

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) <del>(Blank). If the minor, his or her parent, guardian, or</del>		
8	<del>legal custodian, the minor's attorney or State's Attorney</del>		
9	<del>objects in open court to any continuance and insists upon</del>		
10	<del>proceeding to findings and adjudication, the court shall so</del>		
11	<del>proceed.</del>		
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 <u>or vacate the finding of delinquency or both.</u>		
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;		
	HB3172 Enrolled	- 3 -	LRB098 08458 RLC 38565 b
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



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		
	HB3172 Enrolled	- 6 -	LRB098 08458 RLC 38565 b
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		
	HB3172 Enrolled	- 7 -	LRB098 08458 RLC 38565 b

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.

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

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
	HB3172 Enrolled
	- 9 -
	LRB098 08458 RLC 38565 b
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		
	HB3172 Enrolled	- 10 -	LRB098 08458 RLC 38565 b
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.)		