

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 5-615 as follows:

6 (705 ILCS 405/5-615)

7 Sec. 5-615. Continuance under supervision.

8 (1) The court may enter an order of continuance under  
9 supervision for an offense other than first degree murder, a  
10 Class X felony or a forcible felony:

11 (a) upon an admission or stipulation by the appropriate  
12 respondent or minor respondent of the facts supporting the  
13 petition and before the court makes a finding of  
14 delinquency ~~proceeding to adjudication, or after hearing~~  
15 ~~the evidence at the trial, and (b) in the absence of~~  
16 objection made in open court by the minor, his or her  
17 parent, guardian, or legal custodian, the minor's attorney  
18 or the State's Attorney; or.

19 (b) upon a finding of delinquency and after considering  
20 the circumstances of the offense and the history,  
21 character, and condition of the minor, if the court is of  
22 the opinion that:

23 (i) the minor is not likely to commit further

1 crimes;

2 (ii) the minor and the public would be best served  
3 if the minor were not to receive a criminal record; and  
4 (iii) in the best interests of justice an order of  
5 continuance under supervision is more appropriate than  
6 a sentence otherwise permitted under this Act.

7 (2) (Blank). ~~If the minor, his or her parent, guardian, or~~  
8 ~~legal custodian, the minor's attorney or State's Attorney~~  
9 ~~objects in open court to any continuance and insists upon~~  
10 ~~proceeding to findings and adjudication, the court shall so~~  
11 ~~proceed.~~

12 (3) Nothing in this Section limits the power of the court  
13 to order a continuance of the hearing for the production of  
14 additional evidence or for any other proper reason.

15 (4) When a hearing where a minor is alleged to be a  
16 delinquent is continued pursuant to this Section, the period of  
17 continuance under supervision may not exceed 24 months. The  
18 court may terminate a continuance under supervision at any time  
19 if warranted by the conduct of the minor and the ends of  
20 justice or vacate the finding of delinquency or both.

21 (5) When a hearing where a minor is alleged to be  
22 delinquent is continued pursuant to this Section, the court  
23 may, as conditions of the continuance under supervision,  
24 require the minor to do any of the following:

25 (a) not violate any criminal statute of any  
26 jurisdiction;

1 (b) make a report to and appear in person before any  
2 person or agency as directed by the court;

3 (c) work or pursue a course of study or vocational  
4 training;

5 (d) undergo medical or psychotherapeutic treatment  
6 rendered by a therapist licensed under the provisions of  
7 the Medical Practice Act of 1987, the Clinical Psychologist  
8 Licensing Act, or the Clinical Social Work and Social Work  
9 Practice Act, or an entity licensed by the Department of  
10 Human Services as a successor to the Department of  
11 Alcoholism and Substance Abuse, for the provision of drug  
12 addiction and alcoholism treatment;

13 (e) attend or reside in a facility established for the  
14 instruction or residence of persons on probation;

15 (f) support his or her dependents, if any;

16 (g) pay costs;

17 (h) refrain from possessing a firearm or other  
18 dangerous weapon, or an automobile;

19 (i) permit the probation officer to visit him or her at  
20 his or her home or elsewhere;

21 (j) reside with his or her parents or in a foster home;

22 (k) attend school;

23 (k-5) with the consent of the superintendent of the  
24 facility, attend an educational program at a facility other  
25 than the school in which the offense was committed if he or  
26 she committed a crime of violence as defined in Section 2

1 of the Crime Victims Compensation Act in a school, on the  
2 real property comprising a school, or within 1,000 feet of  
3 the real property comprising a school;

4 (l) attend a non-residential program for youth;

5 (m) contribute to his or her own support at home or in  
6 a foster home;

7 (n) perform some reasonable public or community  
8 service;

9 (o) make restitution to the victim, in the same manner  
10 and under the same conditions as provided in subsection (4)  
11 of Section 5-710, except that the "sentencing hearing"  
12 referred to in that Section shall be the adjudicatory  
13 hearing for purposes of this Section;

14 (p) comply with curfew requirements as designated by  
15 the court;

16 (q) refrain from entering into a designated geographic  
17 area except upon terms as the court finds appropriate. The  
18 terms may include consideration of the purpose of the  
19 entry, the time of day, other persons accompanying the  
20 minor, and advance approval by a probation officer;

21 (r) refrain from having any contact, directly or  
22 indirectly, with certain specified persons or particular  
23 types of persons, including but not limited to members of  
24 street gangs and drug users or dealers;

25 (r-5) undergo a medical or other procedure to have a  
26 tattoo symbolizing allegiance to a street gang removed from

1 his or her body;

2 (s) refrain from having in his or her body the presence  
3 of any illicit drug prohibited by the Cannabis Control Act,  
4 the Illinois Controlled Substances Act, or the  
5 Methamphetamine Control and Community Protection Act,  
6 unless prescribed by a physician, and submit samples of his  
7 or her blood or urine or both for tests to determine the  
8 presence of any illicit drug; or

9 (t) comply with any other conditions as may be ordered  
10 by the court.

11 (6) A minor whose case is continued under supervision under  
12 subsection (5) shall be given a certificate setting forth the  
13 conditions imposed by the court. Those conditions may be  
14 reduced, enlarged, or modified by the court on motion of the  
15 probation officer or on its own motion, or that of the State's  
16 Attorney, or, at the request of the minor after notice and  
17 hearing.

18 (7) If a petition is filed charging a violation of a  
19 condition of the continuance under supervision, the court shall  
20 conduct a hearing. If the court finds that a condition of  
21 supervision has not been fulfilled, the court may proceed to  
22 findings, ~~and~~ adjudication, ~~and~~ disposition or adjudication  
23 and disposition. The filing of a petition for violation of a  
24 condition of the continuance under supervision shall toll the  
25 period of continuance under supervision until the final  
26 determination of the charge, and the term of the continuance

1 under supervision shall not run until the hearing and  
2 disposition of the petition for violation; provided where the  
3 petition alleges conduct that does not constitute a criminal  
4 offense, the hearing must be held within 30 days of the filing  
5 of the petition unless a delay shall continue the tolling of  
6 the period of continuance under supervision for the period of  
7 the delay.

8 (8) When a hearing in which a minor is alleged to be a  
9 delinquent for reasons that include a violation of Section  
10 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
11 2012 is continued under this Section, the court shall, as a  
12 condition of the continuance under supervision, require the  
13 minor to perform community service for not less than 30 and not  
14 more than 120 hours, if community service is available in the  
15 jurisdiction. The community service shall include, but need not  
16 be limited to, the cleanup and repair of the damage that was  
17 caused by the alleged violation or similar damage to property  
18 located in the municipality or county in which the alleged  
19 violation occurred. The condition may be in addition to any  
20 other condition.

21 (8.5) When a hearing in which a minor is alleged to be a  
22 delinquent for reasons that include a violation of Section 3.02  
23 or Section 3.03 of the Humane Care for Animals Act or paragraph  
24 (d) of subsection (1) of Section 21-1 of the Criminal Code of  
25 1961 or paragraph (4) of subsection (a) of Section 21-1 or the  
26 Criminal Code of 2012 is continued under this Section, the

1 court shall, as a condition of the continuance under  
2 supervision, require the minor to undergo medical or  
3 psychiatric treatment rendered by a psychiatrist or  
4 psychological treatment rendered by a clinical psychologist.  
5 The condition may be in addition to any other condition.

6 (9) When a hearing in which a minor is alleged to be a  
7 delinquent is continued under this Section, the court, before  
8 continuing the case, shall make a finding whether the offense  
9 alleged to have been committed either: (i) was related to or in  
10 furtherance of the activities of an organized gang or was  
11 motivated by the minor's membership in or allegiance to an  
12 organized gang, or (ii) is a violation of paragraph (13) of  
13 subsection (a) of Section 12-2 or paragraph (2) of subsection  
14 (c) of Section 12-2 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012, a violation of any Section of Article 24  
16 of the Criminal Code of 1961 or the Criminal Code of 2012, or a  
17 violation of any statute that involved the unlawful use of a  
18 firearm. If the court determines the question in the  
19 affirmative the court shall, as a condition of the continuance  
20 under supervision and as part of or in addition to any other  
21 condition of the supervision, require the minor to perform  
22 community service for not less than 30 hours, provided that  
23 community service is available in the jurisdiction and is  
24 funded and approved by the county board of the county where the  
25 offense was committed. The community service shall include, but  
26 need not be limited to, the cleanup and repair of any damage

1 caused by an alleged violation of Section 21-1.3 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012 and similar  
3 damage to property located in the municipality or county in  
4 which the alleged violation occurred. When possible and  
5 reasonable, the community service shall be performed in the  
6 minor's neighborhood. For the purposes of this Section,  
7 "organized gang" has the meaning ascribed to it in Section 10  
8 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

9 (10) The court shall impose upon a minor placed on  
10 supervision, as a condition of the supervision, a fee of \$50  
11 for each month of supervision ordered by the court, unless  
12 after determining the inability of the minor placed on  
13 supervision to pay the fee, the court assesses a lesser amount.  
14 The court may not impose the fee on a minor who is made a ward  
15 of the State under this Act while the minor is in placement.  
16 The fee shall be imposed only upon a minor who is actively  
17 supervised by the probation and court services department. A  
18 court may order the parent, guardian, or legal custodian of the  
19 minor to pay some or all of the fee on the minor's behalf.

20 (11) If a minor is placed on supervision for a violation of  
21 subsection (a-7) of Section 1 of the Prevention of Tobacco Use  
22 by Minors Act, the court may, in its discretion, and upon  
23 recommendation by the State's Attorney, order that minor and  
24 his or her parents or legal guardian to attend a smoker's  
25 education or youth diversion program as defined in that Act if  
26 that program is available in the jurisdiction where the



1 offender resides. Attendance at a smoker's education or youth  
2 diversion program shall be time-credited against any community  
3 service time imposed for any first violation of subsection  
4 (a-7) of Section 1 of that Act. In addition to any other  
5 penalty that the court may impose for a violation of subsection  
6 (a-7) of Section 1 of that Act, the court, upon request by the  
7 State's Attorney, may in its discretion require the offender to  
8 remit a fee for his or her attendance at a smoker's education  
9 or youth diversion program.

10 For purposes of this Section, "smoker's education program"  
11 or "youth diversion program" includes, but is not limited to, a  
12 seminar designed to educate a person on the physical and  
13 psychological effects of smoking tobacco products and the  
14 health consequences of smoking tobacco products that can be  
15 conducted with a locality's youth diversion program.

16 In addition to any other penalty that the court may impose  
17 under this subsection (11):

18 (a) If a minor violates subsection (a-7) of Section 1  
19 of the Prevention of Tobacco Use by Minors Act, the court  
20 may impose a sentence of 15 hours of community service or a  
21 fine of \$25 for a first violation.

22 (b) A second violation by a minor of subsection (a-7)  
23 of Section 1 of that Act that occurs within 12 months after  
24 the first violation is punishable by a fine of \$50 and 25  
25 hours of community service.

26 (c) A third or subsequent violation by a minor of

1 subsection (a-7) of Section 1 of that Act that occurs  
2 within 12 months after the first violation is punishable by  
3 a \$100 fine and 30 hours of community service.

4 (d) Any second or subsequent violation not within the  
5 12-month time period after the first violation is  
6 punishable as provided for a first violation.

7 (Source: P.A. 96-179, eff. 8-10-09; 96-1414, eff. 1-1-11;  
8 97-1150, eff. 1-25-13.)