reasonable efforts have
16 been made or good cause has been shown why reasonable efforts
17 cannot prevent or eliminate the necessity of removal of the
18 minor from his or her home, the court may prescribe shelter
19 care and order that the minor be kept in a suitable place
20 designated by the court or in a shelter care facility
21 designated by the Department of Children and Family Services or
22 a licensed child welfare agency; otherwise it shall release the
23 minor from custody. If the court prescribes shelter care, then
24 in placing the minor, the Department or other agency shall, to
25 the extent compatible with the court's order, comply with
26 Section 7 of the Children and Family Services Act. If the minor

1 is ordered placed in a shelter care facility of the Department
2 of Children and Family Services or a licensed child welfare
3 agency, the court shall, upon request of the Department or
4 other agency, appoint the Department of Children and Family
5 Services Guardianship Administrator or other appropriate
6 agency executive temporary custodian of the minor and the court
7 may enter such other orders related to the temporary custody as
8 it deems fit and proper, including the provision of services to
9 the minor or his family to ameliorate the causes contributing
10 to the finding of probable cause or to the finding of the
11 existence of immediate and urgent necessity. Acceptance of
12 services shall not be considered an admission of any allegation
13 in a petition made pursuant to this Act, nor may a referral of
14 services be considered as evidence in any proceeding pursuant
15 to this Act, except where the issue is whether the Department
16 has made reasonable efforts to reunite the family. In making
17 its findings that reasonable efforts have been made or that
18 good cause has been shown why reasonable efforts cannot prevent
19 or eliminate the necessity of removal of the minor from his or
20 her home, the court shall state in writing its findings
21 concerning the nature of the services that were offered or the
22 efforts that were made to prevent removal of the child and the
23 apparent reasons that such services or efforts could not
24 prevent the need for removal. The parents, guardian, custodian,
25 temporary custodian and minor shall each be furnished a copy of
26 such written findings. The temporary custodian shall maintain a

1 copy of the court order and written findings in the case record
2 for the child.

3 The order together with the court's findings of fact and
4 support thereof shall be entered of record in the court.

5 Once the court finds that it is a matter of immediate and
6 urgent necessity for the protection of the minor that the minor
7 be placed in a shelter care facility, the minor shall not be
8 returned to the parent, custodian or guardian until the court
9 finds that such placement is no longer necessary for the
10 protection of the minor.

11 (3) If prior to the shelter care hearing for a minor
12 described in Sections 2-3, 2-4, 3-3 and 4-3 the petitioner is
13 unable to serve notice on the party respondent, the shelter
14 care hearing may proceed ex-parte. A shelter care order from an
15 ex-parte hearing shall be endorsed with the date and hour of
16 issuance and shall be filed with the clerk's office and entered
17 of record. The order shall expire after 10 days from the time
18 it is issued unless before its expiration it is renewed, at a
19 hearing upon appearance of the party respondent, or upon an
20 affidavit of the moving party as to all diligent efforts to
21 notify the party respondent by notice as herein prescribed. The
22 notice prescribed shall be in writing and shall be personally
23 delivered to the minor or the minor's attorney and to the last
24 known address of the other person or persons entitled to
25 notice. The notice shall also state the nature of the
26 allegations, the nature of the order sought by the State,

1 including whether temporary custody is sought, and the
 2 consequences of failure to appear; and shall explain the right
 3 of the parties and the procedures to vacate or modify a shelter
 4 care order as provided in this Section. The notice for a
 5 shelter care hearing shall be substantially as follows:

6 NOTICE TO PARENTS AND CHILDREN OF SHELTER CARE HEARING

7 On at, before the Honorable
 8, (address:), the State of
 9 Illinois will present evidence (1) that (name of child or
 10 children) are abused, neglected or
 11 dependent for the following reasons:

12
 13 and (2) that there is "immediate and urgent necessity" to
 14 remove the child or children from the responsible relative.

15 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
 16 PLACEMENT of the child or children in foster care until a trial
 17 can be held. A trial may not be held for up to 90 days.

18 At the shelter care hearing, parents have the following
 19 rights:

- 20 1. To ask the court to appoint a lawyer if they cannot
- 21 afford one.
- 22 2. To ask the court to continue the hearing to allow
- 23 them time to prepare.
- 24 3. To present evidence concerning:
 - 25 a. Whether or not the child or children were
 - 26 abused, neglected or dependent.

1 b. Whether or not there is "immediate and urgent
 2 necessity" to remove the child from home (including:
 3 their ability to care for the child, conditions in the
 4 home, alternative means of protecting the child other
 5 than removal).

6 c. The best interests of the child.

7 4. To cross examine the State's witnesses.

8 The Notice for rehearings shall be substantially as
 9 follows:

10 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS
 11 TO REHEARING ON TEMPORARY CUSTODY

12 If you were not present at and did not have adequate notice
 13 of the Shelter Care Hearing at which temporary custody of
 14 was awarded to, you have the
 15 right to request a full rehearing on whether the State should
 16 have temporary custody of To request this
 17 rehearing, you must file with the Clerk of the Juvenile Court
 18 (address):, in person or by mailing a
 19 statement (affidavit) setting forth the following:

20 1. That you were not present at the shelter care
 21 hearing.

22 2. That you did not get adequate notice (explaining how
 23 the notice was inadequate).

24 3. Your signature.

25 4. Signature must be notarized.

26 The rehearing should be scheduled within one day of your

1 filing this affidavit.

2 At the rehearing, your rights are the same as at the
3 initial shelter care hearing. The enclosed notice explains
4 those rights.

5 At the Shelter Care Hearing, children have the following
6 rights:

7 1. To have a guardian ad litem appointed.

8 2. To be declared competent as a witness and to present
9 testimony concerning:

10 a. Whether they are abused, neglected or
11 dependent.

12 b. Whether there is "immediate and urgent
13 necessity" to be removed from home.

14 c. Their best interests.

15 3. To cross examine witnesses for other parties.

16 4. To obtain an explanation of any proceedings and
17 orders of the court.

18 (4) If the parent, guardian, legal custodian, responsible
19 relative, or counsel of the minor did not have actual notice of
20 or was not present at the shelter care hearing, he or she may
21 file an affidavit setting forth these facts, and the clerk
22 shall set the matter for rehearing not later than 48 hours,
23 excluding Sundays and legal holidays, after the filing of the
24 affidavit. At the rehearing, the court shall proceed in the
25 same manner as upon the original hearing.

26 (5) Only when there is reasonable cause to believe that the

1 minor taken into custody is a person described in subsection
2 (3) of Section 5-105 may the minor be kept or detained in a
3 detention home or county or municipal jail. This Section shall
4 in no way be construed to limit subsection (6).

5 (6) No minor under 16 years of age may be confined in a
6 jail or place ordinarily used for the confinement of prisoners
7 in a police station. Minors under 18 ~~17~~ years of age must be
8 kept separate from confined adults and may not at any time be
9 kept in the same cell, room, or yard with adults confined
10 pursuant to the criminal law.

11 (7) If the minor is not brought before a judicial officer
12 within the time period specified in Section 3-11, the minor
13 must immediately be released from custody.

14 (8) If neither the parent, guardian or custodian appears
15 within 24 hours to take custody of a minor released upon
16 request pursuant to subsection (2) of this Section, then the
17 clerk of the court shall set the matter for rehearing not later
18 than 7 days after the original order and shall issue a summons
19 directed to the parent, guardian or custodian to appear. At the
20 same time the probation department shall prepare a report on
21 the minor. If a parent, guardian or custodian does not appear
22 at such rehearing, the judge may enter an order prescribing
23 that the minor be kept in a suitable place designated by the
24 Department of Children and Family Services or a licensed child
25 welfare agency.

26 (9) Notwithstanding any other provision of this Section,

1 any interested party, including the State, the temporary
2 custodian, an agency providing services to the minor or family
3 under a service plan pursuant to Section 8.2 of the Abused and
4 Neglected Child Reporting Act, foster parent, or any of their
5 representatives, on notice to all parties entitled to notice,
6 may file a motion to modify or vacate a temporary custody order
7 on any of the following grounds:

8 (a) It is no longer a matter of immediate and urgent
9 necessity that the minor remain in shelter care; or

10 (b) There is a material change in the circumstances of
11 the natural family from which the minor was removed; or

12 (c) A person, including a parent, relative or legal
13 guardian, is capable of assuming temporary custody of the
14 minor; or

15 (d) Services provided by the Department of Children and
16 Family Services or a child welfare agency or other service
17 provider have been successful in eliminating the need for
18 temporary custody.

19 The clerk shall set the matter for hearing not later than
20 14 days after such motion is filed. In the event that the court
21 modifies or vacates a temporary custody order but does not
22 vacate its finding of probable cause, the court may order that
23 appropriate services be continued or initiated in behalf of the
24 minor and his or her family.

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

1 (705 ILCS 405/4-9) (from Ch. 37, par. 804-9)

2 Sec. 4-9. Shelter care hearing. At the appearance of the
3 minor before the court at the shelter care hearing, all
4 witnesses present shall be examined before the court in
5 relation to any matter connected with the allegations made in
6 the petition.

7 (1) If the court finds that there is not probable cause to
8 believe that the minor is addicted, it shall release the minor
9 and dismiss the petition.

10 (2) If the court finds that there is probable cause to
11 believe that the minor is addicted, the minor, his or her
12 parent, guardian, custodian and other persons able to give
13 relevant testimony shall be examined before the court. After
14 such testimony, the court may enter an order that the minor
15 shall be released upon the request of a parent, guardian or
16 custodian if the parent, guardian or custodian appears to take
17 custody and agrees to abide by a court order which requires the
18 minor and his or her parent, guardian, or legal custodian to
19 complete an evaluation by an entity licensed by the Department
20 of Human Services, as the successor to the Department of
21 Alcoholism and Substance Abuse, and complete any treatment
22 recommendations indicated by the assessment. Custodian shall
23 include any agency of the State which has been given custody or
24 wardship of the child.

25 The Court shall require documentation by representatives
26 of the Department of Children and Family Services or the

1 probation department as to the reasonable efforts that were
2 made to prevent or eliminate the necessity of removal of the
3 minor from his or her home, and shall consider the testimony of
4 any person as to those reasonable efforts. If the court finds
5 that it is a matter of immediate and urgent necessity for the
6 protection of the minor or of the person or property of another
7 that the minor be or placed in a shelter care facility or that
8 he or she is likely to flee the jurisdiction of the court, and
9 further, finds that reasonable efforts have been made or good
10 cause has been shown why reasonable efforts cannot prevent or
11 eliminate the necessity of removal of the minor from his or her
12 home, the court may prescribe shelter care and order that the
13 minor be kept in a suitable place designated by the court or in
14 a shelter care facility designated by the Department of
15 Children and Family Services or a licensed child welfare
16 agency, or in a facility or program licensed by the Department
17 of Human Services for shelter and treatment services; otherwise
18 it shall release the minor from custody. If the court
19 prescribes shelter care, then in placing the minor, the
20 Department or other agency shall, to the extent compatible with
21 the court's order, comply with Section 7 of the Children and
22 Family Services Act. If the minor is ordered placed in a
23 shelter care facility of the Department of Children and Family
24 Services or a licensed child welfare agency, or in a facility
25 or program licensed by the Department of Human Services for
26 shelter and treatment services, the court shall, upon request

1 of the appropriate Department or other agency, appoint the
2 Department of Children and Family Services Guardianship
3 Administrator or other appropriate agency executive temporary
4 custodian of the minor and the court may enter such other
5 orders related to the temporary custody as it deems fit and
6 proper, including the provision of services to the minor or his
7 family to ameliorate the causes contributing to the finding of
8 probable cause or to the finding of the existence of immediate
9 and urgent necessity. Acceptance of services shall not be
10 considered an admission of any allegation in a petition made
11 pursuant to this Act, nor may a referral of services be
12 considered as evidence in any proceeding pursuant to this Act,
13 except where the issue is whether the Department has made
14 reasonable efforts to reunite the family. In making its
15 findings that reasonable efforts have been made or that good
16 cause has been shown why reasonable efforts cannot prevent or
17 eliminate the necessity of removal of the minor from his or her
18 home, the court shall state in writing its findings concerning
19 the nature of the services that were offered or the efforts
20 that were made to prevent removal of the child and the apparent
21 reasons that such services or efforts could not prevent the
22 need for removal. The parents, guardian, custodian, temporary
23 custodian and minor shall each be furnished a copy of such
24 written findings. The temporary custodian shall maintain a copy
25 of the court order and written findings in the case record for
26 the child. The order together with the court's findings of fact

1 in support thereof shall be entered of record in the court.

2 Once the court finds that it is a matter of immediate and
3 urgent necessity for the protection of the minor that the minor
4 be placed in a shelter care facility, the minor shall not be
5 returned to the parent, custodian or guardian until the court
6 finds that such placement is no longer necessary for the
7 protection of the minor.

8 (3) If neither the parent, guardian, legal custodian,
9 responsible relative nor counsel of the minor has had actual
10 notice of or is present at the shelter care hearing, he or she
11 may file his or her affidavit setting forth these facts, and
12 the clerk shall set the matter for rehearing not later than 24
13 hours, excluding Sundays and legal holidays, after the filing
14 of the affidavit. At the rehearing, the court shall proceed in
15 the same manner as upon the original hearing.

16 (4) If the minor is not brought before a judicial officer
17 within the time period as specified in Section 4-8, the minor
18 must immediately be released from custody.

19 (5) Only when there is reasonable cause to believe that the
20 minor taken into custody is a person described in subsection
21 (3) of Section 5-105 may the minor be kept or detained in a
22 detention home or county or municipal jail. This Section shall
23 in no way be construed to limit subsection (6).

24 (6) No minor under 16 years of age may be confined in a
25 jail or place ordinarily used for the confinement of prisoners
26 in a police station. Minors under 18 ~~17~~ years of age must be

1 kept separate from confined adults and may not at any time be
2 kept in the same cell, room or yard with adults confined
3 pursuant to the criminal law.

4 (7) If neither the parent, guardian or custodian appears
5 within 24 hours to take custody of a minor released upon
6 request pursuant to subsection (2) of this Section, then the
7 clerk of the court shall set the matter for rehearing not later
8 than 7 days after the original order and shall issue a summons
9 directed to the parent, guardian or custodian to appear. At the
10 same time the probation department shall prepare a report on
11 the minor. If a parent, guardian or custodian does not appear
12 at such rehearing, the judge may enter an order prescribing
13 that the minor be kept in a suitable place designated by the
14 Department of Children and Family Services or a licensed child
15 welfare agency.

16 (8) Any interested party, including the State, the
17 temporary custodian, an agency providing services to the minor
18 or family under a service plan pursuant to Section 8.2 of the
19 Abused and Neglected Child Reporting Act, foster parent, or any
20 of their representatives, may file a motion to modify or vacate
21 a temporary custody order on any of the following grounds:

22 (a) It is no longer a matter of immediate and urgent
23 necessity that the minor remain in shelter care; or

24 (b) There is a material change in the circumstances of
25 the natural family from which the minor was removed; or

26 (c) A person, including a parent, relative or legal

1 guardian, is capable of assuming temporary custody of the
2 minor; or

3 (d) Services provided by the Department of Children and
4 Family Services or a child welfare agency or other service
5 provider have been successful in eliminating the need for
6 temporary custody.

7 The clerk shall set the matter for hearing not later than
8 14 days after such motion is filed. In the event that the court
9 modifies or vacates a temporary custody order but does not
10 vacate its finding of probable cause, the court may order that
11 appropriate services be continued or initiated in behalf of the
12 minor and his or her family.

13 (Source: P.A. 89-422; 89-507, eff. 7-1-97; 90-590, eff.
14 1-1-99.)

15 (705 ILCS 405/5-105)

16 Sec. 5-105. Definitions. As used in this Article:

17 (1) "Court" means the circuit court in a session or
18 division assigned to hear proceedings under this Act, and
19 includes the term Juvenile Court.

20 (2) "Community service" means uncompensated labor for a
21 community service agency as hereinafter defined.

22 (2.5) "Community service agency" means a not-for-profit
23 organization, community organization, church, charitable
24 organization, individual, public office, or other public body
25 whose purpose is to enhance the physical or mental health of a

1 delinquent minor or to rehabilitate the minor, or to improve
2 the environmental quality or social welfare of the community
3 which agrees to accept community service from juvenile
4 delinquents and to report on the progress of the community
5 service to the State's Attorney pursuant to an agreement or to
6 the court or to any agency designated by the court or to the
7 authorized diversion program that has referred the delinquent
8 minor for community service.

9 (3) "Delinquent minor" means any minor who prior to his or
10 her 18th ~~17th~~ birthday has violated or attempted to violate,
11 regardless of where the act occurred, any federal or State law,
12 county or municipal ordinance.

13 (4) "Department" means the Department of Human Services
14 unless specifically referenced as another department.

15 (5) "Detention" means the temporary care of a minor who is
16 alleged to be or has been adjudicated delinquent and who
17 requires secure custody for the minor's own protection or the
18 community's protection in a facility designed to physically
19 restrict the minor's movements, pending disposition by the
20 court or execution of an order of the court for placement or
21 commitment. Design features that physically restrict movement
22 include, but are not limited to, locked rooms and the secure
23 handcuffing of a minor to a rail or other stationary object. In
24 addition, "detention" includes the court ordered care of an
25 alleged or adjudicated delinquent minor who requires secure
26 custody pursuant to Section 5-125 of this Act.

1 (6) "Diversion" means the referral of a juvenile, without
2 court intervention, into a program that provides services
3 designed to educate the juvenile and develop a productive and
4 responsible approach to living in the community.

5 (7) "Juvenile detention home" means a public facility with
6 specially trained staff that conforms to the county juvenile
7 detention standards promulgated by the Department of
8 Corrections.

9 (8) "Juvenile justice continuum" means a set of delinquency
10 prevention programs and services designed for the purpose of
11 preventing or reducing delinquent acts, including criminal
12 activity by youth gangs, as well as intervention,
13 rehabilitation, and prevention services targeted at minors who
14 have committed delinquent acts, and minors who have previously
15 been committed to residential treatment programs for
16 delinquents. The term includes children-in-need-of-services
17 and families-in-need-of-services programs; aftercare and
18 reentry services; substance abuse and mental health programs;
19 community service programs; community service work programs;
20 and alternative-dispute resolution programs serving
21 youth-at-risk of delinquency and their families, whether
22 offered or delivered by State or local governmental entities,
23 public or private for-profit or not-for-profit organizations,
24 or religious or charitable organizations. This term would also
25 encompass any program or service consistent with the purpose of
26 those programs and services enumerated in this subsection.

1 (9) "Juvenile police officer" means a sworn police officer
2 who has completed a Basic Recruit Training Course, has been
3 assigned to the position of juvenile police officer by his or
4 her chief law enforcement officer and has completed the
5 necessary juvenile officers training as prescribed by the
6 Illinois Law Enforcement Training Standards Board, or in the
7 case of a State police officer, juvenile officer training
8 approved by the Director of State Police.

9 (10) "Minor" means a person under the age of 21 years
10 subject to this Act.

11 (11) "Non-secure custody" means confinement where the
12 minor is not physically restricted by being placed in a locked
13 cell or room, by being handcuffed to a rail or other stationary
14 object, or by other means. Non-secure custody may include, but
15 is not limited to, electronic monitoring, foster home
16 placement, home confinement, group home placement, or physical
17 restriction of movement or activity solely through facility
18 staff.

19 (12) "Public or community service" means uncompensated
20 labor for a not-for-profit organization or public body whose
21 purpose is to enhance physical or mental stability of the
22 offender, environmental quality or the social welfare and which
23 agrees to accept public or community service from offenders and
24 to report on the progress of the offender and the public or
25 community service to the court or to the authorized diversion
26 program that has referred the offender for public or community

1 service.

2 (13) "Sentencing hearing" means a hearing to determine
3 whether a minor should be adjudged a ward of the court, and to
4 determine what sentence should be imposed on the minor. It is
5 the intent of the General Assembly that the term "sentencing
6 hearing" replace the term "dispositional hearing" and be
7 synonymous with that definition as it was used in the Juvenile
8 Court Act of 1987.

9 (14) "Shelter" means the temporary care of a minor in
10 physically unrestricting facilities pending court disposition
11 or execution of court order for placement.

12 (15) "Site" means a not-for-profit organization, public
13 body, church, charitable organization, or individual agreeing
14 to accept community service from offenders and to report on the
15 progress of ordered or required public or community service to
16 the court or to the authorized diversion program that has
17 referred the offender for public or community service.

18 (16) "Station adjustment" means the informal or formal
19 handling of an alleged offender by a juvenile police officer.

20 (17) "Trial" means a hearing to determine whether the
21 allegations of a petition under Section 5-520 that a minor is
22 delinquent are proved beyond a reasonable doubt. It is the
23 intent of the General Assembly that the term "trial" replace
24 the term "adjudicatory hearing" and be synonymous with that
25 definition as it was used in the Juvenile Court Act of 1987.

26 (Source: P.A. 90-590, eff. 1-1-99; 91-820, eff. 6-13-00.)

1 (705 ILCS 405/5-120)

2 Sec. 5-120. Exclusive jurisdiction. Proceedings may be
3 instituted under the provisions of this Article concerning any
4 minor who prior to the minor's 18th ~~17th~~ birthday has violated
5 or attempted to violate, regardless of where the act occurred,
6 any federal or State law or municipal or county ordinance.
7 Except as provided in Sections 5-125, 5-130, 5-805, and 5-810
8 of this Article, no minor who was under 18 ~~17~~ years of age at
9 the time of the alleged offense may be prosecuted under the
10 criminal laws of this State.

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

12 (705 ILCS 405/5-130)

13 Sec. 5-130. Excluded jurisdiction.

14 (1) (a) The definition of delinquent minor under Section
15 5-120 of this Article shall not apply to any minor who at the
16 time of an offense was at least 15 years of age and who is
17 charged with: (i) first degree murder, (ii) aggravated criminal
18 sexual assault, (iii) aggravated battery with a firearm where
19 the minor personally discharged a firearm as defined in Section
20 2-15.5 of the Criminal Code of 1961, (iv) armed robbery when
21 the armed robbery was committed with a firearm, or (v)
22 aggravated vehicular hijacking when the hijacking was
23 committed with a firearm.

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

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

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

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

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

23 (ii) If after trial or plea the court finds that the minor
24 committed an offense not covered by paragraph (a) of this
25 subsection (1), that finding shall not invalidate the verdict
26 or the prosecution of the minor under the criminal laws of the

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

26 (2) (Blank).

1 (3) (a) The definition of delinquent minor under Section
2 5-120 of this Article shall not apply to any minor who at the
3 time of the offense was at least 15 years of age and who is
4 charged with a violation of the provisions of paragraph (1),
5 (3), (4), or (10) of subsection (a) of Section 24-1 of the
6 Criminal Code of 1961 while in school, regardless of the time
7 of day or the time of year, or on the real property comprising
8 any school, regardless of the time of day or the time of year.
9 School is defined, for purposes of this Section as any public
10 or private elementary or secondary school, community college,
11 college, or university. These charges and all other charges
12 arising out of the same incident shall be prosecuted under the
13 criminal laws of this State.

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

23 (ii) If before trial or plea an information or indictment
24 is filed that includes one or more charges specified in
25 paragraph (a) of this subsection (3) and additional charges
26 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

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

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

20 (b) (i) If before trial or plea an information or
21 indictment is filed that does not charge first degree murder
22 committed during the course of aggravated criminal sexual
23 assault, criminal sexual assault, or aggravated kidnaping, the
24 State's Attorney may proceed on any lesser charge or charges,
25 but only in Juvenile Court under the provisions of this
26 Article. The State's Attorney may proceed under the criminal

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

5 (ii) If before trial or plea an information or indictment
6 is filed that includes first degree murder committed during the
7 course of aggravated criminal sexual assault, criminal sexual
8 assault, or aggravated kidnaping, and additional charges that
9 are not specified in paragraph (a) of this subsection, all of
10 the charges arising out of the same incident shall be
11 prosecuted under the criminal laws of this State.

12 (c) (i) If after trial or plea the minor is convicted of
13 first degree murder committed during the course of aggravated
14 criminal sexual assault, criminal sexual assault, or
15 aggravated kidnaping, in sentencing the minor, the court shall
16 have available any or all dispositions prescribed for that
17 offense under Chapter V of the Unified Code of Corrections.

18 (ii) If the minor was not yet 15 years of age at the time of
19 the offense, and if after trial or plea the court finds that
20 the minor committed an offense other than first degree murder
21 committed during the course of either aggravated criminal
22 sexual assault, criminal sexual assault, or aggravated
23 kidnaping, the finding shall not invalidate the verdict or the
24 prosecution of the minor under the criminal laws of the State;
25 however, unless the State requests a hearing for the purpose of
26 sentencing the minor under Chapter V of the Unified Code of

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

25 (5) (a) The definition of delinquent minor under Section
26 5-120 of this Article shall not apply to any minor who is

1 charged with a violation of subsection (a) of Section 31-6 or
2 Section 32-10 of the Criminal Code of 1961 when the minor is
3 subject to prosecution under the criminal laws of this State as
4 a result of the application of the provisions of Section 5-125,
5 or subsection (1) or (2) of this Section. These charges and all
6 other charges arising out of the same incident shall be
7 prosecuted under the criminal laws of this State.

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

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

23 (c) (i) If after trial or plea the minor is convicted of
24 any offense covered by paragraph (a) of this subsection (5),
25 then, in sentencing the minor, the court shall have available
26 any or all dispositions prescribed for that offense under

1 Chapter V of the Unified Code of Corrections.

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

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

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

12 (7) The procedures set out in this Article for the
13 investigation, arrest and prosecution of juvenile offenders
14 shall not apply to minors who are excluded from jurisdiction of
15 the Juvenile Court, except that minors under 18 ~~17~~ years of age
16 shall be kept separate from confined adults.

17 (8) Nothing in this Act prohibits or limits the prosecution
18 of any minor for an offense committed on or after his or her
19 18th ~~17th~~ birthday even though he or she is at the time of the
20 offense a ward of the court.

21 (9) If an original petition for adjudication of wardship
22 alleges the commission by a minor 13 years of age or over of an
23 act that constitutes a crime under the laws of this State, the
24 minor, with the consent of his or her counsel, may, at any time
25 before commencement of the adjudicatory hearing, file with the
26 court a motion that criminal prosecution be ordered and that

1 the petition be dismissed insofar as the act or acts involved
2 in the criminal proceedings are concerned. If such a motion is
3 filed as herein provided, the court shall enter its order
4 accordingly.

5 (10) If, prior to August 12, 2005 (the effective date of
6 Public Act 94-574), a minor is charged with a violation of
7 Section 401 of the Illinois Controlled Substances Act under the
8 criminal laws of this State, other than a minor charged with a
9 Class X felony violation of the Illinois Controlled Substances
10 Act or the Methamphetamine Control and Community Protection
11 Act, any party including the minor or the court sua sponte may,
12 before trial, move for a hearing for the purpose of trying and
13 sentencing the minor as a delinquent minor. To request a
14 hearing, the party must file a motion prior to trial.
15 Reasonable notice of the motion shall be given to all parties.
16 On its own motion or upon the filing of a motion by one of the
17 parties including the minor, the court shall conduct a hearing
18 to determine whether the minor should be tried and sentenced as
19 a delinquent minor under this Article. In making its
20 determination, the court shall consider among other matters:

21 (a) The age of the minor;

22 (b) Any previous delinquent or criminal history of the
23 minor;

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

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

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

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

13 (Source: P.A. 94-556, eff. 9-11-05; 94-574, eff. 8-12-05;
14 94-696, eff. 6-1-06.)

15 (705 ILCS 405/5-401.5)

16 Sec. 5-401.5. When statements by minor may be used.

17 (a) In this Section, "custodial interrogation" means any
18 interrogation (i) during which a reasonable person in the
19 subject's position would consider himself or herself to be in
20 custody and (ii) during which a question is asked that is
21 reasonably likely to elicit an incriminating response.

22 In this Section, "electronic recording" includes motion
23 picture, audiotape, videotape, or digital recording.

24 In this Section, "place of detention" means a building or a
25 police station that is a place of operation for a municipal

1 police department or county sheriff department or other law
2 enforcement agency at which persons are or may be held in
3 detention in connection with criminal charges against those
4 persons or allegations that those persons are delinquent
5 minors.

6 (b) An oral, written, or sign language statement of a minor
7 who, at the time of the commission of the offense was under the
8 age of 18 ~~17~~ years, made as a result of a custodial
9 interrogation conducted at a police station or other place of
10 detention on or after the effective date of this amendatory Act
11 of the 93rd General Assembly shall be presumed to be
12 inadmissible as evidence against the minor in any criminal
13 proceeding or juvenile court proceeding, for an act that if
14 committed by an adult would be brought under Section 9-1,
15 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, or 9-3.3, of the Criminal Code
16 of 1961 or under clause (d)(1)(F) of Section 11-501 of the
17 Illinois Vehicle Code unless:

18 (1) an electronic recording is made of the custodial
19 interrogation; and

20 (2) the recording is substantially accurate and not
21 intentionally altered.

22 (c) Every electronic recording required under this Section
23 must be preserved until such time as the minor's adjudication
24 for any offense relating to the statement is final and all
25 direct and habeas corpus appeals are exhausted, or the
26 prosecution of such offenses is barred by law.

1 (d) If the court finds, by a preponderance of the evidence,
2 that the minor was subjected to a custodial interrogation in
3 violation of this Section, then any statements made by the
4 minor during or following that non-recorded custodial
5 interrogation, even if otherwise in compliance with this
6 Section, are presumed to be inadmissible in any criminal
7 proceeding or juvenile court proceeding against the minor
8 except for the purposes of impeachment.

9 (e) Nothing in this Section precludes the admission (i) of
10 a statement made by the minor in open court in any criminal
11 proceeding or juvenile court proceeding, before a grand jury,
12 or at a preliminary hearing, (ii) of a statement made during a
13 custodial interrogation that was not recorded as required by
14 this Section because electronic recording was not feasible,
15 (iii) of a voluntary statement, whether or not the result of a
16 custodial interrogation, that has a bearing on the credibility
17 of the accused as a witness, (iv) of a spontaneous statement
18 that is not made in response to a question, (v) of a statement
19 made after questioning that is routinely asked during the
20 processing of the arrest of the suspect, (vi) of a statement
21 made during a custodial interrogation by a suspect who
22 requests, prior to making the statement, to respond to the
23 interrogator's questions only if an electronic recording is not
24 made of the statement, provided that an electronic recording is
25 made of the statement of agreeing to respond to the
26 interrogator's question, only if a recording is not made of the

1 statement, (vii) of a statement made during a custodial
2 interrogation that is conducted out-of-state, (viii) of a
3 statement given at a time when the interrogators are unaware
4 that a death has in fact occurred, or (ix) of any other
5 statement that may be admissible under law. The State shall
6 bear the burden of proving, by a preponderance of the evidence,
7 that one of the exceptions described in this subsection (e) is
8 applicable. Nothing in this Section precludes the admission of
9 a statement, otherwise inadmissible under this Section, that is
10 used only for impeachment and not as substantive evidence.

11 (f) The presumption of inadmissibility of a statement made
12 by a suspect at a custodial interrogation at a police station
13 or other place of detention may be overcome by a preponderance
14 of the evidence that the statement was voluntarily given and is
15 reliable, based on the totality of the circumstances.

16 (g) Any electronic recording of any statement made by a
17 minor during a custodial interrogation that is compiled by any
18 law enforcement agency as required by this Section for the
19 purposes of fulfilling the requirements of this Section shall
20 be confidential and exempt from public inspection and copying,
21 as provided under Section 7 of the Freedom of Information Act,
22 and the information shall not be transmitted to anyone except
23 as needed to comply with this Section.

24 (Source: P.A. 93-206, eff. 7-18-05; 93-517, eff. 8-6-05;
25 94-117, eff. 7-5-05.)

1 (705 ILCS 405/5-410)

2 Sec. 5-410. Non-secure custody or detention.

3 (1) Any minor arrested or taken into custody pursuant to
4 this Act who requires care away from his or her home but who
5 does not require physical restriction shall be given temporary
6 care in a foster family home or other shelter facility
7 designated by the court.

8 (2) (a) Any minor 10 years of age or older arrested
9 pursuant to this Act where there is probable cause to believe
10 that the minor is a delinquent minor and that (i) secured
11 custody is a matter of immediate and urgent necessity for the
12 protection of the minor or of the person or property of
13 another, (ii) the minor is likely to flee the jurisdiction of
14 the court, or (iii) the minor was taken into custody under a
15 warrant, may be kept or detained in an authorized detention
16 facility. No minor under 12 years of age shall be detained in a
17 county jail or a municipal lockup for more than 6 hours.

18 (b) The written authorization of the probation officer or
19 detention officer (or other public officer designated by the
20 court in a county having 3,000,000 or more inhabitants)
21 constitutes authority for the superintendent of any juvenile
22 detention home to detain and keep a minor for up to 40 hours,
23 excluding Saturdays, Sundays and court-designated holidays.
24 These records shall be available to the same persons and
25 pursuant to the same conditions as are law enforcement records
26 as provided in Section 5-905.

1 (b-4) The consultation required by subsection (b-5) shall
2 not be applicable if the probation officer or detention officer
3 (or other public officer designated by the court in a county
4 having 3,000,000 or more inhabitants) utilizes a scorable
5 detention screening instrument, which has been developed with
6 input by the State's Attorney, to determine whether a minor
7 should be detained, however, subsection (b-5) shall still be
8 applicable where no such screening instrument is used or where
9 the probation officer, detention officer (or other public
10 officer designated by the court in a county having 3,000,000 or
11 more inhabitants) deviates from the screening instrument.

12 (b-5) Subject to the provisions of subsection (b-4), if a
13 probation officer or detention officer (or other public officer
14 designated by the court in a county having 3,000,000 or more
15 inhabitants) does not intend to detain a minor for an offense
16 which constitutes one of the following offenses he or she shall
17 consult with the State's Attorney's Office prior to the release
18 of the minor: first degree murder, second degree murder,
19 involuntary manslaughter, criminal sexual assault, aggravated
20 criminal sexual assault, aggravated battery with a firearm,
21 aggravated or heinous battery involving permanent disability
22 or disfigurement or great bodily harm, robbery, aggravated
23 robbery, armed robbery, vehicular hijacking, aggravated
24 vehicular hijacking, vehicular invasion, arson, aggravated
25 arson, kidnapping, aggravated kidnapping, home invasion,
26 burglary, or residential burglary.

1 (c) Except as otherwise provided in paragraph (a), (d), or
2 (e), no minor shall be detained in a county jail or municipal
3 lockup for more than 12 hours, unless the offense is a crime of
4 violence in which case the minor may be detained up to 24
5 hours. For the purpose of this paragraph, "crime of violence"
6 has the meaning ascribed to it in Section 1-10 of the
7 Alcoholism and Other Drug Abuse and Dependency Act.

8 (i) The period of detention is deemed to have begun
9 once the minor has been placed in a locked room or cell or
10 handcuffed to a stationary object in a building housing a
11 county jail or municipal lockup. Time spent transporting a
12 minor is not considered to be time in detention or secure
13 custody.

14 (ii) Any minor so confined shall be under periodic
15 supervision and shall not be permitted to come into or
16 remain in contact with adults in custody in the building.

17 (iii) Upon placement in secure custody in a jail or
18 lockup, the minor shall be informed of the purpose of the
19 detention, the time it is expected to last and the fact
20 that it cannot exceed the time specified under this Act.

21 (iv) A log shall be kept which shows the offense which
22 is the basis for the detention, the reasons and
23 circumstances for the decision to detain and the length of
24 time the minor was in detention.

25 (v) Violation of the time limit on detention in a
26 county jail or municipal lockup shall not, in and of

1 itself, render inadmissible evidence obtained as a result
2 of the violation of this time limit. Minors under 18 ~~17~~
3 years of age shall be kept separate from confined adults
4 and may not at any time be kept in the same cell, room or
5 yard with adults confined pursuant to criminal law. Persons
6 18 ~~17~~ years of age and older who have a petition of
7 delinquency filed against them may be confined in an adult
8 detention facility. In making a determination whether to
9 confine a person 18 ~~17~~ years of age or older who has a
10 petition of delinquency filed against the person, these
11 factors, among other matters, shall be considered:

12 (A) The age of the person;

13 (B) Any previous delinquent or criminal history of
14 the person;

15 (C) Any previous abuse or neglect history of the
16 person; and

17 (D) Any mental health or educational history of the
18 person, or both.

19 (d) (i) If a minor 12 years of age or older is confined in a
20 county jail in a county with a population below 3,000,000
21 inhabitants, then the minor's confinement shall be implemented
22 in such a manner that there will be no contact by sight, sound
23 or otherwise between the minor and adult prisoners. Minors 12
24 years of age or older must be kept separate from confined
25 adults and may not at any time be kept in the same cell, room,
26 or yard with confined adults. This paragraph (d) (i) shall only

1 apply to confinement pending an adjudicatory hearing and shall
2 not exceed 40 hours, excluding Saturdays, Sundays and court
3 designated holidays. To accept or hold minors during this time
4 period, county jails shall comply with all monitoring standards
5 promulgated by the Department of Corrections and training
6 standards approved by the Illinois Law Enforcement Training
7 Standards Board.

8 (ii) To accept or hold minors, 12 years of age or older,
9 after the time period prescribed in paragraph (d)(i) of this
10 subsection (2) of this Section but not exceeding 7 days
11 including Saturdays, Sundays and holidays pending an
12 adjudicatory hearing, county jails shall comply with all
13 temporary detention standards promulgated by the Department of
14 Corrections and training standards approved by the Illinois Law
15 Enforcement Training Standards Board.

16 (iii) To accept or hold minors 12 years of age or older,
17 after the time period prescribed in paragraphs (d)(i) and
18 (d)(ii) of this subsection (2) of this Section, county jails
19 shall comply with all programmatic and training standards for
20 juvenile detention homes promulgated by the Department of
21 Corrections.

22 (e) When a minor who is at least 15 years of age is
23 prosecuted under the criminal laws of this State, the court may
24 enter an order directing that the juvenile be confined in the
25 county jail. However, any juvenile confined in the county jail
26 under this provision shall be separated from adults who are

1 confined in the county jail in such a manner that there will be
2 no contact by sight, sound or otherwise between the juvenile
3 and adult prisoners.

4 (f) For purposes of appearing in a physical lineup, the
5 minor may be taken to a county jail or municipal lockup under
6 the direct and constant supervision of a juvenile police
7 officer. During such time as is necessary to conduct a lineup,
8 and while supervised by a juvenile police officer, the sight
9 and sound separation provisions shall not apply.

10 (g) For purposes of processing a minor, the minor may be
11 taken to a County Jail or municipal lockup under the direct and
12 constant supervision of a law enforcement officer or
13 correctional officer. During such time as is necessary to
14 process the minor, and while supervised by a law enforcement
15 officer or correctional officer, the sight and sound separation
16 provisions shall not apply.

17 (3) If the probation officer or State's Attorney (or such
18 other public officer designated by the court in a county having
19 3,000,000 or more inhabitants) determines that the minor may be
20 a delinquent minor as described in subsection (3) of Section
21 5-105, and should be retained in custody but does not require
22 physical restriction, the minor may be placed in non-secure
23 custody for up to 40 hours pending a detention hearing.

24 (4) Any minor taken into temporary custody, not requiring
25 secure detention, may, however, be detained in the home of his
26 or her parent or guardian subject to such conditions as the

1 court may impose.

2 (Source: P.A. 93-255, eff. 1-1-04.)

3 (705 ILCS 405/5-901)

4 Sec. 5-901. Court file.

5 (1) The Court file with respect to proceedings under this
6 Article shall consist of the petitions, pleadings, victim
7 impact statements, process, service of process, orders, writs
8 and docket entries reflecting hearings held and judgments and
9 decrees entered by the court. The court file shall be kept
10 separate from other records of the court.

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

15 (i) A judge of the circuit court and members of the
16 staff of the court designated by the judge;

17 (ii) Parties to the proceedings and their
18 attorneys;

19 (iii) Victims and their attorneys, except in cases
20 of multiple victims of sex offenses in which case the
21 information identifying the nonrequesting victims
22 shall be redacted;

23 (iv) Probation officers, law enforcement officers
24 or prosecutors or their staff;

25 (v) Adult and juvenile Prisoner Review Boards.

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

5 (i) Authorized military personnel;

6 (ii) Persons engaged in bona fide research, with
7 the permission of the judge of the juvenile court and
8 the chief executive of the agency that prepared the
9 particular recording: provided that publication of
10 such research results in no disclosure of a minor's
11 identity and protects the confidentiality of the
12 record;

13 (iii) The Secretary of State to whom the Clerk of
14 the Court shall report the disposition of all cases, as
15 required in Section 6-204 or Section 6-205.1 of the
16 Illinois Vehicle Code. However, information reported
17 relative to these offenses shall be privileged and
18 available only to the Secretary of State, courts, and
19 police officers;

20 (iv) The administrator of a bonafide substance
21 abuse student assistance program with the permission
22 of the presiding judge of the juvenile court;

23 (v) Any individual, or any public or private agency
24 or institution, having custody of the juvenile under
25 court order or providing educational, medical or
26 mental health services to the juvenile or a

1 court-approved advocate for the juvenile or any
2 placement provider or potential placement provider as
3 determined by the court.

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

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

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

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

1 of the following circumstances:

2 (i) The adjudication of delinquency was based upon
3 the minor's commission of first degree murder, attempt
4 to commit first degree murder, aggravated criminal
5 sexual assault, or criminal sexual assault; or

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

24 (b) The court shall allow the general public to have
25 access to the name, address, and offense of a minor who is
26 at least 13 years of age at the time the offense is

1 committed and who is convicted, in criminal proceedings
2 permitted or required under Section 5-805, under either of
3 the following circumstances:

4 (i) The minor has been convicted of first degree
5 murder, attempt to commit first degree murder,
6 aggravated criminal sexual assault, or criminal sexual
7 assault,

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

23 (6) Nothing in this Section shall be construed to limit the
24 use of a adjudication of delinquency as evidence in any
25 juvenile or criminal proceeding, where it would otherwise be
26 admissible under the rules of evidence, including but not

1 limited to, use as impeachment evidence against any witness,
2 including the minor if he or she testifies.

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

10 (8) Following any adjudication of delinquency for a crime
11 which would be a felony if committed by an adult, or following
12 any adjudication of delinquency for a violation of Section
13 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961, the
14 State's Attorney shall ascertain whether the minor respondent
15 is enrolled in school and, if so, shall provide a copy of the
16 sentencing order to the principal or chief administrative
17 officer of the school. Access to such juvenile records shall be
18 limited to the principal or chief administrative officer of the
19 school and any guidance counselor designated by him or her.

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

26 (11) The Clerk of the Circuit Court shall report to the

1 Department of State Police, in the form and manner required by
2 the Department of State Police, the final disposition of each
3 minor who has been arrested or taken into custody before his or
4 her 18th ~~17th~~ birthday for those offenses required to be
5 reported under Section 5 of the Criminal Identification Act.
6 Information reported to the Department under this Section may
7 be maintained with records that the Department files under
8 Section 2.1 of the Criminal Identification Act.

9 (12) Information or records may be disclosed to the general
10 public when the court is conducting hearings under Section
11 5-805 or 5-810.

12 (Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06.)

13 (705 ILCS 405/5-905)

14 Sec. 5-905. Law enforcement records.

15 (1) Law Enforcement Records. Inspection and copying of law
16 enforcement records maintained by law enforcement agencies
17 that relate to a minor who has been arrested or taken into
18 custody before his or her 18th ~~17th~~ birthday shall be
19 restricted to the following and when necessary for the
20 discharge of their official duties:

21 (a) A judge of the circuit court and members of the
22 staff of the court designated by the judge;

23 (b) Law enforcement officers, probation officers or
24 prosecutors or their staff;

25 (c) The minor, the minor's parents or legal guardian

1 and their attorneys, but only when the juvenile has been
2 charged with an offense;

3 (d) Adult and Juvenile Prisoner Review Boards;

4 (e) Authorized military personnel;

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

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

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

1 misdemeanor.

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

7 (3) Relevant information, reports and records shall be made
8 available to the Department of Juvenile Justice when a juvenile
9 offender has been placed in the custody of the Department of
10 Juvenile Justice.

11 (4) Nothing in this Section shall prohibit the inspection
12 or disclosure to victims and witnesses of photographs contained
13 in the records of law enforcement agencies when the inspection
14 or disclosure is conducted in the presence of a law enforcement
15 officer for purposes of identification or apprehension of any
16 person in the course of any criminal investigation or
17 prosecution.

18 (5) The records of law enforcement officers concerning all
19 minors under 18 ~~17~~ years of age must be maintained separate
20 from the records of adults and may not be open to public
21 inspection or their contents disclosed to the public except by
22 order of the court or when the institution of criminal
23 proceedings has been permitted under Section 5-130 or 5-805 or
24 required under Section 5-130 or 5-805 or such a person has been
25 convicted of a crime and is the subject of pre-sentence
26 investigation or when provided by law.

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

18 (7) Nothing contained in this Section shall prohibit law
19 enforcement agencies when acting in their official capacity
20 from communicating with each other by letter, memorandum,
21 teletype or intelligence alert bulletin or other means the
22 identity or other relevant information pertaining to a person
23 under 18 ~~17~~ years of age. The information provided under this
24 subsection (7) shall remain confidential and shall not be
25 publicly disclosed, except as otherwise allowed by law.

26 (8) No person shall disclose information under this Section

1 except when acting in his or her official capacity and as
2 provided by law or order of court.

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

4 (705 ILCS 405/5-915)

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

7 (1) Whenever any person has attained the age of 18 ~~17~~ or
8 whenever all juvenile court proceedings relating to that person
9 have been terminated, whichever is later, the person may
10 petition the court to expunge law enforcement records relating
11 to incidents occurring before his or her 18th ~~17th~~ birthday or
12 his or her juvenile court records, or both, but only in the
13 following circumstances:

14 (a) the minor was arrested and no petition for
15 delinquency was filed with the clerk of the circuit court;
16 or

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

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

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

25 (2) Any person may petition the court to expunge all law

1 enforcement records relating to any incidents occurring before
2 his or her 18th ~~17th~~ birthday which did not result in
3 proceedings in criminal court and all juvenile court records
4 with respect to any adjudications except those based upon first
5 degree murder and sex offenses which would be felonies if
6 committed by an adult, if the person for whom expungement is
7 sought has had no convictions for any crime since his or her
8 18th ~~17th~~ birthday and:

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

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

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

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

1 have an arrest record and shall provide the minor and the
2 minor's parents or guardians with an expungement information
3 packet, including a petition to expunge juvenile records
4 obtained from the clerk of the circuit court.

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

1 disclose that he or she had a juvenile record, and (iv) he or
 2 she may file the petition on his or her own or with the
 3 assistance of an attorney. The failure of the judge to inform
 4 the delinquent minor of his or her right to petition for
 5 expungement as provided by law does not create a substantive
 6 right, nor is that failure grounds for: (i) a reversal of an
 7 adjudication of delinquency, (ii) a new trial; or (iii) an
 8 appeal.

9 (2.7) For counties with a population over 3,000,000, the
 10 clerk of the circuit court shall send a "Notification of a
 11 Possible Right to Expungement" post card to the minor at the
 12 address last received by the clerk of the circuit court on the
 13 date that the minor attains the age of 18 ~~17~~ based on the
 14 birthdate provided to the court by the minor or his or her
 15 guardian in cases under paragraphs (b), (c), and (d) of
 16 subsection (1); and when the minor attains the age of 21 based
 17 on the birthdate provided to the court by the minor or his or
 18 her guardian in cases under subsection (2).

19 (2.8) The petition for expungement for subsection (1) shall
 20 be substantially in the following form:

21 IN THE CIRCUIT COURT OF, ILLINOIS
 22 JUDICIAL CIRCUIT

23 IN THE INTEREST OF) NO.
 24)
 25)

1)

2 (Name of Petitioner)

3 PETITION TO EXPUNGE JUVENILE RECORDS

4 (705 ILCS 405/5-915 (SUBSECTION 1))

5 (Please prepare a separate petition for each offense)

6 Now comes, petitioner, and respectfully requests
7 that this Honorable Court enter an order expunging all juvenile
8 law enforcement and court records of petitioner and in support
9 thereof states that: Petitioner has attained the age of 18 ~~17~~,
10 his/her birth date being, or all Juvenile Court
11 proceedings terminated as of, whichever occurred later.
12 Petitioner was arrested on by the Police
13 Department for the offense of, and:

14 (Check One:)

15 () a. no petition was filed with the Clerk of the Circuit
16 Court.

17 () b. was charged with and was found not delinquent of
18 the offense.

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

21 () d. on placed under supervision pursuant to Section
22 5-615 of the Juvenile Court Act of 1987 and such order of
23 supervision successfully terminated on

24 () e. was adjudicated for the offense, which would have been a
25 Class B misdemeanor, a Class C misdemeanor, or a petty offense

1 or business offense if committed by an adult.

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

6 Charge(s):

7 Arresting Agency or Agencies:

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

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

14

15 Petitioner (Signature)

16

17 Petitioner's Street Address

18

19 City, State, Zip Code

20

21 Petitioner's Telephone Number

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

5
 6 Petitioner (Signature)

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

9 IN THE CIRCUIT COURT OF, ILLINOIS
 10 JUDICIAL CIRCUIT

11 IN THE INTEREST OF) NO.
 12)
 13)
 14)
 15 (Name of Petitioner)

16 PETITION TO EXPUNGE JUVENILE RECORDS
 17 (705 ILCS 405/5-915 (SUBSECTION 2))

18 (Please prepare a separate petition for each offense)

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

1 The incident for which the Petitioner seeks expungement
 2 occurred before the Petitioner's 18th ~~17th~~ birthday and did not
 3 result in proceedings in criminal court and the Petitioner has
 4 not had any convictions for any crime since his/her 18th ~~17th~~
 5 birthday; and

6 The incident for which the Petitioner seeks expungement
 7 occurred before the Petitioner's 18th ~~17th~~ birthday and the
 8 adjudication was not based upon first-degree murder or sex
 9 offenses which would be felonies if committed by an adult, and
 10 the Petitioner has not had any convictions for any crime since
 11 his/her 18th ~~17th~~ birthday.

12 Petitioner was arrested on by the Police
 13 Department for the offense of, and:

14 (Check whichever one occurred the latest:)

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

17 () b. 5 years have elapsed since all juvenile court
 18 proceedings relating to the Petitioner have been terminated; or
 19 the Petitioner's commitment to the Department of Juvenile
 20 Justice pursuant to the expungement of juvenile law enforcement
 21 and court records provisions of the Juvenile Court Act of 1987
 22 has been terminated. Petitioner ...has ...has not been arrested
 23 on charges in this or any other county other than the charge
 24 listed above. If petitioner has been arrested on additional
 25 charges, please list the charges below:

26 Charge(s):

1 Arresting Agency or Agencies:

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

3 WHEREFORE, the petitioner respectfully requests this Honorable
4 Court to (1) order all law enforcement agencies to expunge all
5 records of petitioner related to this incident, and (2) to
6 order the Clerk of the Court to expunge all records concerning
7 the petitioner regarding this incident.

8
9 Petitioner (Signature)

10
11 Petitioner's Street Address

12
13 City, State, Zip Code

14
15 Petitioner's Telephone Number

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

20
21 Petitioner (Signature)

22 (3) The chief judge of the circuit in which an arrest was

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

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

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

7 IN THE CIRCUIT COURT OF, ILLINOIS
 8 JUDICIAL CIRCUIT

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

14 NOTICE

15 TO: State's Attorney
 16 TO: Arresting Agency

17
 18
 19
 20
 21
 22

23 TO: Illinois State Police

24

1
2

3
4

ATTENTION: Expungement

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

.....

Petitioner's Signature

.....

Petitioner's Street Address

.....

City, State, Zip Code

.....

Petitioner's Telephone Number

PROOF OF SERVICE

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

(Check One:)

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

or

by mailing copies to each entity to whom they are directed by

1 depositing the same in the U.S. Mail, proper postage fully
2 prepaid, before the hour of 5:00 p.m., at the United States
3 Postal Depository located at

4

5

6 Signature

7 Clerk of the Circuit Court or Deputy Clerk

8 Printed Name of Delinquent Minor/Petitioner:

9 Address:

10 Telephone Number:

11 (3.2) The Order of Expungement shall be in substantially
12 the following form:

13 IN THE CIRCUIT COURT OF, ILLINOIS

14 JUDICIAL CIRCUIT

15 IN THE INTEREST OF) NO.

16)

17)

18)

19 (Name of Petitioner)

20 DOB

21 Arresting Agency/Agencies

22 ORDER OF EXPUNGEMENT

23 (705 ILCS 405/5-915 (SUBSECTION 3))

24 This matter having been heard on the petitioner's motion and

1 the court being fully advised in the premises does find that
2 the petitioner is indigent or has presented reasonable cause to
3 waive all costs in this matter, IT IS HEREBY ORDERED that:

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

6 () 2. The Illinois State Police Bureau of Identification
7 and the following law enforcement agencies expunge all records
8 of petitioner relating to an arrest dated for the
9 offense of

10 Law Enforcement Agencies:

11

12

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

15 ENTER:

16
17 JUDGE

18 DATED:

19 Name:

20 Attorney for:

21 Address: City/State/Zip:

22 Attorney Number:

23 (3.3) The Notice of Objection shall be in substantially the
24 following form:

25 IN THE CIRCUIT COURT OF, ILLINOIS

26 JUDICIAL CIRCUIT

1 IN THE INTEREST OF) NO.
 2)
 3)
 4)
 5 (Name of Petitioner)

6 NOTICE OF OBJECTION

7 TO:(Attorney, Public Defender, Minor)
 8
 9

10 TO:(Illinois State Police)
 11
 12

13 TO:(Clerk of the Court)
 14
 15

16 TO:(Judge)
 17
 18

19 TO:(Arresting Agency/Agencies)
 20
 21

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

- 1 () State's Attorney's Office;
2 () Prosecutor (other than State's Attorney's Office) charged
3 with the duty of prosecuting the offense sought to be expunged;
4 () Department of Illinois State Police; or
5 () Arresting Agency or Agencies.

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

9 DATED:

10 Name:

11 Attorney For:

12 Address:

13 City/State/Zip:

14 Telephone:

15 Attorney No.:

16 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

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

22 A copy of this completed Notice of Objection containing the
23 court date, time, and location, has been sent via regular U.S.
24 Mail to the following entities. (If more than one Notice of
25 Objection is received on the same case, each one must be
26 completed with the court date, time and location and mailed to

1 the following entities):

2 () Attorney, Public Defender or Minor;

3 () State's Attorney's Office;

4 () Prosecutor (other than State's Attorney's Office) charged
5 with the duty of prosecuting the offense sought to be expunged;

6 () Department of Illinois State Police; and

7 () Arresting agency or agencies.

8 Date:

9 Initials of Clerk completing this section:

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

15 (5) Records which have not been expunged are sealed, and
16 may be obtained only under the provisions of Sections 5-901,
17 5-905 and 5-915.

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

24 (7)(a) The State Appellate Defender shall establish,
25 maintain, and carry out, by December 31, 2004, a juvenile
26 expungement program to provide information and assistance to

1 minors eligible to have their juvenile records expunged.

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

6 (i) An explanation of the State's juvenile expungement
7 process;

8 (ii) The circumstances under which juvenile
9 expungement may occur;

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

11 (iv) The steps necessary to initiate and complete the
12 juvenile expungement process; and

13 (v) Directions on how to contact the State Appellate
14 Defender.

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

1 paid as a consequence of expungement. This amendatory Act of
2 the 93rd General Assembly does not affect the right of the
3 victim of a crime to prosecute or defend a civil action for
4 damages.

5 (Source: P.A. 93-912, eff. 8-12-04; 94-696, eff. 6-1-06.)

6 Section 10. The Unified Code of Corrections is amended by
7 changing Sections 3-2-5, 3-10-7, 5-5-3, 5-5-3.2, 5-6-3,
8 5-6-3.1, 5-7-1, 5-8-1.1, 5-8-1.2, and 5-8-6 and by changing and
9 renumbering Section 3-17-5, as added by Public Act 94-549, as
10 follows:

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

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

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

21 (b) There shall be a Department of Juvenile Justice which
22 shall be administered by a Director appointed by the Governor
23 under the Civil Administrative Code of Illinois. The Department
24 of Juvenile Justice shall be responsible for all persons under

1 18 ~~17~~ years of age when sentenced to imprisonment and committed
2 to the Department under subsection (c) of Section 5-8-6 of this
3 Code, Section 5-10 of the Juvenile Court Act, or Section 5-750
4 of the Juvenile Court Act of 1987. Persons under 18 ~~17~~ years of
5 age committed to the Department of Juvenile Justice pursuant to
6 this Code shall be sight and sound separate from adult
7 offenders committed to the Department of Corrections.

8 (c) The Department shall create a gang intelligence unit
9 under the supervision of the Director. The unit shall be
10 specifically designed to gather information regarding the
11 inmate gang population, monitor the activities of gangs, and
12 prevent the furtherance of gang activities through the
13 development and implementation of policies aimed at deterring
14 gang activity. The Director shall appoint a Corrections
15 Intelligence Coordinator.

16 All information collected and maintained by the unit shall
17 be highly confidential, and access to that information shall be
18 restricted by the Department. The information shall be used to
19 control and limit the activities of gangs within correctional
20 institutions under the jurisdiction of the Illinois Department
21 of Corrections and may be shared with other law enforcement
22 agencies in order to curb gang activities outside of
23 correctional institutions under the jurisdiction of the
24 Department and to assist in the investigations and prosecutions
25 of gang activity. The Department shall establish and promulgate
26 rules governing the release of information to outside law

1 enforcement agencies. Due to the highly sensitive nature of the
2 information, the information is exempt from requests for
3 disclosure under the Freedom of Information Act as the
4 information contained is highly confidential and may be harmful
5 if disclosed.

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

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

13 (730 ILCS 5/3-10-7) (from Ch. 38, par. 1003-10-7)

14 Sec. 3-10-7. Interdivisional Transfers.

15 (a) In any case where a minor was originally prosecuted
16 under the provisions of the Criminal Code of 1961, as amended,
17 and sentenced under the provisions of this Act pursuant to
18 Section 2-7 of the Juvenile Court Act or Section 5-805 of the
19 Juvenile Court Act of 1987 and committed to the Department of
20 Juvenile Justice under Section 5-8-6, the Department of
21 Juvenile Justice shall, within 30 days of the date that the
22 minor reaches the age of 18 ~~17~~, send formal notification to the
23 sentencing court and the State's Attorney of the county from
24 which the minor was sentenced indicating the day upon which the
25 minor offender will achieve the age of 18 ~~17~~. Within 90 days of

1 receipt of that notice, the sentencing court shall conduct a
2 hearing, pursuant to the provisions of subsection (c) of this
3 Section to determine whether or not the minor shall continue to
4 remain under the auspices of the Department of Juvenile Justice
5 or be transferred to the Adult Division of the Department of
6 Corrections.

7 The minor shall be served with notice of the date of the
8 hearing, shall be present at the hearing, and has the right to
9 counsel at the hearing. The minor, with the consent of his or
10 her counsel or guardian may waive his presence at hearing.

11 (b) Unless sooner paroled under Section 3-3-3, the
12 confinement of a minor person committed for an indeterminate
13 sentence in a criminal proceeding shall terminate at the
14 expiration of the maximum term of imprisonment, and he shall
15 thereupon be released to serve a period of parole under Section
16 5-8-1, but if the maximum term of imprisonment does not expire
17 until after his 21st birthday, he shall continue to be subject
18 to the control and custody of the Department of Juvenile
19 Justice, and on his 21st birthday, he shall be transferred to
20 the Adult Division of the Department of Corrections. If such
21 person is on parole on his 21st birthday, his parole
22 supervision may be transferred to the Adult Division of the
23 Department of Corrections.

24 (c) Any interdivisional transfer hearing conducted
25 pursuant to subsection (a) of this Section shall consider all
26 available information which may bear upon the issue of

1 transfer. All evidence helpful to the court in determining the
2 question of transfer, including oral and written reports
3 containing hearsay, may be relied upon to the extent of its
4 probative value, even though not competent for the purposes of
5 an adjudicatory hearing. The court shall consider, along with
6 any other relevant matter, the following:

7 1. The nature of the offense for which the minor was
8 found guilty and the length of the sentence the minor has
9 to serve and the record and previous history of the minor.

10 2. The record of the minor's adjustment within the
11 Department of Juvenile Justice, including, but not limited
12 to, reports from the minor's counselor, any escapes,
13 attempted escapes or violent or disruptive conduct on the
14 part of the minor, any tickets received by the minor,
15 summaries of classes attended by the minor, and any record
16 of work performed by the minor while in the institution.

17 3. The relative maturity of the minor based upon the
18 physical, psychological and emotional development of the
19 minor.

20 4. The record of the rehabilitative progress of the
21 minor and an assessment of the vocational potential of the
22 minor.

23 5. An assessment of the necessity for transfer of the
24 minor, including, but not limited to, the availability of
25 space within the Department of Corrections, the
26 disciplinary and security problem which the minor has

1 presented to the Department of Juvenile Justice and the
2 practicability of maintaining the minor in a juvenile
3 facility, whether resources have been exhausted within the
4 Department of Juvenile Justice, the availability of
5 rehabilitative and vocational programs within the
6 Department of Corrections, and the anticipated ability of
7 the minor to adjust to confinement within an adult
8 institution based upon the minor's physical size and
9 maturity.

10 All relevant factors considered under this subsection need
11 not be resolved against the juvenile in order to justify such
12 transfer. Access to social records, probation reports or any
13 other reports which are considered by the court for the purpose
14 of transfer shall be made available to counsel for the juvenile
15 at least 30 days prior to the date of the transfer hearing. The
16 Sentencing Court, upon granting a transfer order, shall
17 accompany such order with a statement of reasons.

18 (d) Whenever the Director of Juvenile Justice or his
19 designee determines that the interests of safety, security and
20 discipline require the transfer to the Department of
21 Corrections of a person 18 ~~17~~ years or older who was prosecuted
22 under the provisions of the Criminal Code of 1961, as amended,
23 and sentenced under the provisions of this Act pursuant to
24 Section 2-7 of the Juvenile Court Act or Section 5-805 of the
25 Juvenile Court Act of 1987 and committed to the Department of
26 Juvenile Justice under Section 5-8-6, the Director or his

1 designee may authorize the emergency transfer of such person,
2 unless the transfer of the person is governed by subsection (e)
3 of this Section. The sentencing court shall be provided notice
4 of any emergency transfer no later than 3 days after the
5 emergency transfer. Upon motion brought within 60 days of the
6 emergency transfer by the sentencing court or any party, the
7 sentencing court may conduct a hearing pursuant to the
8 provisions of subsection (c) of this Section in order to
9 determine whether the person shall remain confined in the
10 Department of Corrections.

11 (e) The Director of Juvenile Justice or his designee may
12 authorize the permanent transfer to the Department of
13 Corrections of any person 18 years or older who was prosecuted
14 under the provisions of the Criminal Code of 1961, as amended,
15 and sentenced under the provisions of this Act pursuant to
16 Section 2-7 of the Juvenile Court Act or Section 5-805 of the
17 Juvenile Court Act of 1987 and committed to the Department of
18 Juvenile Justice under Section 5-8-6 of this Act. The Director
19 of Juvenile Justice or his designee shall be governed by the
20 following factors in determining whether to authorize the
21 permanent transfer of the person to the Department of
22 Corrections:

23 1. The nature of the offense for which the person was
24 found guilty and the length of the sentence the person has
25 to serve and the record and previous history of the person.

26 2. The record of the person's adjustment within the

1 Department of Juvenile Justice, including, but not limited
2 to, reports from the person's counselor, any escapes,
3 attempted escapes or violent or disruptive conduct on the
4 part of the person, any tickets received by the person,
5 summaries of classes attended by the person, and any record
6 of work performed by the person while in the institution.

7 3. The relative maturity of the person based upon the
8 physical, psychological and emotional development of the
9 person.

10 4. The record of the rehabilitative progress of the
11 person and an assessment of the vocational potential of the
12 person.

13 5. An assessment of the necessity for transfer of the
14 person, including, but not limited to, the availability of
15 space within the Department of Corrections, the
16 disciplinary and security problem which the person has
17 presented to the Department of Juvenile Justice and the
18 practicability of maintaining the person in a juvenile
19 facility, whether resources have been exhausted within the
20 Department of Juvenile Justice, the availability of
21 rehabilitative and vocational programs within the
22 Department of Corrections, and the anticipated ability of
23 the person to adjust to confinement within an adult
24 institution based upon the person's physical size and
25 maturity.

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

1 (730 ILCS 5/3-19-5)

2 Sec. 3-19-5 ~~3-17-5~~. Methamphetamine abusers pilot program;
3 Franklin County Juvenile Detention Center.

4 (a) There is created the Methamphetamine Abusers Pilot
5 Program at the Franklin County Juvenile Detention Center. The
6 Program shall be established upon adoption of a resolution or
7 ordinance by the Franklin County Board and with the consent of
8 the Secretary of Human Services.

9 (b) A person convicted of the unlawful possession of
10 methamphetamine under Section 60 of the Methamphetamine
11 Control and Community Protection Act ~~Section 402 of the~~
12 ~~Illinois Controlled Substances Act~~, after an assessment by a
13 designated program licensed under the Alcoholism and Other Drug
14 Abuse and Dependency Act that the person is a methamphetamine
15 abuser or addict and may benefit from treatment for his or her
16 abuse or addiction, may be ordered by the court to be committed
17 to the Program established under this Section.

18 (c) The Program shall consist of medical and psychiatric
19 treatment for the abuse or addiction for a period of at least
20 90 days and not to exceed 180 days. A treatment plan for each
21 person participating in the Program shall be approved by the
22 court in consultation with the Department of Human Services.
23 The Secretary of Human Services shall appoint a Program
24 Administrator to operate the Program who shall be licensed to
25 provide residential treatment for alcoholism and other drug

1 abuse and dependency.

2 (d) Persons committed to the Program who are 18 ~~17~~ years of
3 age or older shall be separated from minors under 18 ~~17~~ years
4 of age who are detained in the Juvenile Detention Center and
5 there shall be no contact between them.

6 (e) Upon the establishment of the Pilot Program, the
7 Secretary of Human Services shall inform the chief judge of
8 each judicial circuit of this State of the existence of the
9 Program and its date of termination.

10 (f) The Secretary of Human Services, after consultation
11 with the Program Administrator, shall determine the
12 effectiveness of the Program in rehabilitating methamphetamine
13 abusers and addicts committed to the Program. The Secretary
14 shall prepare a report based on his or her assessment of the
15 effectiveness of the Program and shall submit the report to the
16 Governor and General Assembly within one year after January 1,
17 2006 (the effective date of Public Act 94-549) ~~this amendatory~~
18 ~~Act of the 94th General Assembly~~ and each year thereafter that
19 the Program continues operation.

20 (Source: P.A. 94-549, eff. 1-1-06; revised 9-29-05.)

21 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

22 Sec. 5-5-3. Disposition.

23 (a) Except as provided in Section 11-501 of the Illinois
24 Vehicle Code, every person convicted of an offense shall be
25 sentenced as provided in this Section.

1 (b) The following options shall be appropriate
2 dispositions, alone or in combination, for all felonies and
3 misdemeanors other than those identified in subsection (c) of
4 this Section:

5 (1) A period of probation.

6 (2) A term of periodic imprisonment.

7 (3) A term of conditional discharge.

8 (4) A term of imprisonment.

9 (5) An order directing the offender to clean up and
10 repair the damage, if the offender was convicted under
11 paragraph (h) of Section 21-1 of the Criminal Code of 1961
12 (now repealed).

13 (6) A fine.

14 (7) An order directing the offender to make restitution
15 to the victim under Section 5-5-6 of this Code.

16 (8) A sentence of participation in a county impact
17 incarceration program under Section 5-8-1.2 of this Code.

18 (9) A term of imprisonment in combination with a term
19 of probation when the offender has been admitted into a
20 drug court program under Section 20 of the Drug Court
21 Treatment Act.

22 Neither a fine nor restitution shall be the sole
23 disposition for a felony and either or both may be imposed only
24 in conjunction with another disposition.

25 (c) (1) When a defendant is found guilty of first degree
26 murder the State may either seek a sentence of imprisonment

1 under Section 5-8-1 of this Code, or where appropriate seek
2 a sentence of death under Section 9-1 of the Criminal Code
3 of 1961.

4 (2) A period of probation, a term of periodic
5 imprisonment or conditional discharge shall not be imposed
6 for the following offenses. The court shall sentence the
7 offender to not less than the minimum term of imprisonment
8 set forth in this Code for the following offenses, and may
9 order a fine or restitution or both in conjunction with
10 such term of imprisonment:

11 (A) First degree murder where the death penalty is
12 not imposed.

13 (B) Attempted first degree murder.

14 (C) A Class X felony.

15 (D) A violation of Section 401.1 or 407 of the
16 Illinois Controlled Substances Act, or a violation of
17 subdivision (c) (1) or (c) (2) of Section 401 of that Act
18 which relates to more than 5 grams of a substance
19 containing heroin or cocaine or an analog thereof.

20 (E) A violation of Section 5.1 or 9 of the Cannabis
21 Control Act.

22 (F) A Class 2 or greater felony if the offender had
23 been convicted of a Class 2 or greater felony within 10
24 years of the date on which the offender committed the
25 offense for which he or she is being sentenced, except
26 as otherwise provided in Section 40-10 of the

1 Alcoholism and Other Drug Abuse and Dependency Act.

2 (F-5) A violation of Section 24-1, 24-1.1, or
3 24-1.6 of the Criminal Code of 1961 for which
4 imprisonment is prescribed in those Sections.

5 (G) Residential burglary, except as otherwise
6 provided in Section 40-10 of the Alcoholism and Other
7 Drug Abuse and Dependency Act.

8 (H) Criminal sexual assault.

9 (I) Aggravated battery of a senior citizen.

10 (J) A forcible felony if the offense was related to
11 the activities of an organized gang.

12 Before July 1, 1994, for the purposes of this
13 paragraph, "organized gang" means an association of 5
14 or more persons, with an established hierarchy, that
15 encourages members of the association to perpetrate
16 crimes or provides support to the members of the
17 association who do commit crimes.

18 Beginning July 1, 1994, for the purposes of this
19 paragraph, "organized gang" has the meaning ascribed
20 to it in Section 10 of the Illinois Streetgang
21 Terrorism Omnibus Prevention Act.

22 (K) Vehicular hijacking.

23 (L) A second or subsequent conviction for the
24 offense of hate crime when the underlying offense upon
25 which the hate crime is based is felony aggravated
26 assault or felony mob action.

1 (M) A second or subsequent conviction for the
2 offense of institutional vandalism if the damage to the
3 property exceeds \$300.

4 (N) A Class 3 felony violation of paragraph (1) of
5 subsection (a) of Section 2 of the Firearm Owners
6 Identification Card Act.

7 (O) A violation of Section 12-6.1 of the Criminal
8 Code of 1961.

9 (P) A violation of paragraph (1), (2), (3), (4),
10 (5), or (7) of subsection (a) of Section 11-20.1 of the
11 Criminal Code of 1961.

12 (Q) A violation of Section 20-1.2 or 20-1.3 of the
13 Criminal Code of 1961.

14 (R) A violation of Section 24-3A of the Criminal
15 Code of 1961.

16 (S) (Blank).

17 (T) A second or subsequent violation of the
18 Methamphetamine Control and Community Protection Act.

19 (3) (Blank).

20 (4) A minimum term of imprisonment of not less than 10
21 consecutive days or 30 days of community service shall be
22 imposed for a violation of paragraph (c) of Section 6-303
23 of the Illinois Vehicle Code.

24 (4.1) (Blank).

25 (4.2) Except as provided in paragraph (4.3) of this
26 subsection (c), a minimum of 100 hours of community service

1 shall be imposed for a second violation of Section 6-303 of
2 the Illinois Vehicle Code.

3 (4.3) A minimum term of imprisonment of 30 days or 300
4 hours of community service, as determined by the court,
5 shall be imposed for a second violation of subsection (c)
6 of Section 6-303 of the Illinois Vehicle Code.

7 (4.4) Except as provided in paragraph (4.5) and
8 paragraph (4.6) of this subsection (c), a minimum term of
9 imprisonment of 30 days or 300 hours of community service,
10 as determined by the court, shall be imposed for a third or
11 subsequent violation of Section 6-303 of the Illinois
12 Vehicle Code.

13 (4.5) A minimum term of imprisonment of 30 days shall
14 be imposed for a third violation of subsection (c) of
15 Section 6-303 of the Illinois Vehicle Code.

16 (4.6) A minimum term of imprisonment of 180 days shall
17 be imposed for a fourth or subsequent violation of
18 subsection (c) of Section 6-303 of the Illinois Vehicle
19 Code.

20 (5) The court may sentence an offender convicted of a
21 business offense or a petty offense or a corporation or
22 unincorporated association convicted of any offense to:

23 (A) a period of conditional discharge;

24 (B) a fine;

25 (C) make restitution to the victim under Section
26 5-5-6 of this Code.

1 (5.1) In addition to any penalties imposed under
2 paragraph (5) of this subsection (c), and except as
3 provided in paragraph (5.2) or (5.3), a person convicted of
4 violating subsection (c) of Section 11-907 of the Illinois
5 Vehicle Code shall have his or her driver's license,
6 permit, or privileges suspended for at least 90 days but
7 not more than one year, if the violation resulted in damage
8 to the property of another person.

9 (5.2) In addition to any penalties imposed under
10 paragraph (5) of this subsection (c), and except as
11 provided in paragraph (5.3), a person convicted of
12 violating subsection (c) of Section 11-907 of the Illinois
13 Vehicle Code shall have his or her driver's license,
14 permit, or privileges suspended for at least 180 days but
15 not more than 2 years, if the violation resulted in injury
16 to another person.

17 (5.3) In addition to any penalties imposed under
18 paragraph (5) of this subsection (c), a person convicted of
19 violating subsection (c) of Section 11-907 of the Illinois
20 Vehicle Code shall have his or her driver's license,
21 permit, or privileges suspended for 2 years, if the
22 violation resulted in the death of another person.

23 (5.4) In addition to any penalties imposed under
24 paragraph (5) of this subsection (c), a person convicted of
25 violating Section 3-707 of the Illinois Vehicle Code shall
26 have his or her driver's license, permit, or privileges

1 suspended for 3 months and until he or she has paid a
2 reinstatement fee of \$100.

3 (5.5) In addition to any penalties imposed under
4 paragraph (5) of this subsection (c), a person convicted of
5 violating Section 3-707 of the Illinois Vehicle Code during
6 a period in which his or her driver's license, permit, or
7 privileges were suspended for a previous violation of that
8 Section shall have his or her driver's license, permit, or
9 privileges suspended for an additional 6 months after the
10 expiration of the original 3-month suspension and until he
11 or she has paid a reinstatement fee of \$100.

12 (6) In no case shall an offender be eligible for a
13 disposition of probation or conditional discharge for a
14 Class 1 felony committed while he was serving a term of
15 probation or conditional discharge for a felony.

16 (7) When a defendant is adjudged a habitual criminal
17 under Article 33B of the Criminal Code of 1961, the court
18 shall sentence the defendant to a term of natural life
19 imprisonment.

20 (8) When a defendant, over the age of 21 years, is
21 convicted of a Class 1 or Class 2 felony, after having
22 twice been convicted in any state or federal court of an
23 offense that contains the same elements as an offense now
24 classified in Illinois as a Class 2 or greater Class felony
25 and such charges are separately brought and tried and arise
26 out of different series of acts, such defendant shall be

1 sentenced as a Class X offender. This paragraph shall not
2 apply unless (1) the first felony was committed after the
3 effective date of this amendatory Act of 1977; and (2) the
4 second felony was committed after conviction on the first;
5 and (3) the third felony was committed after conviction on
6 the second. A person sentenced as a Class X offender under
7 this paragraph is not eligible to apply for treatment as a
8 condition of probation as provided by Section 40-10 of the
9 Alcoholism and Other Drug Abuse and Dependency Act.

10 (9) A defendant convicted of a second or subsequent
11 offense of ritualized abuse of a child may be sentenced to
12 a term of natural life imprisonment.

13 (10) (Blank).

14 (11) The court shall impose a minimum fine of \$1,000
15 for a first offense and \$2,000 for a second or subsequent
16 offense upon a person convicted of or placed on supervision
17 for battery when the individual harmed was a sports
18 official or coach at any level of competition and the act
19 causing harm to the sports official or coach occurred
20 within an athletic facility or within the immediate
21 vicinity of the athletic facility at which the sports
22 official or coach was an active participant of the athletic
23 contest held at the athletic facility. For the purposes of
24 this paragraph (11), "sports official" means a person at an
25 athletic contest who enforces the rules of the contest,
26 such as an umpire or referee; "athletic facility" means an

1 indoor or outdoor playing field or recreational area where
2 sports activities are conducted; and "coach" means a person
3 recognized as a coach by the sanctioning authority that
4 conducted the sporting event.

5 (12) A person may not receive a disposition of court
6 supervision for a violation of Section 5-16 of the Boat
7 Registration and Safety Act if that person has previously
8 received a disposition of court supervision for a violation
9 of that Section.

10 (d) In any case in which a sentence originally imposed is
11 vacated, the case shall be remanded to the trial court. The
12 trial court shall hold a hearing under Section 5-4-1 of the
13 Unified Code of Corrections which may include evidence of the
14 defendant's life, moral character and occupation during the
15 time since the original sentence was passed. The trial court
16 shall then impose sentence upon the defendant. The trial court
17 may impose any sentence which could have been imposed at the
18 original trial subject to Section 5-5-4 of the Unified Code of
19 Corrections. If a sentence is vacated on appeal or on
20 collateral attack due to the failure of the trier of fact at
21 trial to determine beyond a reasonable doubt the existence of a
22 fact (other than a prior conviction) necessary to increase the
23 punishment for the offense beyond the statutory maximum
24 otherwise applicable, either the defendant may be re-sentenced
25 to a term within the range otherwise provided or, if the State
26 files notice of its intention to again seek the extended

1 sentence, the defendant shall be afforded a new trial.

2 (e) In cases where prosecution for aggravated criminal
3 sexual abuse under Section 12-16 of the Criminal Code of 1961
4 results in conviction of a defendant who was a family member of
5 the victim at the time of the commission of the offense, the
6 court shall consider the safety and welfare of the victim and
7 may impose a sentence of probation only where:

8 (1) the court finds (A) or (B) or both are appropriate:

9 (A) the defendant is willing to undergo a court
10 approved counseling program for a minimum duration of 2
11 years; or

12 (B) the defendant is willing to participate in a
13 court approved plan including but not limited to the
14 defendant's:

15 (i) removal from the household;

16 (ii) restricted contact with the victim;

17 (iii) continued financial support of the
18 family;

19 (iv) restitution for harm done to the victim;

20 and

21 (v) compliance with any other measures that
22 the court may deem appropriate; and

23 (2) the court orders the defendant to pay for the
24 victim's counseling services, to the extent that the court
25 finds, after considering the defendant's income and
26 assets, that the defendant is financially capable of paying

1 for such services, if the victim was under 18 years of age
2 at the time the offense was committed and requires
3 counseling as a result of the offense.

4 Probation may be revoked or modified pursuant to Section
5 5-6-4; except where the court determines at the hearing that
6 the defendant violated a condition of his or her probation
7 restricting contact with the victim or other family members or
8 commits another offense with the victim or other family
9 members, the court shall revoke the defendant's probation and
10 impose a term of imprisonment.

11 For the purposes of this Section, "family member" and
12 "victim" shall have the meanings ascribed to them in Section
13 12-12 of the Criminal Code of 1961.

14 (f) This Article shall not deprive a court in other
15 proceedings to order a forfeiture of property, to suspend or
16 cancel a license, to remove a person from office, or to impose
17 any other civil penalty.

18 (g) Whenever a defendant is convicted of an offense under
19 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
20 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
21 of the Criminal Code of 1961, the defendant shall undergo
22 medical testing to determine whether the defendant has any
23 sexually transmissible disease, including a test for infection
24 with human immunodeficiency virus (HIV) or any other identified
25 causative agent of acquired immunodeficiency syndrome (AIDS).
26 Any such medical test shall be performed only by appropriately

1 licensed medical practitioners and may include an analysis of
2 any bodily fluids as well as an examination of the defendant's
3 person. Except as otherwise provided by law, the results of
4 such test shall be kept strictly confidential by all medical
5 personnel involved in the testing and must be personally
6 delivered in a sealed envelope to the judge of the court in
7 which the conviction was entered for the judge's inspection in
8 camera. Acting in accordance with the best interests of the
9 victim and the public, the judge shall have the discretion to
10 determine to whom, if anyone, the results of the testing may be
11 revealed. The court shall notify the defendant of the test
12 results. The court shall also notify the victim if requested by
13 the victim, and if the victim is under the age of 15 and if
14 requested by the victim's parents or legal guardian, the court
15 shall notify the victim's parents or legal guardian of the test
16 results. The court shall provide information on the
17 availability of HIV testing and counseling at Department of
18 Public Health facilities to all parties to whom the results of
19 the testing are revealed and shall direct the State's Attorney
20 to provide the information to the victim when possible. A
21 State's Attorney may petition the court to obtain the results
22 of any HIV test administered under this Section, and the court
23 shall grant the disclosure if the State's Attorney shows it is
24 relevant in order to prosecute a charge of criminal
25 transmission of HIV under Section 12-16.2 of the Criminal Code
26 of 1961 against the defendant. The court shall order that the

1 cost of any such test shall be paid by the county and may be
2 taxed as costs against the convicted defendant.

3 (g-5) When an inmate is tested for an airborne communicable
4 disease, as determined by the Illinois Department of Public
5 Health including but not limited to tuberculosis, the results
6 of the test shall be personally delivered by the warden or his
7 or her designee in a sealed envelope to the judge of the court
8 in which the inmate must appear for the judge's inspection in
9 camera if requested by the judge. Acting in accordance with the
10 best interests of those in the courtroom, the judge shall have
11 the discretion to determine what if any precautions need to be
12 taken to prevent transmission of the disease in the courtroom.

13 (h) Whenever a defendant is convicted of an offense under
14 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
15 defendant shall undergo medical testing to determine whether
16 the defendant has been exposed to human immunodeficiency virus
17 (HIV) or any other identified causative agent of acquired
18 immunodeficiency syndrome (AIDS). Except as otherwise provided
19 by law, the results of such test shall be kept strictly
20 confidential by all medical personnel involved in the testing
21 and must be personally delivered in a sealed envelope to the
22 judge of the court in which the conviction was entered for the
23 judge's inspection in camera. Acting in accordance with the
24 best interests of the public, the judge shall have the
25 discretion to determine to whom, if anyone, the results of the
26 testing may be revealed. The court shall notify the defendant

1 of a positive test showing an infection with the human
2 immunodeficiency virus (HIV). The court shall provide
3 information on the availability of HIV testing and counseling
4 at Department of Public Health facilities to all parties to
5 whom the results of the testing are revealed and shall direct
6 the State's Attorney to provide the information to the victim
7 when possible. A State's Attorney may petition the court to
8 obtain the results of any HIV test administered under this
9 Section, and the court shall grant the disclosure if the
10 State's Attorney shows it is relevant in order to prosecute a
11 charge of criminal transmission of HIV under Section 12-16.2 of
12 the Criminal Code of 1961 against the defendant. The court
13 shall order that the cost of any such test shall be paid by the
14 county and may be taxed as costs against the convicted
15 defendant.

16 (i) All fines and penalties imposed under this Section for
17 any violation of Chapters 3, 4, 6, and 11 of the Illinois
18 Vehicle Code, or a similar provision of a local ordinance, and
19 any violation of the Child Passenger Protection Act, or a
20 similar provision of a local ordinance, shall be collected and
21 disbursed by the circuit clerk as provided under Section 27.5
22 of the Clerks of Courts Act.

23 (j) In cases when prosecution for any violation of Section
24 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
25 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
26 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal

1 Code of 1961, any violation of the Illinois Controlled
2 Substances Act, any violation of the Cannabis Control Act, or
3 any violation of the Methamphetamine Control and Community
4 Protection Act results in conviction, a disposition of court
5 supervision, or an order of probation granted under Section 10
6 of the Cannabis Control Act, Section 410 of the Illinois
7 Controlled Substance Act, or Section 70 of the Methamphetamine
8 Control and Community Protection Act of a defendant, the court
9 shall determine whether the defendant is employed by a facility
10 or center as defined under the Child Care Act of 1969, a public
11 or private elementary or secondary school, or otherwise works
12 with children under 18 years of age on a daily basis. When a
13 defendant is so employed, the court shall order the Clerk of
14 the Court to send a copy of the judgment of conviction or order
15 of supervision or probation to the defendant's employer by
16 certified mail. If the employer of the defendant is a school,
17 the Clerk of the Court shall direct the mailing of a copy of
18 the judgment of conviction or order of supervision or probation
19 to the appropriate regional superintendent of schools. The
20 regional superintendent of schools shall notify the State Board
21 of Education of any notification under this subsection.

22 (j-5) A defendant at least 18 ~~17~~ years of age who is
23 convicted of a felony and who has not been previously convicted
24 of a misdemeanor or felony and who is sentenced to a term of
25 imprisonment in the Illinois Department of Corrections shall as
26 a condition of his or her sentence be required by the court to

1 attend educational courses designed to prepare the defendant
2 for a high school diploma and to work toward a high school
3 diploma or to work toward passing the high school level Test of
4 General Educational Development (GED) or to work toward
5 completing a vocational training program offered by the
6 Department of Corrections. If a defendant fails to complete the
7 educational training required by his or her sentence during the
8 term of incarceration, the Prisoner Review Board shall, as a
9 condition of mandatory supervised release, require the
10 defendant, at his or her own expense, to pursue a course of
11 study toward a high school diploma or passage of the GED test.
12 The Prisoner Review Board shall revoke the mandatory supervised
13 release of a defendant who wilfully fails to comply with this
14 subsection (j-5) upon his or her release from confinement in a
15 penal institution while serving a mandatory supervised release
16 term; however, the inability of the defendant after making a
17 good faith effort to obtain financial aid or pay for the
18 educational training shall not be deemed a wilful failure to
19 comply. The Prisoner Review Board shall recommit the defendant
20 whose mandatory supervised release term has been revoked under
21 this subsection (j-5) as provided in Section 3-3-9. This
22 subsection (j-5) does not apply to a defendant who has a high
23 school diploma or has successfully passed the GED test. This
24 subsection (j-5) does not apply to a defendant who is
25 determined by the court to be developmentally disabled or
26 otherwise mentally incapable of completing the educational or

1 vocational program.

2 (k) A court may not impose a sentence or disposition for a
3 felony or misdemeanor that requires the defendant to be
4 implanted or injected with or to use any form of birth control.

5 (l) (A) Except as provided in paragraph (C) of subsection
6 (l), whenever a defendant, who is an alien as defined by
7 the Immigration and Nationality Act, is convicted of any
8 felony or misdemeanor offense, the court after sentencing
9 the defendant may, upon motion of the State's Attorney,
10 hold sentence in abeyance and remand the defendant to the
11 custody of the Attorney General of the United States or his
12 or her designated agent to be deported when:

13 (1) a final order of deportation has been issued
14 against the defendant pursuant to proceedings under
15 the Immigration and Nationality Act, and

16 (2) the deportation of the defendant would not
17 deprecate the seriousness of the defendant's conduct
18 and would not be inconsistent with the ends of justice.

19 Otherwise, the defendant shall be sentenced as
20 provided in this Chapter V.

21 (B) If the defendant has already been sentenced for a
22 felony or misdemeanor offense, or has been placed on
23 probation under Section 10 of the Cannabis Control Act,
24 Section 410 of the Illinois Controlled Substances Act, or
25 Section 70 of the Methamphetamine Control and Community
26 Protection Act, the court may, upon motion of the State's

1 Attorney to suspend the sentence imposed, commit the
2 defendant to the custody of the Attorney General of the
3 United States or his or her designated agent when:

4 (1) a final order of deportation has been issued
5 against the defendant pursuant to proceedings under
6 the Immigration and Nationality Act, and

7 (2) the deportation of the defendant would not
8 deprecate the seriousness of the defendant's conduct
9 and would not be inconsistent with the ends of justice.

10 (C) This subsection (1) does not apply to offenders who
11 are subject to the provisions of paragraph (2) of
12 subsection (a) of Section 3-6-3.

13 (D) Upon motion of the State's Attorney, if a defendant
14 sentenced under this Section returns to the jurisdiction of
15 the United States, the defendant shall be recommitted to
16 the custody of the county from which he or she was
17 sentenced. Thereafter, the defendant shall be brought
18 before the sentencing court, which may impose any sentence
19 that was available under Section 5-5-3 at the time of
20 initial sentencing. In addition, the defendant shall not be
21 eligible for additional good conduct credit for
22 meritorious service as provided under Section 3-6-6.

23 (m) A person convicted of criminal defacement of property
24 under Section 21-1.3 of the Criminal Code of 1961, in which the
25 property damage exceeds \$300 and the property damaged is a
26 school building, shall be ordered to perform community service

1 that may include cleanup, removal, or painting over the
2 defacement.

3 (n) The court may sentence a person convicted of a
4 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
5 Code of 1961 (i) to an impact incarceration program if the
6 person is otherwise eligible for that program under Section
7 5-8-1.1, (ii) to community service, or (iii) if the person is
8 an addict or alcoholic, as defined in the Alcoholism and Other
9 Drug Abuse and Dependency Act, to a substance or alcohol abuse
10 program licensed under that Act.

11 (o) Whenever a person is convicted of a sex offense as
12 defined in Section 2 of the Sex Offender Registration Act, the
13 defendant's driver's license or permit shall be subject to
14 renewal on an annual basis in accordance with the provisions of
15 license renewal established by the Secretary of State.

16 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,
17 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,
18 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,
19 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,
20 eff. 9-11-05; 94-993, eff. 1-1-07; 94-1035, eff. 7-1-07;
21 revised 8-28-06.)

22 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

23 Sec. 5-5-3.2. Factors in Aggravation.

24 (a) The following factors shall be accorded weight in favor
25 of imposing a term of imprisonment or may be considered by the

1 court as reasons to impose a more severe sentence under Section
2 5-8-1:

3 (1) the defendant's conduct caused or threatened
4 serious harm;

5 (2) the defendant received compensation for committing
6 the offense;

7 (3) the defendant has a history of prior delinquency or
8 criminal activity;

9 (4) the defendant, by the duties of his office or by
10 his position, was obliged to prevent the particular offense
11 committed or to bring the offenders committing it to
12 justice;

13 (5) the defendant held public office at the time of the
14 offense, and the offense related to the conduct of that
15 office;

16 (6) the defendant utilized his professional reputation
17 or position in the community to commit the offense, or to
18 afford him an easier means of committing it;

19 (7) the sentence is necessary to deter others from
20 committing the same crime;

21 (8) the defendant committed the offense against a
22 person 60 years of age or older or such person's property;

23 (9) the defendant committed the offense against a
24 person who is physically handicapped or such person's
25 property;

26 (10) by reason of another individual's actual or

1 perceived race, color, creed, religion, ancestry, gender,
2 sexual orientation, physical or mental disability, or
3 national origin, the defendant committed the offense
4 against (i) the person or property of that individual; (ii)
5 the person or property of a person who has an association
6 with, is married to, or has a friendship with the other
7 individual; or (iii) the person or property of a relative
8 (by blood or marriage) of a person described in clause (i)
9 or (ii). For the purposes of this Section, "sexual
10 orientation" means heterosexuality, homosexuality, or
11 bisexuality;

12 (11) the offense took place in a place of worship or on
13 the grounds of a place of worship, immediately prior to,
14 during or immediately following worship services. For
15 purposes of this subparagraph, "place of worship" shall
16 mean any church, synagogue or other building, structure or
17 place used primarily for religious worship;

18 (12) the defendant was convicted of a felony committed
19 while he was released on bail or his own recognizance
20 pending trial for a prior felony and was convicted of such
21 prior felony, or the defendant was convicted of a felony
22 committed while he was serving a period of probation,
23 conditional discharge, or mandatory supervised release
24 under subsection (d) of Section 5-8-1 for a prior felony;

25 (13) the defendant committed or attempted to commit a
26 felony while he was wearing a bulletproof vest. For the

1 purposes of this paragraph (13), a bulletproof vest is any
2 device which is designed for the purpose of protecting the
3 wearer from bullets, shot or other lethal projectiles;

4 (14) the defendant held a position of trust or
5 supervision such as, but not limited to, family member as
6 defined in Section 12-12 of the Criminal Code of 1961,
7 teacher, scout leader, baby sitter, or day care worker, in
8 relation to a victim under 18 years of age, and the
9 defendant committed an offense in violation of Section
10 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
11 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
12 against that victim;

13 (15) the defendant committed an offense related to the
14 activities of an organized gang. For the purposes of this
15 factor, "organized gang" has the meaning ascribed to it in
16 Section 10 of the Streetgang Terrorism Omnibus Prevention
17 Act;

18 (16) the defendant committed an offense in violation of
19 one of the following Sections while in a school, regardless
20 of the time of day or time of year; on any conveyance
21 owned, leased, or contracted by a school to transport
22 students to or from school or a school related activity; on
23 the real property of a school; or on a public way within
24 1,000 feet of the real property comprising any school:
25 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
26 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,

1 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
2 33A-2 of the Criminal Code of 1961;

3 (16.5) the defendant committed an offense in violation
4 of one of the following Sections while in a day care
5 center, regardless of the time of day or time of year; on
6 the real property of a day care center, regardless of the
7 time of day or time of year; or on a public way within
8 1,000 feet of the real property comprising any day care
9 center, regardless of the time of day or time of year:
10 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
11 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
12 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
13 33A-2 of the Criminal Code of 1961;

14 (17) the defendant committed the offense by reason of
15 any person's activity as a community policing volunteer or
16 to prevent any person from engaging in activity as a
17 community policing volunteer. For the purpose of this
18 Section, "community policing volunteer" has the meaning
19 ascribed to it in Section 2-3.5 of the Criminal Code of
20 1961;

21 (18) the defendant committed the offense in a nursing
22 home or on the real property comprising a nursing home. For
23 the purposes of this paragraph (18), "nursing home" means a
24 skilled nursing or intermediate long term care facility
25 that is subject to license by the Illinois Department of
26 Public Health under the Nursing Home Care Act;

1 (19) the defendant was a federally licensed firearm
2 dealer and was previously convicted of a violation of
3 subsection (a) of Section 3 of the Firearm Owners
4 Identification Card Act and has now committed either a
5 felony violation of the Firearm Owners Identification Card
6 Act or an act of armed violence while armed with a firearm;

7 (20) the defendant (i) committed the offense of
8 reckless homicide under Section 9-3 of the Criminal Code of
9 1961 or the offense of driving under the influence of
10 alcohol, other drug or drugs, intoxicating compound or
11 compounds or any combination thereof under Section 11-501
12 of the Illinois Vehicle Code or a similar provision of a
13 local ordinance and (ii) was operating a motor vehicle in
14 excess of 20 miles per hour over the posted speed limit as
15 provided in Article VI of Chapter 11 of the Illinois
16 Vehicle Code; or

17 (21) the defendant (i) committed the offense of
18 reckless driving or aggravated reckless driving under
19 Section 11-503 of the Illinois Vehicle Code and (ii) was
20 operating a motor vehicle in excess of 20 miles per hour
21 over the posted speed limit as provided in Article VI of
22 Chapter 11 of the Illinois Vehicle Code.

23 For the purposes of this Section:

24 "School" is defined as a public or private elementary or
25 secondary school, community college, college, or university.

26 "Day care center" means a public or private State certified

1 and licensed day care center as defined in Section 2.09 of the
2 Child Care Act of 1969 that displays a sign in plain view
3 stating that the property is a day care center.

4 (b) The following factors may be considered by the court as
5 reasons to impose an extended term sentence under Section 5-8-2
6 upon any offender:

7 (1) When a defendant is convicted of any felony, after
8 having been previously convicted in Illinois or any other
9 jurisdiction of the same or similar class felony or greater
10 class felony, when such conviction has occurred within 10
11 years after the previous conviction, excluding time spent
12 in custody, and such charges are separately brought and
13 tried and arise out of different series of acts; or

14 (2) When a defendant is convicted of any felony and the
15 court finds that the offense was accompanied by
16 exceptionally brutal or heinous behavior indicative of
17 wanton cruelty; or

18 (3) When a defendant is convicted of voluntary
19 manslaughter, second degree murder, involuntary
20 manslaughter or reckless homicide in which the defendant
21 has been convicted of causing the death of more than one
22 individual; or

23 (4) When a defendant is convicted of any felony
24 committed against:

25 (i) a person under 12 years of age at the time of
26 the offense or such person's property;

1 (ii) a person 60 years of age or older at the time
2 of the offense or such person's property; or

3 (iii) a person physically handicapped at the time
4 of the offense or such person's property; or

5 (5) In the case of a defendant convicted of aggravated
6 criminal sexual assault or criminal sexual assault, when
7 the court finds that aggravated criminal sexual assault or
8 criminal sexual assault was also committed on the same
9 victim by one or more other individuals, and the defendant
10 voluntarily participated in the crime with the knowledge of
11 the participation of the others in the crime, and the
12 commission of the crime was part of a single course of
13 conduct during which there was no substantial change in the
14 nature of the criminal objective; or

15 (6) When a defendant is convicted of any felony and the
16 offense involved any of the following types of specific
17 misconduct committed as part of a ceremony, rite,
18 initiation, observance, performance, practice or activity
19 of any actual or ostensible religious, fraternal, or social
20 group:

21 (i) the brutalizing or torturing of humans or
22 animals;

23 (ii) the theft of human corpses;

24 (iii) the kidnapping of humans;

25 (iv) the desecration of any cemetery, religious,
26 fraternal, business, governmental, educational, or

1 other building or property; or

2 (v) ritualized abuse of a child; or

3 (7) When a defendant is convicted of first degree
4 murder, after having been previously convicted in Illinois
5 of any offense listed under paragraph (c)(2) of Section
6 5-5-3, when such conviction has occurred within 10 years
7 after the previous conviction, excluding time spent in
8 custody, and such charges are separately brought and tried
9 and arise out of different series of acts; or

10 (8) When a defendant is convicted of a felony other
11 than conspiracy and the court finds that the felony was
12 committed under an agreement with 2 or more other persons
13 to commit that offense and the defendant, with respect to
14 the other individuals, occupied a position of organizer,
15 supervisor, financier, or any other position of management
16 or leadership, and the court further finds that the felony
17 committed was related to or in furtherance of the criminal
18 activities of an organized gang or was motivated by the
19 defendant's leadership in an organized gang; or

20 (9) When a defendant is convicted of a felony violation
21 of Section 24-1 of the Criminal Code of 1961 and the court
22 finds that the defendant is a member of an organized gang;
23 or

24 (10) When a defendant committed the offense using a
25 firearm with a laser sight attached to it. For purposes of
26 this paragraph (10), "laser sight" has the meaning ascribed

1 to it in Section 24.6-5 of the Criminal Code of 1961; or

2 (11) When a defendant who was at least 18 ~~17~~ years of
3 age at the time of the commission of the offense is
4 convicted of a felony and has been previously adjudicated a
5 delinquent minor under the Juvenile Court Act of 1987 for
6 an act that if committed by an adult would be a Class X or
7 Class 1 felony when the conviction has occurred within 10
8 years after the previous adjudication, excluding time
9 spent in custody; or

10 (12) When a defendant commits an offense involving the
11 illegal manufacture of a controlled substance under
12 Section 401 of the Illinois Controlled Substances Act, the
13 illegal manufacture of methamphetamine under Section 25 of
14 the Methamphetamine Control and Community Protection Act,
15 or the illegal possession of explosives and an emergency
16 response officer in the performance of his or her duties is
17 killed or injured at the scene of the offense while
18 responding to the emergency caused by the commission of the
19 offense. In this paragraph (12), "emergency" means a
20 situation in which a person's life, health, or safety is in
21 jeopardy; and "emergency response officer" means a peace
22 officer, community policing volunteer, fireman, emergency
23 medical technician-ambulance, emergency medical
24 technician-intermediate, emergency medical
25 technician-paramedic, ambulance driver, other medical
26 assistance or first aid personnel, or hospital emergency

1 room personnel; or

2 (13) When a defendant commits any felony and the
3 defendant used, possessed, exercised control over, or
4 otherwise directed an animal to assault a law enforcement
5 officer engaged in the execution of his or her official
6 duties or in furtherance of the criminal activities of an
7 organized gang in which the defendant is engaged.

8 (b-1) For the purposes of this Section, "organized gang"
9 has the meaning ascribed to it in Section 10 of the Illinois
10 Streetgang Terrorism Omnibus Prevention Act.

11 (c) The court may impose an extended term sentence under
12 Section 5-8-2 upon any offender who was convicted of aggravated
13 criminal sexual assault or predatory criminal sexual assault of
14 a child under subsection (a)(1) of Section 12-14.1 of the
15 Criminal Code of 1961 where the victim was under 18 years of
16 age at the time of the commission of the offense.

17 (d) The court may impose an extended term sentence under
18 Section 5-8-2 upon any offender who was convicted of unlawful
19 use of weapons under Section 24-1 of the Criminal Code of 1961
20 for possessing a weapon that is not readily distinguishable as
21 one of the weapons enumerated in Section 24-1 of the Criminal
22 Code of 1961.

23 (Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556,
24 eff. 9-11-05; 94-819, eff. 5-31-06.)

25 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

1 Sec. 5-6-3. Conditions of Probation and of Conditional
2 Discharge.

3 (a) The conditions of probation and of conditional
4 discharge shall be that the person:

5 (1) not violate any criminal statute of any
6 jurisdiction;

7 (2) report to or appear in person before such person or
8 agency as directed by the court;

9 (3) refrain from possessing a firearm or other
10 dangerous weapon;

11 (4) not leave the State without the consent of the
12 court or, in circumstances in which the reason for the
13 absence is of such an emergency nature that prior consent
14 by the court is not possible, without the prior
15 notification and approval of the person's probation
16 officer. Transfer of a person's probation or conditional
17 discharge supervision to another state is subject to
18 acceptance by the other state pursuant to the Interstate
19 Compact for Adult Offender Supervision;

20 (5) permit the probation officer to visit him at his
21 home or elsewhere to the extent necessary to discharge his
22 duties;

23 (6) perform no less than 30 hours of community service
24 and not more than 120 hours of community service, if
25 community service is available in the jurisdiction and is
26 funded and approved by the county board where the offense

1 was committed, where the offense was related to or in
2 furtherance of the criminal activities of an organized gang
3 and was motivated by the offender's membership in or
4 allegiance to an organized gang. The community service
5 shall include, but not be limited to, the cleanup and
6 repair of any damage caused by a violation of Section
7 21-1.3 of the Criminal Code of 1961 and similar damage to
8 property located within the municipality or county in which
9 the violation occurred. When possible and reasonable, the
10 community service should be performed in the offender's
11 neighborhood. For purposes of this Section, "organized
12 gang" has the meaning ascribed to it in Section 10 of the
13 Illinois Streetgang Terrorism Omnibus Prevention Act;

14 (7) if he or she is at least 18 ~~17~~ years of age and has
15 been sentenced to probation or conditional discharge for a
16 misdemeanor or felony in a county of 3,000,000 or more
17 inhabitants and has not been previously convicted of a
18 misdemeanor or felony, may be required by the sentencing
19 court to attend educational courses designed to prepare the
20 defendant for a high school diploma and to work toward a
21 high school diploma or to work toward passing the high
22 school level Test of General Educational Development (GED)
23 or to work toward completing a vocational training program
24 approved by the court. The person on probation or
25 conditional discharge must attend a public institution of
26 education to obtain the educational or vocational training

1 required by this clause (7). The court shall revoke the
2 probation or conditional discharge of a person who wilfully
3 fails to comply with this clause (7). The person on
4 probation or conditional discharge shall be required to pay
5 for the cost of the educational courses or GED test, if a
6 fee is charged for those courses or test. The court shall
7 resentence the offender whose probation or conditional
8 discharge has been revoked as provided in Section 5-6-4.
9 This clause (7) does not apply to a person who has a high
10 school diploma or has successfully passed the GED test.
11 This clause (7) does not apply to a person who is
12 determined by the court to be developmentally disabled or
13 otherwise mentally incapable of completing the educational
14 or vocational program;

15 (8) if convicted of possession of a substance
16 prohibited by the Cannabis Control Act, the Illinois
17 Controlled Substances Act, or the Methamphetamine Control
18 and Community Protection Act after a previous conviction or
19 disposition of supervision for possession of a substance
20 prohibited by the Cannabis Control Act or Illinois
21 Controlled Substances Act or after a sentence of probation
22 under Section 10 of the Cannabis Control Act, Section 410
23 of the Illinois Controlled Substances Act, or Section 70 of
24 the Methamphetamine Control and Community Protection Act
25 and upon a finding by the court that the person is
26 addicted, undergo treatment at a substance abuse program

1 approved by the court;

2 (8.5) if convicted of a felony sex offense as defined
3 in the Sex Offender Management Board Act, the person shall
4 undergo and successfully complete sex offender treatment
5 by a treatment provider approved by the Board and conducted
6 in conformance with the standards developed under the Sex
7 Offender Management Board Act;

8 (8.6) if convicted of a sex offense as defined in the
9 Sex Offender Management Board Act, refrain from residing at
10 the same address or in the same condominium unit or
11 apartment unit or in the same condominium complex or
12 apartment complex with another person he or she knows or
13 reasonably should know is a convicted sex offender or has
14 been placed on supervision for a sex offense; the
15 provisions of this paragraph do not apply to a person
16 convicted of a sex offense who is placed in a Department of
17 Corrections licensed transitional housing facility for sex
18 offenders; ~~and~~

19 (9) if convicted of a felony, physically surrender at a
20 time and place designated by the court, his or her Firearm
21 Owner's Identification Card and any and all firearms in his
22 or her possession; and

23 (10) if convicted of a sex offense as defined in
24 subsection (a-5) of Section 3-1-2 of this Code, unless the
25 offender is a parent or guardian of the person under 18
26 years of age present in the home and no non-familial minors

1 are present, not participate in a holiday event involving
2 children under 18 years of age, such as distributing candy
3 or other items to children on Halloween, wearing a Santa
4 Claus costume on or preceding Christmas, being employed as
5 a department store Santa Claus, or wearing an Easter Bunny
6 costume on or preceding Easter.

7 (b) The Court may in addition to other reasonable
8 conditions relating to the nature of the offense or the
9 rehabilitation of the defendant as determined for each
10 defendant in the proper discretion of the Court require that
11 the person:

12 (1) serve a term of periodic imprisonment under Article
13 7 for a period not to exceed that specified in paragraph
14 (d) of Section 5-7-1;

15 (2) pay a fine and costs;

16 (3) work or pursue a course of study or vocational
17 training;

18 (4) undergo medical, psychological or psychiatric
19 treatment; or treatment for drug addiction or alcoholism;

20 (5) attend or reside in a facility established for the
21 instruction or residence of defendants on probation;

22 (6) support his dependents;

23 (7) and in addition, if a minor:

24 (i) reside with his parents or in a foster home;

25 (ii) attend school;

26 (iii) attend a non-residential program for youth;

1 (iv) contribute to his own support at home or in a
2 foster home;

3 (v) with the consent of the superintendent of the
4 facility, attend an educational program at a facility
5 other than the school in which the offense was
6 committed if he or she is convicted of a crime of
7 violence as defined in Section 2 of the Crime Victims
8 Compensation Act committed in a school, on the real
9 property comprising a school, or within 1,000 feet of
10 the real property comprising a school;

11 (8) make restitution as provided in Section 5-5-6 of
12 this Code;

13 (9) perform some reasonable public or community
14 service;

15 (10) serve a term of home confinement. In addition to
16 any other applicable condition of probation or conditional
17 discharge, the conditions of home confinement shall be that
18 the offender:

19 (i) remain within the interior premises of the
20 place designated for his confinement during the hours
21 designated by the court;

22 (ii) admit any person or agent designated by the
23 court into the offender's place of confinement at any
24 time for purposes of verifying the offender's
25 compliance with the conditions of his confinement; and

26 (iii) if further deemed necessary by the court or

1 the Probation or Court Services Department, be placed
2 on an approved electronic monitoring device, subject
3 to Article 8A of Chapter V;

4 (iv) for persons convicted of any alcohol,
5 cannabis or controlled substance violation who are
6 placed on an approved monitoring device as a condition
7 of probation or conditional discharge, the court shall
8 impose a reasonable fee for each day of the use of the
9 device, as established by the county board in
10 subsection (g) of this Section, unless after
11 determining the inability of the offender to pay the
12 fee, the court assesses a lesser fee or no fee as the
13 case may be. This fee shall be imposed in addition to
14 the fees imposed under subsections (g) and (i) of this
15 Section. The fee shall be collected by the clerk of the
16 circuit court. The clerk of the circuit court shall pay
17 all monies collected from this fee to the county
18 treasurer for deposit in the substance abuse services
19 fund under Section 5-1086.1 of the Counties Code; and

20 (v) for persons convicted of offenses other than
21 those referenced in clause (iv) above and who are
22 placed on an approved monitoring device as a condition
23 of probation or conditional discharge, the court shall
24 impose a reasonable fee for each day of the use of the
25 device, as established by the county board in
26 subsection (g) of this Section, unless after

1 determining the inability of the defendant to pay the
2 fee, the court assesses a lesser fee or no fee as the
3 case may be. This fee shall be imposed in addition to
4 the fees imposed under subsections (g) and (i) of this
5 Section. The fee shall be collected by the clerk of the
6 circuit court. The clerk of the circuit court shall pay
7 all monies collected from this fee to the county
8 treasurer who shall use the monies collected to defray
9 the costs of corrections. The county treasurer shall
10 deposit the fee collected in the county working cash
11 fund under Section 6-27001 or Section 6-29002 of the
12 Counties Code, as the case may be.

13 (11) comply with the terms and conditions of an order
14 of protection issued by the court pursuant to the Illinois
15 Domestic Violence Act of 1986, as now or hereafter amended,
16 or an order of protection issued by the court of another
17 state, tribe, or United States territory. A copy of the
18 order of protection shall be transmitted to the probation
19 officer or agency having responsibility for the case;

20 (12) reimburse any "local anti-crime program" as
21 defined in Section 7 of the Anti-Crime Advisory Council Act
22 for any reasonable expenses incurred by the program on the
23 offender's case, not to exceed the maximum amount of the
24 fine authorized for the offense for which the defendant was
25 sentenced;

26 (13) contribute a reasonable sum of money, not to

1 exceed the maximum amount of the fine authorized for the
2 offense for which the defendant was sentenced, to a "local
3 anti-crime program", as defined in Section 7 of the
4 Anti-Crime Advisory Council Act;

5 (14) refrain from entering into a designated
6 geographic area except upon such terms as the court finds
7 appropriate. Such terms may include consideration of the
8 purpose of the entry, the time of day, other persons
9 accompanying the defendant, and advance approval by a
10 probation officer, if the defendant has been placed on
11 probation or advance approval by the court, if the
12 defendant was placed on conditional discharge;

13 (15) refrain from having any contact, directly or
14 indirectly, with certain specified persons or particular
15 types of persons, including but not limited to members of
16 street gangs and drug users or dealers;

17 (16) refrain from having in his or her body the
18 presence of any illicit drug prohibited by the Cannabis
19 Control Act, the Illinois Controlled Substances Act, or the
20 Methamphetamine Control and Community Protection Act,
21 unless prescribed by a physician, and submit samples of his
22 or her blood or urine or both for tests to determine the
23 presence of any illicit drug.

24 (c) The court may as a condition of probation or of
25 conditional discharge require that a person under 18 years of
26 age found guilty of any alcohol, cannabis or controlled

1 substance violation, refrain from acquiring a driver's license
2 during the period of probation or conditional discharge. If
3 such person is in possession of a permit or license, the court
4 may require that the minor refrain from driving or operating
5 any motor vehicle during the period of probation or conditional
6 discharge, except as may be necessary in the course of the
7 minor's lawful employment.

8 (d) An offender sentenced to probation or to conditional
9 discharge shall be given a certificate setting forth the
10 conditions thereof.

11 (e) Except where the offender has committed a fourth or
12 subsequent violation of subsection (c) of Section 6-303 of the
13 Illinois Vehicle Code, the court shall not require as a
14 condition of the sentence of probation or conditional discharge
15 that the offender be committed to a period of imprisonment in
16 excess of 6 months. This 6 month limit shall not include
17 periods of confinement given pursuant to a sentence of county
18 impact incarceration under Section 5-8-1.2. This 6 month limit
19 does not apply to a person sentenced to probation as a result
20 of a conviction of a fourth or subsequent violation of
21 subsection (c-4) of Section 11-501 of the Illinois Vehicle Code
22 or a similar provision of a local ordinance.

23 Persons committed to imprisonment as a condition of
24 probation or conditional discharge shall not be committed to
25 the Department of Corrections.

26 (f) The court may combine a sentence of periodic

1 imprisonment under Article 7 or a sentence to a county impact
2 incarceration program under Article 8 with a sentence of
3 probation or conditional discharge.

4 (g) An offender sentenced to probation or to conditional
5 discharge and who during the term of either undergoes mandatory
6 drug or alcohol testing, or both, or is assigned to be placed
7 on an approved electronic monitoring device, shall be ordered
8 to pay all costs incidental to such mandatory drug or alcohol
9 testing, or both, and all costs incidental to such approved
10 electronic monitoring in accordance with the defendant's
11 ability to pay those costs. The county board with the
12 concurrence of the Chief Judge of the judicial circuit in which
13 the county is located shall establish reasonable fees for the
14 cost of maintenance, testing, and incidental expenses related
15 to the mandatory drug or alcohol testing, or both, and all
16 costs incidental to approved electronic monitoring, involved
17 in a successful probation program for the county. The
18 concurrence of the Chief Judge shall be in the form of an
19 administrative order. The fees shall be collected by the clerk
20 of the circuit court. The clerk of the circuit court shall pay
21 all moneys collected from these fees to the county treasurer
22 who shall use the moneys collected to defray the costs of drug
23 testing, alcohol testing, and electronic monitoring. The
24 county treasurer shall deposit the fees collected in the county
25 working cash fund under Section 6-27001 or Section 6-29002 of
26 the Counties Code, as the case may be.

1 (h) Jurisdiction over an offender may be transferred from
2 the sentencing court to the court of another circuit with the
3 concurrence of both courts. Further transfers or retransfers of
4 jurisdiction are also authorized in the same manner. The court
5 to which jurisdiction has been transferred shall have the same
6 powers as the sentencing court.

7 (i) The court shall impose upon an offender sentenced to
8 probation after January 1, 1989 or to conditional discharge
9 after January 1, 1992 or to community service under the
10 supervision of a probation or court services department after
11 January 1, 2004, as a condition of such probation or
12 conditional discharge or supervised community service, a fee of
13 \$50 for each month of probation or conditional discharge
14 supervision or supervised community service ordered by the
15 court, unless after determining the inability of the person
16 sentenced to probation or conditional discharge or supervised
17 community service to pay the fee, the court assesses a lesser
18 fee. The court may not impose the fee on a minor who is made a
19 ward of the State under the Juvenile Court Act of 1987 while
20 the minor is in placement. The fee shall be imposed only upon
21 an offender who is actively supervised by the probation and
22 court services department. The fee shall be collected by the
23 clerk of the circuit court. The clerk of the circuit court
24 shall pay all monies collected from this fee to the county
25 treasurer for deposit in the probation and court services fund
26 under Section 15.1 of the Probation and Probation Officers Act.

1 A circuit court may not impose a probation fee under this
2 subsection (i) in excess of \$25 per month unless: (1) the
3 circuit court has adopted, by administrative order issued by
4 the chief judge, a standard probation fee guide determining an
5 offender's ability to pay, under guidelines developed by the
6 Administrative Office of the Illinois Courts; and (2) the
7 circuit court has authorized, by administrative order issued by
8 the chief judge, the creation of a Crime Victim's Services
9 Fund, to be administered by the Chief Judge or his or her
10 designee, for services to crime victims and their families. Of
11 the amount collected as a probation fee, up to \$5 of that fee
12 collected per month may be used to provide services to crime
13 victims and their families.

14 This amendatory Act of the 93rd General Assembly deletes
15 the \$10 increase in the fee under this subsection that was
16 imposed by Public Act 93-616. This deletion is intended to
17 control over any other Act of the 93rd General Assembly that
18 retains or incorporates that fee increase.

19 (i-5) In addition to the fees imposed under subsection (i)
20 of this Section, in the case of an offender convicted of a
21 felony sex offense (as defined in the Sex Offender Management
22 Board Act) or an offense that the court or probation department
23 has determined to be sexually motivated (as defined in the Sex
24 Offender Management Board Act), the court or the probation
25 department shall assess additional fees to pay for all costs of
26 treatment, assessment, evaluation for risk and treatment, and

1 monitoring the offender, based on that offender's ability to
2 pay those costs either as they occur or under a payment plan.

3 (j) All fines and costs imposed under this Section for any
4 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
5 Code, or a similar provision of a local ordinance, and any
6 violation of the Child Passenger Protection Act, or a similar
7 provision of a local ordinance, shall be collected and
8 disbursed by the circuit clerk as provided under Section 27.5
9 of the Clerks of Courts Act.

10 (k) Any offender who is sentenced to probation or
11 conditional discharge for a felony sex offense as defined in
12 the Sex Offender Management Board Act or any offense that the
13 court or probation department has determined to be sexually
14 motivated as defined in the Sex Offender Management Board Act
15 shall be required to refrain from any contact, directly or
16 indirectly, with any persons specified by the court and shall
17 be available for all evaluations and treatment programs
18 required by the court or the probation department.

19 (Source: P.A. 93-475, eff. 8-8-03; 93-616, eff. 1-1-04; 93-970,
20 eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
21 94-556, eff. 9-11-05; revised 8-19-05.)

22 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)
23 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

24 (a) When a defendant is placed on supervision, the court
25 shall enter an order for supervision specifying the period of

1 such supervision, and shall defer further proceedings in the
2 case until the conclusion of the period.

3 (b) The period of supervision shall be reasonable under all
4 of the circumstances of the case, but may not be longer than 2
5 years, unless the defendant has failed to pay the assessment
6 required by Section 10.3 of the Cannabis Control Act, Section
7 411.2 of the Illinois Controlled Substances Act, or Section 80
8 of the Methamphetamine Control and Community Protection Act, in
9 which case the court may extend supervision beyond 2 years.
10 Additionally, the court shall order the defendant to perform no
11 less than 30 hours of community service and not more than 120
12 hours of community service, if community service is available
13 in the jurisdiction and is funded and approved by the county
14 board where the offense was committed, when the offense (1) was
15 related to or in furtherance of the criminal activities of an
16 organized gang or was motivated by the defendant's membership
17 in or allegiance to an organized gang; or (2) is a violation of
18 any Section of Article 24 of the Criminal Code of 1961 where a
19 disposition of supervision is not prohibited by Section 5-6-1
20 of this Code. The community service shall include, but not be
21 limited to, the cleanup and repair of any damage caused by
22 violation of Section 21-1.3 of the Criminal Code of 1961 and
23 similar damages to property located within the municipality or
24 county in which the violation occurred. Where possible and
25 reasonable, the community service should be performed in the
26 offender's neighborhood.

1 For the purposes of this Section, "organized gang" has the
2 meaning ascribed to it in Section 10 of the Illinois Streetgang
3 Terrorism Omnibus Prevention Act.

4 (c) The court may in addition to other reasonable
5 conditions relating to the nature of the offense or the
6 rehabilitation of the defendant as determined for each
7 defendant in the proper discretion of the court require that
8 the person:

9 (1) make a report to and appear in person before or
10 participate with the court or such courts, person, or
11 social service agency as directed by the court in the order
12 of supervision;

13 (2) pay a fine and costs;

14 (3) work or pursue a course of study or vocational
15 training;

16 (4) undergo medical, psychological or psychiatric
17 treatment; or treatment for drug addiction or alcoholism;

18 (5) attend or reside in a facility established for the
19 instruction or residence of defendants on probation;

20 (6) support his dependents;

21 (7) refrain from possessing a firearm or other
22 dangerous weapon;

23 (8) and in addition, if a minor:

24 (i) reside with his parents or in a foster home;

25 (ii) attend school;

26 (iii) attend a non-residential program for youth;

1 (iv) contribute to his own support at home or in a
2 foster home; or

3 (v) with the consent of the superintendent of the
4 facility, attend an educational program at a facility
5 other than the school in which the offense was
6 committed if he or she is placed on supervision for a
7 crime of violence as defined in Section 2 of the Crime
8 Victims Compensation Act committed in a school, on the
9 real property comprising a school, or within 1,000 feet
10 of the real property comprising a school;

11 (9) make restitution or reparation in an amount not to
12 exceed actual loss or damage to property and pecuniary loss
13 or make restitution under Section 5-5-6 to a domestic
14 violence shelter. The court shall determine the amount and
15 conditions of payment;

16 (10) perform some reasonable public or community
17 service;

18 (11) comply with the terms and conditions of an order
19 of protection issued by the court pursuant to the Illinois
20 Domestic Violence Act of 1986 or an order of protection
21 issued by the court of another state, tribe, or United
22 States territory. If the court has ordered the defendant to
23 make a report and appear in person under paragraph (1) of
24 this subsection, a copy of the order of protection shall be
25 transmitted to the person or agency so designated by the
26 court;

1 (12) reimburse any "local anti-crime program" as
2 defined in Section 7 of the Anti-Crime Advisory Council Act
3 for any reasonable expenses incurred by the program on the
4 offender's case, not to exceed the maximum amount of the
5 fine authorized for the offense for which the defendant was
6 sentenced;

7 (13) contribute a reasonable sum of money, not to
8 exceed the maximum amount of the fine authorized for the
9 offense for which the defendant was sentenced, to a "local
10 anti-crime program", as defined in Section 7 of the
11 Anti-Crime Advisory Council Act;

12 (14) refrain from entering into a designated
13 geographic area except upon such terms as the court finds
14 appropriate. Such terms may include consideration of the
15 purpose of the entry, the time of day, other persons
16 accompanying the defendant, and advance approval by a
17 probation officer;

18 (15) refrain from having any contact, directly or
19 indirectly, with certain specified persons or particular
20 types of person, including but not limited to members of
21 street gangs and drug users or dealers;

22 (16) refrain from having in his or her body the
23 presence of any illicit drug prohibited by the Cannabis
24 Control Act, the Illinois Controlled Substances Act, or the
25 Methamphetamine Control and Community Protection Act,
26 unless prescribed by a physician, and submit samples of his

1 or her blood or urine or both for tests to determine the
2 presence of any illicit drug;

3 (17) refrain from operating any motor vehicle not
4 equipped with an ignition interlock device as defined in
5 Section 1-129.1 of the Illinois Vehicle Code. Under this
6 condition the court may allow a defendant who is not
7 self-employed to operate a vehicle owned by the defendant's
8 employer that is not equipped with an ignition interlock
9 device in the course and scope of the defendant's
10 employment; and

11 (18) if placed on supervision for a sex offense as
12 defined in subsection (a-5) of Section 3-1-2 of this Code,
13 unless the offender is a parent or guardian of the person
14 under 18 years of age present in the home and no
15 non-familial minors are present, not participate in a
16 holiday event involving children under 18 years of age,
17 such as distributing candy or other items to children on
18 Halloween, wearing a Santa Claus costume on or preceding
19 Christmas, being employed as a department store Santa
20 Claus, or wearing an Easter Bunny costume on or preceding
21 Easter.

22 (d) The court shall defer entering any judgment on the
23 charges until the conclusion of the supervision.

24 (e) At the conclusion of the period of supervision, if the
25 court determines that the defendant has successfully complied
26 with all of the conditions of supervision, the court shall

1 discharge the defendant and enter a judgment dismissing the
2 charges.

3 (f) Discharge and dismissal upon a successful conclusion of
4 a disposition of supervision shall be deemed without
5 adjudication of guilt and shall not be termed a conviction for
6 purposes of disqualification or disabilities imposed by law
7 upon conviction of a crime. Two years after the discharge and
8 dismissal under this Section, unless the disposition of
9 supervision was for a violation of Sections 3-707, 3-708,
10 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
11 similar provision of a local ordinance, or for a violation of
12 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which
13 case it shall be 5 years after discharge and dismissal, a
14 person may have his record of arrest sealed or expunged as may
15 be provided by law. However, any defendant placed on
16 supervision before January 1, 1980, may move for sealing or
17 expungement of his arrest record, as provided by law, at any
18 time after discharge and dismissal under this Section. A person
19 placed on supervision for a sexual offense committed against a
20 minor as defined in subsection (g) of Section 5 of the Criminal
21 Identification Act or for a violation of Section 11-501 of the
22 Illinois Vehicle Code or a similar provision of a local
23 ordinance shall not have his or her record of arrest sealed or
24 expunged.

25 (g) A defendant placed on supervision and who during the
26 period of supervision undergoes mandatory drug or alcohol

1 testing, or both, or is assigned to be placed on an approved
2 electronic monitoring device, shall be ordered to pay the costs
3 incidental to such mandatory drug or alcohol testing, or both,
4 and costs incidental to such approved electronic monitoring in
5 accordance with the defendant's ability to pay those costs. The
6 county board with the concurrence of the Chief Judge of the
7 judicial circuit in which the county is located shall establish
8 reasonable fees for the cost of maintenance, testing, and
9 incidental expenses related to the mandatory drug or alcohol
10 testing, or both, and all costs incidental to approved
11 electronic monitoring, of all defendants placed on
12 supervision. The concurrence of the Chief Judge shall be in the
13 form of an administrative order. The fees shall be collected by
14 the clerk of the circuit court. The clerk of the circuit court
15 shall pay all moneys collected from these fees to the county
16 treasurer who shall use the moneys collected to defray the
17 costs of drug testing, alcohol testing, and electronic
18 monitoring. The county treasurer shall deposit the fees
19 collected in the county working cash fund under Section 6-27001
20 or Section 6-29002 of the Counties Code, as the case may be.

21 (h) A disposition of supervision is a final order for the
22 purposes of appeal.

23 (i) The court shall impose upon a defendant placed on
24 supervision after January 1, 1992 or to community service under
25 the supervision of a probation or court services department
26 after January 1, 2004, as a condition of supervision or

1 supervised community service, a fee of \$50 for each month of
2 supervision or supervised community service ordered by the
3 court, unless after determining the inability of the person
4 placed on supervision or supervised community service to pay
5 the fee, the court assesses a lesser fee. The court may not
6 impose the fee on a minor who is made a ward of the State under
7 the Juvenile Court Act of 1987 while the minor is in placement.
8 The fee shall be imposed only upon a defendant who is actively
9 supervised by the probation and court services department. The
10 fee shall be collected by the clerk of the circuit court. The
11 clerk of the circuit court shall pay all monies collected from
12 this fee to the county treasurer for deposit in the probation
13 and court services fund pursuant to Section 15.1 of the
14 Probation and Probation Officers Act.

15 A circuit court may not impose a probation fee in excess of
16 \$25 per month unless: (1) the circuit court has adopted, by
17 administrative order issued by the chief judge, a standard
18 probation fee guide determining an offender's ability to pay,
19 under guidelines developed by the Administrative Office of the
20 Illinois Courts; and (2) the circuit court has authorized, by
21 administrative order issued by the chief judge, the creation of
22 a Crime Victim's Services Fund, to be administered by the Chief
23 Judge or his or her designee, for services to crime victims and
24 their families. Of the amount collected as a probation fee, not
25 to exceed \$5 of that fee collected per month may be used to
26 provide services to crime victims and their families.

1 (j) All fines and costs imposed under this Section for any
2 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
3 Code, or a similar provision of a local ordinance, and any
4 violation of the Child Passenger Protection Act, or a similar
5 provision of a local ordinance, shall be collected and
6 disbursed by the circuit clerk as provided under Section 27.5
7 of the Clerks of Courts Act.

8 (k) A defendant at least 18 ~~17~~ years of age who is placed
9 on supervision for a misdemeanor in a county of 3,000,000 or
10 more inhabitants and who has not been previously convicted of a
11 misdemeanor or felony may as a condition of his or her
12 supervision be required by the court to attend educational
13 courses designed to prepare the defendant for a high school
14 diploma and to work toward a high school diploma or to work
15 toward passing the high school level Test of General
16 Educational Development (GED) or to work toward completing a
17 vocational training program approved by the court. The
18 defendant placed on supervision must attend a public
19 institution of education to obtain the educational or
20 vocational training required by this subsection (k). The
21 defendant placed on supervision shall be required to pay for
22 the cost of the educational courses or GED test, if a fee is
23 charged for those courses or test. The court shall revoke the
24 supervision of a person who wilfully fails to comply with this
25 subsection (k). The court shall resentence the defendant upon
26 revocation of supervision as provided in Section 5-6-4. This

1 subsection (k) does not apply to a defendant who has a high
2 school diploma or has successfully passed the GED test. This
3 subsection (k) does not apply to a defendant who is determined
4 by the court to be developmentally disabled or otherwise
5 mentally incapable of completing the educational or vocational
6 program.

7 (l) The court shall require a defendant placed on
8 supervision for possession of a substance prohibited by the
9 Cannabis Control Act, the Illinois Controlled Substances Act,
10 or the Methamphetamine Control and Community Protection Act
11 after a previous conviction or disposition of supervision for
12 possession of a substance prohibited by the Cannabis Control
13 Act, the Illinois Controlled Substances Act, or the
14 Methamphetamine Control and Community Protection Act or a
15 sentence of probation under Section 10 of the Cannabis Control
16 Act or Section 410 of the Illinois Controlled Substances Act
17 and after a finding by the court that the person is addicted,
18 to undergo treatment at a substance abuse program approved by
19 the court.

20 (m) The Secretary of State shall require anyone placed on
21 court supervision for a violation of Section 3-707 of the
22 Illinois Vehicle Code or a similar provision of a local
23 ordinance to give proof of his or her financial responsibility
24 as defined in Section 7-315 of the Illinois Vehicle Code. The
25 proof shall be maintained by the individual in a manner
26 satisfactory to the Secretary of State for a minimum period of

1 one year after the date the proof is first filed. The proof
2 shall be limited to a single action per arrest and may not be
3 affected by any post-sentence disposition. The Secretary of
4 State shall suspend the driver's license of any person
5 determined by the Secretary to be in violation of this
6 subsection.

7 (n) Any offender placed on supervision for any offense that
8 the court or probation department has determined to be sexually
9 motivated as defined in the Sex Offender Management Board Act
10 shall be required to refrain from any contact, directly or
11 indirectly, with any persons specified by the court and shall
12 be available for all evaluations and treatment programs
13 required by the court or the probation department.

14 (o) An offender placed on supervision for a sex offense as
15 defined in the Sex Offender Management Board Act shall refrain
16 from residing at the same address or in the same condominium
17 unit or apartment unit or in the same condominium complex or
18 apartment complex with another person he or she knows or
19 reasonably should know is a convicted sex offender or has been
20 placed on supervision for a sex offense. The provisions of this
21 subsection (o) do not apply to a person convicted of a sex
22 offense who is placed in a Department of Corrections licensed
23 transitional housing facility for sex offenders.

24 (Source: P.A. 93-475, eff. 8-8-03; 93-970, eff. 8-20-04;
25 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-556, eff.
26 9-11-05; revised 8-19-05.)

1 (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)

2 Sec. 5-7-1. Sentence of Periodic Imprisonment.

3 (a) A sentence of periodic imprisonment is a sentence of
4 imprisonment during which the committed person may be released
5 for periods of time during the day or night or for periods of
6 days, or both, or if convicted of a felony, other than first
7 degree murder, a Class X or Class 1 felony, committed to any
8 county, municipal, or regional correctional or detention
9 institution or facility in this State for such periods of time
10 as the court may direct. Unless the court orders otherwise, the
11 particular times and conditions of release shall be determined
12 by the Department of Corrections, the sheriff, or the
13 Superintendent of the house of corrections, who is
14 administering the program.

15 (b) A sentence of periodic imprisonment may be imposed to
16 permit the defendant to:

17 (1) seek employment;

18 (2) work;

19 (3) conduct a business or other self-employed
20 occupation including housekeeping;

21 (4) attend to family needs;

22 (5) attend an educational institution, including
23 vocational education;

24 (6) obtain medical or psychological treatment;

25 (7) perform work duties at a county, municipal, or

1 regional correctional or detention institution or
2 facility;

3 (8) continue to reside at home with or without
4 supervision involving the use of an approved electronic
5 monitoring device, subject to Article 8A of Chapter V; or

6 (9) for any other purpose determined by the court.

7 (c) Except where prohibited by other provisions of this
8 Code, the court may impose a sentence of periodic imprisonment
9 for a felony or misdemeanor on a person who is 18 ~~17~~ years of
10 age or older. The court shall not impose a sentence of periodic
11 imprisonment if it imposes a sentence of imprisonment upon the
12 defendant in excess of 90 days.

13 (d) A sentence of periodic imprisonment shall be for a
14 definite term of from 3 to 4 years for a Class 1 felony, 18 to
15 30 months for a Class 2 felony, and up to 18 months, or the
16 longest sentence of imprisonment that could be imposed for the
17 offense, whichever is less, for all other offenses; however, no
18 person shall be sentenced to a term of periodic imprisonment
19 longer than one year if he is committed to a county
20 correctional institution or facility, and in conjunction with
21 that sentence participate in a county work release program
22 comparable to the work and day release program provided for in
23 Article 13 of the Unified Code of Corrections in State
24 facilities. The term of the sentence shall be calculated upon
25 the basis of the duration of its term rather than upon the
26 basis of the actual days spent in confinement. No sentence of

1 periodic imprisonment shall be subject to the good time credit
2 provisions of Section 3-6-3 of this Code.

3 (e) When the court imposes a sentence of periodic
4 imprisonment, it shall state:

5 (1) the term of such sentence;

6 (2) the days or parts of days which the defendant is to
7 be confined;

8 (3) the conditions.

9 (f) The court may issue an order of protection pursuant to
10 the Illinois Domestic Violence Act of 1986 as a condition of a
11 sentence of periodic imprisonment. The Illinois Domestic
12 Violence Act of 1986 shall govern the issuance, enforcement and
13 recording of orders of protection issued under this Section. A
14 copy of the order of protection shall be transmitted to the
15 person or agency having responsibility for the case.

16 (f-5) An offender sentenced to a term of periodic
17 imprisonment for a felony sex offense as defined in the Sex
18 Offender Management Board Act shall be required to undergo and
19 successfully complete sex offender treatment by a treatment
20 provider approved by the Board and conducted in conformance
21 with the standards developed under the Sex Offender Management
22 Board Act.

23 (g) An offender sentenced to periodic imprisonment who
24 undergoes mandatory drug or alcohol testing, or both, or is
25 assigned to be placed on an approved electronic monitoring
26 device, shall be ordered to pay the costs incidental to such

1 mandatory drug or alcohol testing, or both, and costs
2 incidental to such approved electronic monitoring in
3 accordance with the defendant's ability to pay those costs. The
4 county board with the concurrence of the Chief Judge of the
5 judicial circuit in which the county is located shall establish
6 reasonable fees for the cost of maintenance, testing, and
7 incidental expenses related to the mandatory drug or alcohol
8 testing, or both, and all costs incidental to approved
9 electronic monitoring, of all offenders with a sentence of
10 periodic imprisonment. The concurrence of the Chief Judge shall
11 be in the form of an administrative order. The fees shall be
12 collected by the clerk of the circuit court. The clerk of the
13 circuit court shall pay all moneys collected from these fees to
14 the county treasurer who shall use the moneys collected to
15 defray the costs of drug testing, alcohol testing, and
16 electronic monitoring. The county treasurer shall deposit the
17 fees collected in the county working cash fund under Section
18 6-27001 or Section 6-29002 of the Counties Code, as the case
19 may be.

20 (h) All fees and costs imposed under this Section for any
21 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
22 Code, or a similar provision of a local ordinance, and any
23 violation of the Child Passenger Protection Act, or a similar
24 provision of a local ordinance, shall be collected and
25 disbursed by the circuit clerk as provided under Section 27.5
26 of the Clerks of Courts Act.

1 (i) A defendant at least 18 ~~17~~ years of age who is
2 convicted of a misdemeanor or felony in a county of 3,000,000
3 or more inhabitants and who has not been previously convicted
4 of a misdemeanor or a felony and who is sentenced to a term of
5 periodic imprisonment may as a condition of his or her sentence
6 be required by the court to attend educational courses designed
7 to prepare the defendant for a high school diploma and to work
8 toward receiving a high school diploma or to work toward
9 passing the high school level Test of General Educational
10 Development (GED) or to work toward completing a vocational
11 training program approved by the court. The defendant sentenced
12 to periodic imprisonment must attend a public institution of
13 education to obtain the educational or vocational training
14 required by this subsection (i). The defendant sentenced to a
15 term of periodic imprisonment shall be required to pay for the
16 cost of the educational courses or GED test, if a fee is
17 charged for those courses or test. The court shall revoke the
18 sentence of periodic imprisonment of the defendant who wilfully
19 fails to comply with this subsection (i). The court shall
20 resentence the defendant whose sentence of periodic
21 imprisonment has been revoked as provided in Section 5-7-2.
22 This subsection (i) does not apply to a defendant who has a
23 high school diploma or has successfully passed the GED test.
24 This subsection (i) does not apply to a defendant who is
25 determined by the court to be developmentally disabled or
26 otherwise mentally incapable of completing the educational or

1 vocational program.

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

3 (730 ILCS 5/5-8-1.1) (from Ch. 38, par. 1005-8-1.1)

4 Sec. 5-8-1.1. Impact incarceration.

5 (a) The Department may establish and operate an impact
6 incarceration program for eligible offenders. If the court
7 finds under Section 5-4-1 that an offender sentenced to a term
8 of imprisonment for a felony may meet the eligibility
9 requirements of the Department, the court may in its sentencing
10 order approve the offender for placement in the impact
11 incarceration program conditioned upon his acceptance in the
12 program by the Department. Notwithstanding the sentencing
13 provisions of this Code, the sentencing order also shall
14 provide that if the Department accepts the offender in the
15 program and determines that the offender has successfully
16 completed the impact incarceration program, the sentence shall
17 be reduced to time considered served upon certification to the
18 court by the Department that the offender has successfully
19 completed the program. In the event the offender is not
20 accepted for placement in the impact incarceration program or
21 the offender does not successfully complete the program, his
22 term of imprisonment shall be as set forth by the court in its
23 sentencing order.

24 (b) In order to be eligible to participate in the impact
25 incarceration program, the committed person shall meet all of

1 the following requirements:

2 (1) The person must be not less than 18 ~~17~~ years of age
3 nor more than 35 years of age.

4 (2) The person has not previously participated in the
5 impact incarceration program and has not previously served
6 more than one prior sentence of imprisonment for a felony
7 in an adult correctional facility.

8 (3) The person has not been convicted of a Class X
9 felony, first or second degree murder, armed violence,
10 aggravated kidnapping, criminal sexual assault, aggravated
11 criminal sexual abuse or a subsequent conviction for
12 criminal sexual abuse, forcible detention, residential
13 arson, place of worship arson, or arson and has not been
14 convicted previously of any of those offenses.

15 (4) The person has been sentenced to a term of
16 imprisonment of 8 years or less.

17 (5) The person must be physically able to participate
18 in strenuous physical activities or labor.

19 (6) The person must not have any mental disorder or
20 disability that would prevent participation in the impact
21 incarceration program.

22 (7) The person has consented in writing to
23 participation in the impact incarceration program and to
24 the terms and conditions thereof.

25 (8) The person was recommended and approved for
26 placement in the impact incarceration program in the

1 court's sentencing order.

2 The Department may also consider, among other matters,
3 whether the committed person has any outstanding detainers or
4 warrants, whether the committed person has a history of
5 escaping or absconding, whether participation in the impact
6 incarceration program may pose a risk to the safety or security
7 of any person and whether space is available.

8 (c) The impact incarceration program shall include, among
9 other matters, mandatory physical training and labor, military
10 formation and drills, regimented activities, uniformity of
11 dress and appearance, education and counseling, including drug
12 counseling where appropriate.

13 (d) Privileges including visitation, commissary, receipt
14 and retention of property and publications and access to
15 television, radio and a library may be suspended or restricted,
16 notwithstanding provisions to the contrary in this Code.

17 (e) Committed persons participating in the impact
18 incarceration program shall adhere to all Department rules and
19 all requirements of the program. Committed persons shall be
20 informed of rules of behavior and conduct. Disciplinary
21 procedures required by this Code or by Department rule are not
22 applicable except in those instances in which the Department
23 seeks to revoke good time.

24 (f) Participation in the impact incarceration program
25 shall be for a period of 120 to 180 days. The period of time a
26 committed person shall serve in the impact incarceration

1 program shall not be reduced by the accumulation of good time.

2 (g) The committed person shall serve a term of mandatory
3 supervised release as set forth in subsection (d) of Section
4 5-8-1.

5 (h) A committed person may be removed from the program for
6 a violation of the terms or conditions of the program or in the
7 event he is for any reason unable to participate. The
8 Department shall promulgate rules and regulations governing
9 conduct which could result in removal from the program or in a
10 determination that the committed person has not successfully
11 completed the program. Committed persons shall have access to
12 such rules, which shall provide that a committed person shall
13 receive notice and have the opportunity to appear before and
14 address one or more hearing officers. A committed person may be
15 transferred to any of the Department's facilities prior to the
16 hearing.

17 (i) The Department may terminate the impact incarceration
18 program at any time.

19 (j) The Department shall report to the Governor and the
20 General Assembly on or before September 30th of each year on
21 the impact incarceration program, including the composition of
22 the program by the offenders, by county of commitment,
23 sentence, age, offense and race.

24 (k) The Department of Corrections shall consider the
25 affirmative action plan approved by the Department of Human
26 Rights in hiring staff at the impact incarceration facilities.

1 The Department shall report to the Director of Human Rights on
2 or before April 1 of the year on the sex, race and national
3 origin of persons employed at each impact incarceration
4 facility.

5 (Source: P.A. 93-169, eff. 7-10-03.)

6 (730 ILCS 5/5-8-1.2)

7 Sec. 5-8-1.2. County impact incarceration.

8 (a) Legislative intent. It is the finding of the General
9 Assembly that certain non-violent offenders eligible for
10 sentences of incarceration may benefit from the rehabilitative
11 aspects of a county impact incarceration program. It is the
12 intent of the General Assembly that such programs be
13 implemented as provided by this Section. This Section shall not
14 be construed to allow violent offenders to participate in a
15 county impact incarceration program.

16 (b) Under the direction of the Sheriff and with the
17 approval of the County Board of Commissioners, the Sheriff, in
18 any county with more than 3,000,000 inhabitants, may establish
19 and operate a county impact incarceration program for eligible
20 offenders. If the court finds under Section 5-4-1 that an
21 offender convicted of a felony meets the eligibility
22 requirements of the Sheriff's county impact incarceration
23 program, the court may sentence the offender to the county
24 impact incarceration program. The Sheriff shall be responsible
25 for monitoring all offenders who are sentenced to the county

1 impact incarceration program, including the mandatory period
2 of monitored release following the 120 to 180 days of impact
3 incarceration. Offenders assigned to the county impact
4 incarceration program under an intergovernmental agreement
5 between the county and the Illinois Department of Corrections
6 are exempt from the provisions of this mandatory period of
7 monitored release. In the event the offender is not accepted
8 for placement in the county impact incarceration program, the
9 court shall proceed to sentence the offender to any other
10 disposition authorized by this Code. If the offender does not
11 successfully complete the program, the offender's failure to do
12 so shall constitute a violation of the sentence to the county
13 impact incarceration program.

14 (c) In order to be eligible to be sentenced to a county
15 impact incarceration program by the court, the person shall
16 meet all of the following requirements:

17 (1) the person must be not less than 18 ~~17~~ years of age
18 nor more than 35 years of age;

19 (2) The person has not previously participated in the
20 impact incarceration program and has not previously served
21 more than one prior sentence of imprisonment for a felony
22 in an adult correctional facility;

23 (3) The person has not been convicted of a Class X
24 felony, first or second degree murder, armed violence,
25 aggravated kidnapping, criminal sexual assault, aggravated
26 criminal sexual abuse or a subsequent conviction for

1 criminal sexual abuse, forcible detention, or arson and has
2 not been convicted previously of any of those offenses.

3 (4) The person has been found in violation of probation
4 for an offense that is a Class 2, 3, or 4 felony that is not
5 a forcible felony as defined in Section 2-8 of the Criminal
6 Code of 1961 or a violent crime as defined in subsection
7 (c) of Section 3 of the Rights of Crime Victims and
8 Witnesses Act who otherwise could be sentenced to a term of
9 incarceration; or the person is convicted of an offense
10 that is a Class 2, 3, or 4 felony that is not a forcible
11 felony as defined in Section 2-8 of the Criminal Code of
12 1961 or a violent crime as defined in subsection (c) of
13 Section 3 of the Rights of Crime Victims and Witnesses Act
14 who has previously served a sentence of probation for any
15 felony offense and who otherwise could be sentenced to a
16 term of incarceration.

17 (5) The person must be physically able to participate
18 in strenuous physical activities or labor.

19 (6) The person must not have any mental disorder or
20 disability that would prevent participation in a county
21 impact incarceration program.

22 (7) The person was recommended and approved for
23 placement in the county impact incarceration program by the
24 Sheriff and consented in writing to participation in the
25 county impact incarceration program and to the terms and
26 conditions of the program. The Sheriff may consider, among

1 other matters, whether the person has any outstanding
2 detainers or warrants, whether the person has a history of
3 escaping or absconding, whether participation in the
4 county impact incarceration program may pose a risk to the
5 safety or security of any person and whether space is
6 available.

7 (c) The county impact incarceration program shall include,
8 among other matters, mandatory physical training and labor,
9 military formation and drills, regimented activities,
10 uniformity of dress and appearance, education and counseling,
11 including drug counseling where appropriate.

12 (d) Privileges including visitation, commissary, receipt
13 and retention of property and publications and access to
14 television, radio, and a library may be suspended or
15 restricted, notwithstanding provisions to the contrary in this
16 Code.

17 (e) The Sheriff shall issue written rules and requirements
18 for the program. Persons shall be informed of rules of behavior
19 and conduct. Persons participating in the county impact
20 incarceration program shall adhere to all rules and all
21 requirements of the program.

22 (f) Participation in the county impact incarceration
23 program shall be for a period of 120 to 180 days followed by a
24 mandatory term of monitored release for at least 8 months and
25 no more than 12 months supervised by the Sheriff. The period of
26 time a person shall serve in the impact incarceration program

1 shall not be reduced by the accumulation of good time. The
2 court may also sentence the person to a period of probation to
3 commence at the successful completion of the county impact
4 incarceration program.

5 (g) If the person successfully completes the county impact
6 incarceration program, the Sheriff shall certify the person's
7 successful completion of the program to the court and to the
8 county's State's Attorney. Upon successful completion of the
9 county impact incarceration program and mandatory term of
10 monitored release and if there is an additional period of
11 probation given, the person shall at that time begin his or her
12 probationary sentence under the supervision of the Adult
13 Probation Department.

14 (h) A person may be removed from the county impact
15 incarceration program for a violation of the terms or
16 conditions of the program or in the event he or she is for any
17 reason unable to participate. The failure to complete the
18 program for any reason, including the 8 to 12 month monitored
19 release period, shall be deemed a violation of the county
20 impact incarceration sentence. The Sheriff shall give notice to
21 the State's Attorney of the person's failure to complete the
22 program. The Sheriff shall file a petition for violation of the
23 county impact incarceration sentence with the court and the
24 State's Attorney may proceed on the petition under Section
25 5-6-4 of this Code. The Sheriff shall promulgate rules and
26 regulations governing conduct which could result in removal

1 from the program or in a determination that the person has not
2 successfully completed the program.

3 The mandatory conditions of every county impact
4 incarceration sentence shall include that the person either
5 while in the program or during the period of monitored release:

6 (1) not violate any criminal statute of any
7 jurisdiction;

8 (2) report or appear in person before any such person
9 or agency as directed by the court or the Sheriff;

10 (3) refrain from possessing a firearm or other
11 dangerous weapon;

12 (4) not leave the State without the consent of the
13 court or, in circumstances in which the reason for the
14 absence is of such an emergency nature that prior consent
15 by the court is not possible, without the prior
16 notification and approval of the Sheriff; and

17 (5) permit representatives of the Sheriff to visit at
18 the person's home or elsewhere to the extent necessary for
19 the Sheriff to monitor compliance with the program. Persons
20 shall have access to such rules, which shall provide that a
21 person shall receive notice of any such violation.

22 (i) The Sheriff may terminate the county impact
23 incarceration program at any time.

24 (j) The Sheriff shall report to the county board on or
25 before September 30th of each year on the county impact
26 incarceration program, including the composition of the

1 program by the offenders, by county of commitment, sentence,
2 age, offense, and race.

3 (Source: P.A. 89-587, eff. 7-31-96.)

4 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

5 Sec. 5-8-6. Place of Confinement.

6 (a) Offenders sentenced to a term of imprisonment for a
7 felony shall be committed to the penitentiary system of the
8 Department of Corrections. However, such sentence shall not
9 limit the powers of the Department of Children and Family
10 Services in relation to any child under the age of one year in
11 the sole custody of a person so sentenced, nor in relation to
12 any child delivered by a female so sentenced while she is so
13 confined as a consequence of such sentence. A person sentenced
14 for a felony may be assigned by the Department of Corrections
15 to any of its institutions, facilities or programs.

16 (b) Offenders sentenced to a term of imprisonment for less
17 than one year shall be committed to the custody of the sheriff.
18 A person committed to the Department of Corrections, prior to
19 July 14, 1983, for less than one year may be assigned by the
20 Department to any of its institutions, facilities or programs.

21 (c) All offenders under 18 ~~17~~ years of age when sentenced
22 to imprisonment shall be committed to the Department of
23 Juvenile Justice and the court in its order of commitment shall
24 set a definite term. Such order of commitment shall be the
25 sentence of the court which may be amended by the court while

1 jurisdiction is retained; and such sentence shall apply
2 whenever the offender sentenced is in the control and custody
3 of the Department of Corrections. The provisions of Section
4 3-3-3 shall be a part of such commitment as fully as though
5 written in the order of commitment. The committing court shall
6 retain jurisdiction of the subject matter and the person until
7 he or she reaches the age of 21 unless earlier discharged.
8 However, the Department of Juvenile Justice shall, after a
9 juvenile has reached 18 ~~17~~ years of age, petition the court to
10 conduct a hearing pursuant to subsection (c) of Section 3-10-7
11 of this Code.

12 (d) No defendant shall be committed to the Department of
13 Corrections for the recovery of a fine or costs.

14 (e) When a court sentences a defendant to a term of
15 imprisonment concurrent with a previous and unexpired sentence
16 of imprisonment imposed by any district court of the United
17 States, it may commit the offender to the custody of the
18 Attorney General of the United States. The Attorney General of
19 the United States, or the authorized representative of the
20 Attorney General of the United States, shall be furnished with
21 the warrant of commitment from the court imposing sentence,
22 which warrant of commitment shall provide that, when the
23 offender is released from federal confinement, whether by
24 parole or by termination of sentence, the offender shall be
25 transferred by the Sheriff of the committing county to the
26 Department of Corrections. The court shall cause the Department

1 to be notified of such sentence at the time of commitment and
2 to be provided with copies of all records regarding the
3 sentence.

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

5 Section 15. The Sex Offender Registration Act is amended by
6 changing Sections 2 and 3 as follows:

7 (730 ILCS 150/2) (from Ch. 38, par. 222)

8 Sec. 2. Definitions.

9 (A) As used in this Article, "sex offender" means any
10 person who is:

11 (1) charged pursuant to Illinois law, or any
12 substantially similar federal, Uniform Code of Military
13 Justice, sister state, or foreign country law, with a sex
14 offense set forth in subsection (B) of this Section or the
15 attempt to commit an included sex offense, and:

16 (a) is convicted of such offense or an attempt to
17 commit such offense; or

18 (b) is found not guilty by reason of insanity of
19 such offense or an attempt to commit such offense; or

20 (c) is found not guilty by reason of insanity
21 pursuant to Section 104-25(c) of the Code of Criminal
22 Procedure of 1963 of such offense or an attempt to
23 commit such offense; or

24 (d) is the subject of a finding not resulting in an

1 acquittal at a hearing conducted pursuant to Section
2 104-25(a) of the Code of Criminal Procedure of 1963 for
3 the alleged commission or attempted commission of such
4 offense; or

5 (e) is found not guilty by reason of insanity
6 following a hearing conducted pursuant to a federal,
7 Uniform Code of Military Justice, sister state, or
8 foreign country law substantially similar to Section
9 104-25(c) of the Code of Criminal Procedure of 1963 of
10 such offense or of the attempted commission of such
11 offense; or

12 (f) is the subject of a finding not resulting in an
13 acquittal at a hearing conducted pursuant to a federal,
14 Uniform Code of Military Justice, sister state, or
15 foreign country law substantially similar to Section
16 104-25(a) of the Code of Criminal Procedure of 1963 for
17 the alleged violation or attempted commission of such
18 offense; or

19 (2) certified as a sexually dangerous person pursuant
20 to the Illinois Sexually Dangerous Persons Act, or any
21 substantially similar federal, Uniform Code of Military
22 Justice, sister state, or foreign country law; or

23 (3) subject to the provisions of Section 2 of the
24 Interstate Agreements on Sexually Dangerous Persons Act;
25 or

26 (4) found to be a sexually violent person pursuant to

1 the Sexually Violent Persons Commitment Act or any
2 substantially similar federal, Uniform Code of Military
3 Justice, sister state, or foreign country law; or

4 (5) adjudicated a juvenile delinquent as the result of
5 committing or attempting to commit an act which, if
6 committed by an adult, would constitute any of the offenses
7 specified in item (B), (C), or (C-5) of this Section or a
8 violation of any substantially similar federal, Uniform
9 Code of Military Justice, sister state, or foreign country
10 law, or found guilty under Article V of the Juvenile Court
11 Act of 1987 of committing or attempting to commit an act
12 which, if committed by an adult, would constitute any of
13 the offenses specified in item (B), (C), or (C-5) of this
14 Section or a violation of any substantially similar
15 federal, Uniform Code of Military Justice, sister state, or
16 foreign country law.

17 Convictions that result from or are connected with the same
18 act, or result from offenses committed at the same time, shall
19 be counted for the purpose of this Article as one conviction.
20 Any conviction set aside pursuant to law is not a conviction
21 for purposes of this Article.

22 For purposes of this Section, "convicted" shall have the
23 same meaning as "adjudicated". For the purposes of this
24 Article, a person who is defined as a sex offender as a result
25 of being adjudicated a juvenile delinquent under paragraph (5)
26 of this subsection (A) upon attaining 18 ~~17~~ years of age shall

1 be considered as having committed the sex offense on or after
2 the sex offender's 18th ~~17th~~ birthday. Registration of
3 juveniles upon attaining 18 ~~17~~ years of age shall not extend
4 the original registration of 10 years from the date of
5 conviction.

6 (B) As used in this Article, "sex offense" means:

7 (1) A violation of any of the following Sections of the
8 Criminal Code of 1961:

9 11-20.1 (child pornography),

10 11-6 (indecent solicitation of a child),

11 11-9.1 (sexual exploitation of a child),

12 11-9.2 (custodial sexual misconduct),

13 11-9.5 (sexual misconduct with a person with a
14 disability),

15 11-15.1 (soliciting for a juvenile prostitute),

16 11-18.1 (patronizing a juvenile prostitute),

17 11-17.1 (keeping a place of juvenile
18 prostitution),

19 11-19.1 (juvenile pimping),

20 11-19.2 (exploitation of a child),

21 12-13 (criminal sexual assault),

22 12-14 (aggravated criminal sexual assault),

23 12-14.1 (predatory criminal sexual assault of a
24 child),

25 12-15 (criminal sexual abuse),

26 12-16 (aggravated criminal sexual abuse),

1 12-33 (ritualized abuse of a child).

2 An attempt to commit any of these offenses.

3 (1.5) A violation of any of the following Sections of
4 the Criminal Code of 1961, when the victim is a person
5 under 18 years of age, the defendant is not a parent of the
6 victim, the offense was sexually motivated as defined in
7 Section 10 of the Sex Offender Management Board Act, and
8 the offense was committed on or after January 1, 1996:

9 10-1 (kidnapping),

10 10-2 (aggravated kidnapping),

11 10-3 (unlawful restraint),

12 10-3.1 (aggravated unlawful restraint).

13 (1.6) First degree murder under Section 9-1 of the
14 Criminal Code of 1961, when the victim was a person under
15 18 years of age and the defendant was at least 18 ~~17~~ years
16 of age at the time of the commission of the offense,
17 provided the offense was sexually motivated as defined in
18 Section 10 of the Sex Offender Management Board Act.

19 (1.7) (Blank).

20 (1.8) A violation or attempted violation of Section
21 11-11 (sexual relations within families) of the Criminal
22 Code of 1961, and the offense was committed on or after
23 June 1, 1997.

24 (1.9) Child abduction under paragraph (10) of
25 subsection (b) of Section 10-5 of the Criminal Code of 1961
26 committed by luring or attempting to lure a child under the

1 age of 16 into a motor vehicle, building, house trailer, or
2 dwelling place without the consent of the parent or lawful
3 custodian of the child for other than a lawful purpose and
4 the offense was committed on or after January 1, 1998,
5 provided the offense was sexually motivated as defined in
6 Section 10 of the Sex Offender Management Board Act.

7 (1.10) A violation or attempted violation of any of the
8 following Sections of the Criminal Code of 1961 when the
9 offense was committed on or after July 1, 1999:

10 10-4 (forcible detention, if the victim is under 18
11 years of age), provided the offense was sexually
12 motivated as defined in Section 10 of the Sex Offender
13 Management Board Act,

14 11-6.5 (indecent solicitation of an adult),

15 11-15 (soliciting for a prostitute, if the victim
16 is under 18 years of age),

17 11-16 (pandering, if the victim is under 18 years
18 of age),

19 11-18 (patronizing a prostitute, if the victim is
20 under 18 years of age),

21 11-19 (pimping, if the victim is under 18 years of
22 age).

23 (1.11) A violation or attempted violation of any of the
24 following Sections of the Criminal Code of 1961 when the
25 offense was committed on or after August 22, 2002:

26 11-9 (public indecency for a third or subsequent

1 conviction).

2 (1.12) A violation or attempted violation of Section
3 5.1 of the Wrongs to Children Act (permitting sexual abuse)
4 when the offense was committed on or after August 22, 2002.

5 (2) A violation of any former law of this State
6 substantially equivalent to any offense listed in
7 subsection (B) of this Section.

8 (C) A conviction for an offense of federal law, Uniform
9 Code of Military Justice, or the law of another state or a
10 foreign country that is substantially equivalent to any offense
11 listed in subsections (B), (C), and (E) of this Section shall
12 constitute a conviction for the purpose of this Article. A
13 finding or adjudication as a sexually dangerous person or a
14 sexually violent person under any federal law, Uniform Code of
15 Military Justice, or the law of another state or foreign
16 country that is substantially equivalent to the Sexually
17 Dangerous Persons Act or the Sexually Violent Persons
18 Commitment Act shall constitute an adjudication for the
19 purposes of this Article.

20 (C-5) A person at least 18 ~~17~~ years of age at the time of
21 the commission of the offense who is convicted of first degree
22 murder under Section 9-1 of the Criminal Code of 1961, against
23 a person under 18 years of age, shall be required to register
24 for natural life. A conviction for an offense of federal,
25 Uniform Code of Military Justice, sister state, or foreign
26 country law that is substantially equivalent to any offense

1 listed in subsection (C-5) of this Section shall constitute a
2 conviction for the purpose of this Article. This subsection
3 (C-5) applies to a person who committed the offense before June
4 1, 1996 only if the person is incarcerated in an Illinois
5 Department of Corrections facility on August 20, 2004 (the
6 effective date of Public Act 93-977).

7 (D) As used in this Article, "law enforcement agency having
8 jurisdiction" means the Chief of Police in each of the
9 municipalities in which the sex offender expects to reside,
10 work, or attend school (1) upon his or her discharge, parole or
11 release or (2) during the service of his or her sentence of
12 probation or conditional discharge, or the Sheriff of the
13 county, in the event no Police Chief exists or if the offender
14 intends to reside, work, or attend school in an unincorporated
15 area. "Law enforcement agency having jurisdiction" includes
16 the location where out-of-state students attend school and
17 where out-of-state employees are employed or are otherwise
18 required to register.

19 (D-1) As used in this Article, "supervising officer" means
20 the assigned Illinois Department of Corrections parole agent or
21 county probation officer.

22 (E) As used in this Article, "sexual predator" means any
23 person who, after July 1, 1999, is:

- 24 (1) Convicted for an offense of federal, Uniform Code
25 of Military Justice, sister state, or foreign country law
26 that is substantially equivalent to any offense listed in

1 subsection (E) of this Section shall constitute a
2 conviction for the purpose of this Article. Convicted of a
3 violation or attempted violation of any of the following
4 Sections of the Criminal Code of 1961, if the conviction
5 occurred after July 1, 1999:

6 11-17.1 (keeping a place of juvenile
7 prostitution),

8 11-19.1 (juvenile pimping),

9 11-19.2 (exploitation of a child),

10 11-20.1 (child pornography),

11 12-13 (criminal sexual assault),

12 12-14 (aggravated criminal sexual assault),

13 12-14.1 (predatory criminal sexual assault of a
14 child),

15 12-16 (aggravated criminal sexual abuse),

16 12-33 (ritualized abuse of a child); or

17 (2) (blank); or

18 (3) certified as a sexually dangerous person pursuant
19 to the Sexually Dangerous Persons Act or any substantially
20 similar federal, Uniform Code of Military Justice, sister
21 state, or foreign country law; or

22 (4) found to be a sexually violent person pursuant to
23 the Sexually Violent Persons Commitment Act or any
24 substantially similar federal, Uniform Code of Military
25 Justice, sister state, or foreign country law; or

26 (5) convicted of a second or subsequent offense which

1 requires registration pursuant to this Act. The conviction
2 for the second or subsequent offense must have occurred
3 after July 1, 1999. For purposes of this paragraph (5),
4 "convicted" shall include a conviction under any
5 substantially similar Illinois, federal, Uniform Code of
6 Military Justice, sister state, or foreign country law.

7 (F) As used in this Article, "out-of-state student" means
8 any sex offender, as defined in this Section, or sexual
9 predator who is enrolled in Illinois, on a full-time or
10 part-time basis, in any public or private educational
11 institution, including, but not limited to, any secondary
12 school, trade or professional institution, or institution of
13 higher learning.

14 (G) As used in this Article, "out-of-state employee" means
15 any sex offender, as defined in this Section, or sexual
16 predator who works in Illinois, regardless of whether the
17 individual receives payment for services performed, for a
18 period of time of 10 or more days or for an aggregate period of
19 time of 30 or more days during any calendar year. Persons who
20 operate motor vehicles in the State accrue one day of
21 employment time for any portion of a day spent in Illinois.

22 (H) As used in this Article, "school" means any public or
23 private educational institution, including, but not limited
24 to, any elementary or secondary school, trade or professional
25 institution, or institution of higher education.

26 (I) As used in this Article, "fixed residence" means any

1 and all places that a sex offender resides for an aggregate
2 period of time of 5 or more days in a calendar year.

3 (Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04;
4 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945, eff. 6-27-06;
5 94-1053, eff. 7-24-06; revised 8-3-06.)

6 (730 ILCS 150/3) (from Ch. 38, par. 223)

7 Sec. 3. Duty to register.

8 (a) A sex offender, as defined in Section 2 of this Act, or
9 sexual predator shall, within the time period prescribed in
10 subsections (b) and (c), register in person and provide
11 accurate information as required by the Department of State
12 Police. Such information shall include a current photograph,
13 current address, current place of employment, the employer's
14 telephone number, school attended, extensions of the time
15 period for registering as provided in this Article and, if an
16 extension was granted, the reason why the extension was granted
17 and the date the sex offender was notified of the extension.
18 The information shall also include the county of conviction,
19 license plate numbers for every vehicle registered in the name
20 of the sex offender, the age of the sex offender at the time of
21 the commission of the offense, the age of the victim at the
22 time of the commission of the offense, and any distinguishing
23 marks located on the body of the sex offender. A person who has
24 been adjudicated a juvenile delinquent for an act which, if
25 committed by an adult, would be a sex offense shall register as

1 an adult sex offender within 10 days after attaining 18 ~~17~~
2 years of age. The sex offender or sexual predator shall
3 register:

4 (1) with the chief of police in the municipality in
5 which he or she resides or is temporarily domiciled for a
6 period of time of 5 or more days, unless the municipality
7 is the City of Chicago, in which case he or she shall
8 register at the Chicago Police Department Headquarters; or

9 (2) with the sheriff in the county in which he or she
10 resides or is temporarily domiciled for a period of time of
11 5 or more days in an unincorporated area or, if
12 incorporated, no police chief exists.

13 If the sex offender or sexual predator is employed at or
14 attends an institution of higher education, he or she shall
15 register:

16 (i) with the chief of police in the municipality in
17 which he or she is employed at or attends an institution of
18 higher education, unless the municipality is the City of
19 Chicago, in which case he or she shall register at the
20 Chicago Police Department Headquarters; or

21 (ii) with the sheriff in the county in which he or she
22 is employed or attends an institution of higher education
23 located in an unincorporated area, or if incorporated, no
24 police chief exists.

25 For purposes of this Article, the place of residence or
26 temporary domicile is defined as any and all places where the

1 sex offender resides for an aggregate period of time of 5 or
2 more days during any calendar year. Any person required to
3 register under this Article who lacks a fixed address or
4 temporary domicile must notify, in person, the agency of
5 jurisdiction of his or her last known address within 5 days
6 after ceasing to have a fixed residence.

7 Any person who lacks a fixed residence must report weekly,
8 in person, with the sheriff's office of the county in which he
9 or she is located in an unincorporated area, or with the chief
10 of police in the municipality in which he or she is located.
11 The agency of jurisdiction will document each weekly
12 registration to include all the locations where the person has
13 stayed during the past 7 days.

14 The sex offender or sexual predator shall provide accurate
15 information as required by the Department of State Police. That
16 information shall include the sex offender's or sexual
17 predator's current place of employment.

18 (a-5) An out-of-state student or out-of-state employee
19 shall, within 5 days after beginning school or employment in
20 this State, register in person and provide accurate information
21 as required by the Department of State Police. Such information
22 will include current place of employment, school attended, and
23 address in state of residence. The out-of-state student or
24 out-of-state employee shall register:

25 (1) with the chief of police in the municipality in
26 which he or she attends school or is employed for a period

1 of time of 5 or more days or for an aggregate period of
2 time of more than 30 days during any calendar year, unless
3 the municipality is the City of Chicago, in which case he
4 or she shall register at the Chicago Police Department
5 Headquarters; or

6 (2) with the sheriff in the county in which he or she
7 attends school or is employed for a period of time of 5 or
8 more days or for an aggregate period of time of more than
9 30 days during any calendar year in an unincorporated area
10 or, if incorporated, no police chief exists.

11 The out-of-state student or out-of-state employee shall
12 provide accurate information as required by the Department of
13 State Police. That information shall include the out-of-state
14 student's current place of school attendance or the
15 out-of-state employee's current place of employment.

16 (b) Any sex offender, as defined in Section 2 of this Act,
17 or sexual predator, regardless of any initial, prior, or other
18 registration, shall, within 5 days of beginning school, or
19 establishing a residence, place of employment, or temporary
20 domicile in any county, register in person as set forth in
21 subsection (a) or (a-5).

22 (c) The registration for any person required to register
23 under this Article shall be as follows:

24 (1) Any person registered under the Habitual Child Sex
25 Offender Registration Act or the Child Sex Offender
26 Registration Act prior to January 1, 1996, shall be deemed

1 initially registered as of January 1, 1996; however, this
2 shall not be construed to extend the duration of
3 registration set forth in Section 7.

4 (2) Except as provided in subsection (c)(4), any person
5 convicted or adjudicated prior to January 1, 1996, whose
6 liability for registration under Section 7 has not expired,
7 shall register in person prior to January 31, 1996.

8 (2.5) Except as provided in subsection (c)(4), any
9 person who has not been notified of his or her
10 responsibility to register shall be notified by a criminal
11 justice entity of his or her responsibility to register.
12 Upon notification the person must then register within 5
13 days of notification of his or her requirement to register.
14 If notification is not made within the offender's 10 year
15 registration requirement, and the Department of State
16 Police determines no evidence exists or indicates the
17 offender attempted to avoid registration, the offender
18 will no longer be required to register under this Act.

19 (3) Except as provided in subsection (c)(4), any person
20 convicted on or after January 1, 1996, shall register in
21 person within 5 days after the entry of the sentencing
22 order based upon his or her conviction.

23 (4) Any person unable to comply with the registration
24 requirements of this Article because he or she is confined,
25 institutionalized, or imprisoned in Illinois on or after
26 January 1, 1996, shall register in person within 5 days of

1 discharge, parole or release.

2 (5) The person shall provide positive identification
3 and documentation that substantiates proof of residence at
4 the registering address.

5 (6) The person shall pay a \$20 initial registration fee
6 and a \$10 annual renewal fee. The fees shall be used by the
7 registering agency for official purposes. The agency shall
8 establish procedures to document receipt and use of the
9 funds. The law enforcement agency having jurisdiction may
10 waive the registration fee if it determines that the person
11 is indigent and unable to pay the registration fee. Ten
12 dollars for the initial registration fee and \$5 of the
13 annual renewal fee shall be used by the registering agency
14 for official purposes. Ten dollars of the initial
15 registration fee and \$5 of the annual fee shall be
16 deposited into the Sex Offender Management Board Fund under
17 Section 19 of the Sex Offender Management Board Act. Money
18 deposited into the Sex Offender Management Board Fund shall
19 be administered by the Sex Offender Management Board and
20 shall be used to fund practices endorsed or required by the
21 Sex Offender Management Board Act including but not limited
22 to sex offenders evaluation, treatment, or monitoring
23 programs that are or may be developed, as well as for
24 administrative costs, including staff, incurred by the
25 Board.

26 (d) Within 5 days after obtaining or changing employment

1 and, if employed on January 1, 2000, within 5 days after that
2 date, a person required to register under this Section must
3 report, in person to the law enforcement agency having
4 jurisdiction, the business name and address where he or she is
5 employed. If the person has multiple businesses or work
6 locations, every business and work location must be reported to
7 the law enforcement agency having jurisdiction.

8 (Source: P.A. 93-616, eff. 1-1-04; 93-979, eff. 8-20-04;
9 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-994, eff. 1-1-07.)

10 Section 20. The Child Murderer and Violent Offender Against
11 Youth Registration Act is amended by changing Sections 5 and 10
12 as follows:

13 (730 ILCS 154/5)

14 Sec. 5. Definitions.

15 (a) As used in this Act, "violent offender against youth"
16 means any person who is:

17 (1) charged pursuant to Illinois law, or any
18 substantially similar federal, Uniform Code of Military
19 Justice, sister state, or foreign country law, with a
20 violent offense against youth set forth in subsection (b)
21 of this Section or the attempt to commit an included
22 violent offense against youth, and:

23 (A) is convicted of such offense or an attempt to
24 commit such offense; or

1 (B) is found not guilty by reason of insanity of
2 such offense or an attempt to commit such offense; or

3 (C) is found not guilty by reason of insanity
4 pursuant to subsection (c) of Section 104-25 of the
5 Code of Criminal Procedure of 1963 of such offense or
6 an attempt to commit such offense; or

7 (D) is the subject of a finding not resulting in an
8 acquittal at a hearing conducted pursuant to
9 subsection (a) of Section 104-25 of the Code of
10 Criminal Procedure of 1963 for the alleged commission
11 or attempted commission of such offense; or

12 (E) is found not guilty by reason of insanity
13 following a hearing conducted pursuant to a federal,
14 Uniform Code of Military Justice, sister state, or
15 foreign country law substantially similar to
16 subsection (c) of Section 104-25 of the Code of
17 Criminal Procedure of 1963 of such offense or of the
18 attempted commission of such offense; or

19 (F) is the subject of a finding not resulting in an
20 acquittal at a hearing conducted pursuant to a federal,
21 Uniform Code of Military Justice, sister state, or
22 foreign country law substantially similar to
23 subsection (c) of Section 104-25 of the Code of
24 Criminal Procedure of 1963 for the alleged violation or
25 attempted commission of such offense; or

26 (2) adjudicated a juvenile delinquent as the result of

1 committing or attempting to commit an act which, if
2 committed by an adult, would constitute any of the offenses
3 specified in subsection (b) or (c-5) of this Section or a
4 violation of any substantially similar federal, Uniform
5 Code of Military Justice, sister state, or foreign country
6 law, or found guilty under Article V of the Juvenile Court
7 Act of 1987 of committing or attempting to commit an act
8 which, if committed by an adult, would constitute any of
9 the offenses specified in subsection (b) or (c-5) of this
10 Section or a violation of any substantially similar
11 federal, Uniform Code of Military Justice, sister state, or
12 foreign country law.

13 Convictions that result from or are connected with the same
14 act, or result from offenses committed at the same time, shall
15 be counted for the purpose of this Act as one conviction. Any
16 conviction set aside pursuant to law is not a conviction for
17 purposes of this Act.

18 For purposes of this Section, "convicted" shall have the
19 same meaning as "adjudicated". For the purposes of this Act, a
20 person who is defined as a violent offender against youth as a
21 result of being adjudicated a juvenile delinquent under
22 paragraph (2) of this subsection (a) upon attaining 18 ~~17~~ years
23 of age shall be considered as having committed the violent
24 offense against youth on or after the 18th ~~17th~~ birthday of the
25 violent offender against youth. Registration of juveniles upon
26 attaining 18 ~~17~~ years of age shall not extend the original

1 registration of 10 years from the date of conviction.

2 (b) As used in this Act, "violent offense against youth"
3 means:

4 (1) A violation of any of the following Sections of the
5 Criminal Code of 1961, when the victim is a person under 18
6 years of age, the defendant is not a parent of the victim,
7 and the offense was committed on or after January 1, 1996:

8 10-1 (kidnapping),

9 10-2 (aggravated kidnapping),

10 10-3 (unlawful restraint),

11 10-3.1 (aggravated unlawful restraint).

12 An attempt to commit any of these offenses.

13 (2) First degree murder under Section 9-1 of the
14 Criminal Code of 1961, when the victim was a person under
15 18 years of age and the defendant was at least 18 ~~17~~ years
16 of age at the time of the commission of the offense.

17 (3) Child abduction under paragraph (10) of subsection
18 (b) of Section 10-5 of the Criminal Code of 1961 committed
19 by luring or attempting to lure a child under the age of 16
20 into a motor vehicle, building, house trailer, or dwelling
21 place without the consent of the parent or lawful custodian
22 of the child for other than a lawful purpose and the
23 offense was committed on or after January 1, 1998.

24 (4) A violation or attempted violation of any of the
25 following Sections of the Criminal Code of 1961 when the
26 offense was committed on or after July 1, 1999:

1 10-4 (forcible detention, if the victim is under 18
2 years of age).

3 (5) A violation of any former law of this State
4 substantially equivalent to any offense listed in this
5 subsection (b).

6 (c) A conviction for an offense of federal law, Uniform
7 Code of Military Justice, or the law of another state or a
8 foreign country that is substantially equivalent to any offense
9 listed in subsections (b) and (c-5) of this Section shall
10 constitute a conviction for the purpose of this Act.

11 (c-5) A person at least 18 ~~17~~ years of age at the time of
12 the commission of the offense who is convicted of first degree
13 murder under Section 9-1 of the Criminal Code of 1961, against
14 a person under 18 years of age, shall be required to register
15 for natural life. A conviction for an offense of federal,
16 Uniform Code of Military Justice, sister state, or foreign
17 country law that is substantially equivalent to any offense
18 listed in this subsection (c-5) shall constitute a conviction
19 for the purpose of this Act. This subsection (c-5) applies to a
20 person who committed the offense before June 1, 1996 only if
21 the person is incarcerated in an Illinois Department of
22 Corrections facility on August 20, 2004.

23 (d) As used in this Act, "law enforcement agency having
24 jurisdiction" means the Chief of Police in each of the
25 municipalities in which the violent offender against youth
26 expects to reside, work, or attend school (1) upon his or her

1 discharge, parole or release or (2) during the service of his
2 or her sentence of probation or conditional discharge, or the
3 Sheriff of the county, in the event no Police Chief exists or
4 if the offender intends to reside, work, or attend school in an
5 unincorporated area. "Law enforcement agency having
6 jurisdiction" includes the location where out-of-state
7 students attend school and where out-of-state employees are
8 employed or are otherwise required to register.

9 (e) As used in this Act, "supervising officer" means the
10 assigned Illinois Department of Corrections parole agent or
11 county probation officer.

12 (f) As used in this Act, "out-of-state student" means any
13 violent offender against youth who is enrolled in Illinois, on
14 a full-time or part-time basis, in any public or private
15 educational institution, including, but not limited to, any
16 secondary school, trade or professional institution, or
17 institution of higher learning.

18 (g) As used in this Act, "out-of-state employee" means any
19 violent offender against youth who works in Illinois,
20 regardless of whether the individual receives payment for
21 services performed, for a period of time of 10 or more days or
22 for an aggregate period of time of 30 or more days during any
23 calendar year. Persons who operate motor vehicles in the State
24 accrue one day of employment time for any portion of a day
25 spent in Illinois.

26 (h) As used in this Act, "school" means any public or

1 private educational institution, including, but not limited
2 to, any elementary or secondary school, trade or professional
3 institution, or institution of higher education.

4 (i) As used in this Act, "fixed residence" means any and
5 all places that a violent offender against youth resides for an
6 aggregate period of time of 5 or more days in a calendar year.

7 (Source: P.A. 94-945, eff. 6-27-06.)

8 (730 ILCS 154/10)

9 Sec. 10. Duty to register.

10 (a) A violent offender against youth shall, within the time
11 period prescribed in subsections (b) and (c), register in
12 person and provide accurate information as required by the
13 Department of State Police. Such information shall include a
14 current photograph, current address, current place of
15 employment, the employer's telephone number, school attended,
16 extensions of the time period for registering as provided in
17 this Act and, if an extension was granted, the reason why the
18 extension was granted and the date the violent offender against
19 youth was notified of the extension. A person who has been
20 adjudicated a juvenile delinquent for an act which, if
21 committed by an adult, would be a violent offense against youth
22 shall register as an adult violent offender against youth
23 within 10 days after attaining 18 ~~17~~ years of age. The violent
24 offender against youth shall register:

25 (1) with the chief of police in the municipality in

1 which he or she resides or is temporarily domiciled for a
2 period of time of 5 or more days, unless the municipality
3 is the City of Chicago, in which case he or she shall
4 register at the Chicago Police Department Headquarters; or

5 (2) with the sheriff in the county in which he or she
6 resides or is temporarily domiciled for a period of time of
7 5 or more days in an unincorporated area or, if
8 incorporated, no police chief exists.

9 If the violent offender against youth is employed at or
10 attends an institution of higher education, he or she shall
11 register:

12 (i) with the chief of police in the municipality in
13 which he or she is employed at or attends an institution of
14 higher education, unless the municipality is the City of
15 Chicago, in which case he or she shall register at the
16 Chicago Police Department Headquarters; or

17 (ii) with the sheriff in the county in which he or she
18 is employed or attends an institution of higher education
19 located in an unincorporated area, or if incorporated, no
20 police chief exists.

21 For purposes of this Act, the place of residence or
22 temporary domicile is defined as any and all places where the
23 violent offender against youth resides for an aggregate period
24 of time of 5 or more days during any calendar year. Any person
25 required to register under this Act who lacks a fixed address
26 or temporary domicile must notify, in person, the agency of

1 jurisdiction of his or her last known address within 5 days
2 after ceasing to have a fixed residence.

3 Any person who lacks a fixed residence must report weekly,
4 in person, with the sheriff's office of the county in which he
5 or she is located in an unincorporated area, or with the chief
6 of police in the municipality in which he or she is located.
7 The agency of jurisdiction will document each weekly
8 registration to include all the locations where the person has
9 stayed during the past 7 days.

10 The violent offender against youth shall provide accurate
11 information as required by the Department of State Police. That
12 information shall include the current place of employment of
13 the violent offender against youth.

14 (a-5) An out-of-state student or out-of-state employee
15 shall, within 5 days after beginning school or employment in
16 this State, register in person and provide accurate information
17 as required by the Department of State Police. Such information
18 will include current place of employment, school attended, and
19 address in state of residence. The out-of-state student or
20 out-of-state employee shall register:

21 (1) with the chief of police in the municipality in
22 which he or she attends school or is employed for a period
23 of time of 5 or more days or for an aggregate period of
24 time of more than 30 days during any calendar year, unless
25 the municipality is the City of Chicago, in which case he
26 or she shall register at the Chicago Police Department

1 Headquarters; or

2 (2) with the sheriff in the county in which he or she
3 attends school or is employed for a period of time of 5 or
4 more days or for an aggregate period of time of more than
5 30 days during any calendar year in an unincorporated area
6 or, if incorporated, no police chief exists.

7 The out-of-state student or out-of-state employee shall
8 provide accurate information as required by the Department of
9 State Police. That information shall include the out-of-state
10 student's current place of school attendance or the
11 out-of-state employee's current place of employment.

12 (b) Any violent offender against youth regardless of any
13 initial, prior, or other registration, shall, within 5 days of
14 beginning school, or establishing a residence, place of
15 employment, or temporary domicile in any county, register in
16 person as set forth in subsection (a) or (a-5).

17 (c) The registration for any person required to register
18 under this Act shall be as follows:

19 (1) Except as provided in paragraph (3) of this
20 subsection (c), any person who has not been notified of his
21 or her responsibility to register shall be notified by a
22 criminal justice entity of his or her responsibility to
23 register. Upon notification the person must then register
24 within 5 days of notification of his or her requirement to
25 register. If notification is not made within the offender's
26 10 year registration requirement, and the Department of

1 State Police determines no evidence exists or indicates the
2 offender attempted to avoid registration, the offender
3 will no longer be required to register under this Act.

4 (2) Except as provided in paragraph (3) of this
5 subsection (c), any person convicted on or after the
6 effective date of this Act shall register in person within
7 5 days after the entry of the sentencing order based upon
8 his or her conviction.

9 (3) Any person unable to comply with the registration
10 requirements of this Act because he or she is confined,
11 institutionalized, or imprisoned in Illinois on or after
12 the effective date of this Act shall register in person
13 within 5 days of discharge, parole or release.

14 (4) The person shall provide positive identification
15 and documentation that substantiates proof of residence at
16 the registering address.

17 (5) The person shall pay a \$20 initial registration fee
18 and a \$10 annual renewal fee. The fees shall be deposited
19 into the Child Murderer and Violent Offender Against Youth
20 Registration Fund. The fees shall be used by the
21 registering agency for official purposes. The agency shall
22 establish procedures to document receipt and use of the
23 funds. The law enforcement agency having jurisdiction may
24 waive the registration fee if it determines that the person
25 is indigent and unable to pay the registration fee.

26 (d) Within 5 days after obtaining or changing employment, a

1 person required to register under this Section must report, in
2 person to the law enforcement agency having jurisdiction, the
3 business name and address where he or she is employed. If the
4 person has multiple businesses or work locations, every
5 business and work location must be reported to the law
6 enforcement agency having jurisdiction.

7 (Source: P.A. 94-945, eff. 6-27-06.)