

1 AN ACT concerning courts.

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 Section 5-750 as follows:

6 (705 ILCS 405/5-750)

7 Sec. 5-750. Commitment to the Department of Juvenile
8 Justice.

9 (1) Except as provided in subsection (2) of this Section,
10 when any delinquent has been adjudged a ward of the court under
11 this Act, the court may commit him or her to the Department of
12 Juvenile Justice, if it finds that (a) his or her parents,
13 guardian or legal custodian are unfit or are unable, for some
14 reason other than financial circumstances alone, to care for,
15 protect, train or discipline the minor, or are unwilling to do
16 so, and the best interests of the minor and the public will not
17 be served by placement under Section 5-740, ~~or, (b)~~ it is
18 necessary to ensure the protection of the public from the
19 consequences of criminal activity of the delinquent; and (b)
20 commitment to the Department of Juvenile Justice is the least
21 restrictive alternative based on evidence that efforts were
22 made to locate less restrictive alternatives to secure
23 confinement and the reasons why efforts were unsuccessful in

1 locating a less restrictive alternative to secure confinement.
2 Before the court commits a minor to the Department of Juvenile
3 Justice, it shall make a finding that secure confinement is
4 necessary, following a review of the following individualized
5 factors:

6 (A) Age of the minor.

7 (B) Criminal background of the minor.

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

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

14 (E) Physical, mental and emotional health of the minor,
15 indicating whether the minor has ever been diagnosed with a
16 health issue and if so what services were provided and
17 whether the minor was compliant with services.

18 (F) Community based services that have been provided to
19 the minor, and whether the minor was compliant with the
20 services, and the reason the services were unsuccessful.

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

23 (1.5) Before the court commits a minor to the Department of
24 Juvenile Justice, the court must find reasonable efforts have
25 been made to prevent or eliminate the need for the minor to be
26 removed from the home, or reasonable efforts cannot, at this

1 time, for good cause, prevent or eliminate the need for
2 removal, and removal from home is in the best interests of the
3 minor, the minor's family, and the public.

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

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

25 (4) When the court commits a minor to the Department of
26 Juvenile Justice, it shall order him or her conveyed forthwith

1 to the appropriate reception station or other place designated
2 by the Department of Juvenile Justice, and shall appoint the
3 Director of Juvenile Justice legal custodian of the minor. The
4 clerk of the court shall issue to the Director of Juvenile
5 Justice a certified copy of the order, which constitutes proof
6 of the Director's authority. No other process need issue to
7 warrant the keeping of the minor.

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

11 (a) the disposition ordered;

12 (b) all reports;

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

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

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

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