



Rep. La Shawn K. Ford

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LRB099 05740 RLC 32856 a

1 AMENDMENT TO HOUSE BILL 1488

2 AMENDMENT NO. _____. Amend House Bill 1488 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-715 as follows:

6 (705 ILCS 405/5-715)

7 Sec. 5-715. Probation.

8 (1) The period of probation or conditional discharge shall
9 not exceed 5 years or until the minor has attained the age of
10 21 years, whichever is less, except as provided in this Section
11 for a minor who is found to be guilty for an offense which is
12 first degree murder, second degree murder, criminal sexual
13 assault, a Class X felony, an attempt Class X felony, or a
14 forcible felony. The juvenile court may terminate probation or
15 conditional discharge and discharge the minor at any time if
16 warranted by the conduct of the minor and the ends of justice;

1 provided, however, that the period of probation for a minor who
2 is found to be guilty for an offense which is first degree
3 murder, second degree murder, criminal sexual assault, a Class
4 X felony, or an attempt Class X felony ~~a forcible felony~~ shall
5 be at least 5 years. The period of probation for a minor who is
6 found to be guilty for an offense which is a forcible felony,
7 other than first degree murder, second degree murder, criminal
8 sexual assault, a Class X felony, or an attempt Class X felony,
9 shall be a mandatory minimum probation period of 3 years, but
10 may be up to 5 years, if the facts of the crime, the conduct of
11 the minor, and the ends of justice warrant so in the judge's
12 discretion.

13 (2) The court may as a condition of probation or of
14 conditional discharge require that the minor:

15 (a) not violate any criminal statute of any
16 jurisdiction;

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

19 (c) work or pursue a course of study or vocational
20 training;

21 (d) undergo medical or psychiatric treatment, rendered
22 by a psychiatrist or psychological treatment rendered by a
23 clinical psychologist or social work services rendered by a
24 clinical social worker, or treatment for drug addiction or
25 alcoholism;

26 (e) attend or reside in a facility established for the

1 instruction or residence of persons on probation;

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

3 (g) refrain from possessing a firearm or other
4 dangerous weapon, or an automobile;

5 (h) permit the probation officer to visit him or her at
6 his or her home or elsewhere;

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

8 (j) attend school;

9 (j-5) with the consent of the superintendent of the
10 facility, attend an educational program at a facility other
11 than the school in which the offense was committed if he or
12 she committed a crime of violence as defined in Section 2
13 of the Crime Victims Compensation Act in a school, on the
14 real property comprising a school, or within 1,000 feet of
15 the real property comprising a school;

16 (k) attend a non-residential program for youth;

17 (l) make restitution under the terms of subsection (4)
18 of Section 5-710;

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

21 (n) perform some reasonable public or community
22 service;

23 (o) participate with community corrections programs
24 including unified delinquency intervention services
25 administered by the Department of Human Services subject to
26 Section 5 of the Children and Family Services Act;

1 (p) pay costs;

2 (q) serve a term of home confinement. In addition to
3 any other applicable condition of probation or conditional
4 discharge, the conditions of home confinement shall be that
5 the minor:

6 (i) remain within the interior premises of the
7 place designated for his or her confinement during the
8 hours designated by the court;

9 (ii) admit any person or agent designated by the
10 court into the minor's place of confinement at any time
11 for purposes of verifying the minor's compliance with
12 the conditions of his or her confinement; and

13 (iii) use an approved electronic monitoring device
14 if ordered by the court subject to Article 8A of
15 Chapter V of the Unified Code of Corrections;

16 (r) 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, if the
21 minor has been placed on probation, or advance approval by
22 the court, if the minor has been placed on conditional
23 discharge;

24 (s) refrain from having any contact, directly or
25 indirectly, with certain specified persons or particular
26 types of persons, including but not limited to members of

1 street gangs and drug users or dealers;

2 (s-5) undergo a medical or other procedure to have a
3 tattoo symbolizing allegiance to a street gang removed from
4 his or her body;

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

12 (u) comply with other conditions as may be ordered by
13 the court.

14 (3) The court may as a condition of probation or of
15 conditional discharge require that a minor found guilty on any
16 alcohol, cannabis, methamphetamine, or controlled substance
17 violation, refrain from acquiring a driver's license during the
18 period of probation or conditional discharge. If the minor is
19 in possession of a permit or license, the court may require
20 that the minor refrain from driving or operating any motor
21 vehicle during the period of probation or conditional
22 discharge, except as may be necessary in the course of the
23 minor's lawful employment.

24 (3.5) The court shall, as a condition of probation or of
25 conditional discharge, require that a minor found to be guilty
26 and placed on probation for reasons that include a violation of

1 Section 3.02 or Section 3.03 of the Humane Care for Animals Act
2 or paragraph (4) of subsection (a) of Section 21-1 of the
3 Criminal Code of 2012 undergo medical or psychiatric treatment
4 rendered by a psychiatrist or psychological treatment rendered
5 by a clinical psychologist. The condition may be in addition to
6 any other condition.

7 (3.10) The court shall order that a minor placed on
8 probation or conditional discharge for a sex offense as defined
9 in the Sex Offender Management Board Act undergo and
10 successfully complete sex offender treatment. The treatment
11 shall be in conformance with the standards developed under the
12 Sex Offender Management Board Act and conducted by a treatment
13 provider approved by the Board. The treatment shall be at the
14 expense of the person evaluated based upon that person's
15 ability to pay for the treatment.

16 (4) A minor on probation or conditional discharge shall be
17 given a certificate setting forth the conditions upon which he
18 or she is being released.

19 (5) The court shall impose upon a minor placed on probation
20 or conditional discharge, as a condition of the probation or
21 conditional discharge, a fee of \$50 for each month of probation
22 or conditional discharge supervision ordered by the court,
23 unless after determining the inability of the minor placed on
24 probation or conditional discharge to pay the fee, the court
25 assesses a lesser amount. The court may not impose the fee on a
26 minor who is made a ward of the State under this Act while the

1 minor is in placement. The fee shall be imposed only upon a
2 minor who is actively supervised by the probation and court
3 services department. The court may order the parent, guardian,
4 or legal custodian of the minor to pay some or all of the fee on
5 the minor's behalf.

6 (5.5) Jurisdiction over an offender may be transferred from
7 the sentencing court to the court of another circuit with the
8 concurrence of both courts. Further transfers or retransfers of
9 jurisdiction are also authorized in the same manner. The court
10 to which jurisdiction has been transferred shall have the same
11 powers as the sentencing court. The probation department within
12 the circuit to which jurisdiction has been transferred, or
13 which has agreed to provide supervision, may impose probation
14 fees upon receiving the transferred offender, as provided in
15 subsection (i) of Section 5-6-3 of the Unified Code of
16 Corrections. For all transfer cases, as defined in Section 9b
17 of the Probation and Probation Officers Act, the probation
18 department from the original sentencing court shall retain all
19 probation fees collected prior to the transfer. After the
20 transfer, all probation fees shall be paid to the probation
21 department within the circuit to which jurisdiction has been
22 transferred.

23 If the transfer case originated in another state and has
24 been transferred under the Interstate Compact for Juveniles to
25 the jurisdiction of an Illinois circuit court for supervision
26 by an Illinois probation department, probation fees may be

1 imposed only if permitted by the Interstate Commission for
2 Juveniles.

3 (6) The General Assembly finds that in order to protect the
4 public, the juvenile justice system must compel compliance with
5 the conditions of probation by responding to violations with
6 swift, certain, and fair punishments and intermediate
7 sanctions. The Chief Judge of each circuit shall adopt a system
8 of structured, intermediate sanctions for violations of the
9 terms and conditions of a sentence of supervision, probation or
10 conditional discharge, under this Act.

11 The court shall provide as a condition of a disposition of
12 probation, conditional discharge, or supervision, that the
13 probation agency may invoke any sanction from the list of
14 intermediate sanctions adopted by the chief judge of the
15 circuit court for violations of the terms and conditions of the
16 sentence of probation, conditional discharge, or supervision,
17 subject to the provisions of Section 5-720 of this Act.

18 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13;
19 98-575, eff. 1-1-14.)".