



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB3599**

by Rep. Justin Slaughter

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-621 new

Amends the Juvenile Court Act of 1987. Provides that a person detained in the Department of Juvenile Justice may institute a post-conviction appeal if in the proceedings which resulted in his or her conviction there was a substantial denial of his or her rights under the Constitution of the United States or of the State of Illinois or both; or there is newly discovered evidence not available to the person at the time of the proceeding that resulted in his or her conviction that establishes a substantial basis to believe that the defendant is actually innocent by clear and convincing evidence. Provides that this proceeding may be commenced within a reasonable period of time after the person's adjudication. Provides that only one petition may be filed by a petitioner under this provision without leave of the court. Makes other changes.

LRB100 10483 SLF 20696 b

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 adding Section 5-621 as follows:

6 (705 ILCS 405/5-621 new)

7 Sec. 5-621. Post-conviction appeal.

8 (a) A person detained in the Department of Juvenile Justice  
9 may institute a proceeding under this Section if the person  
10 asserts that:

11 (1) in the proceedings which resulted in his or her  
12 conviction there was a substantial denial of his or her  
13 rights under the Constitution of the United States or of  
14 the State of Illinois or both; or

15 (2) there is newly discovered evidence not available to  
16 the person at the time of the proceeding that resulted in  
17 his or her conviction that establishes a substantial basis  
18 to believe that the defendant is actually innocent by clear  
19 and convincing evidence.

20 (b) A proceeding under paragraph (1) and (2) of subsection  
21 (a) may be commenced within a reasonable period of time after  
22 the person's adjudication. In such a proceeding regarding  
23 actual innocence, if the court determines the petition is

1 frivolous or is patently without merit, it shall dismiss the  
2 petition in a written order, specifying the findings of fact  
3 and conclusions of law it made in reaching its decision. An  
4 order of dismissal is a final judgment and shall be served upon  
5 the petitioner by certified mail within 10 days of its entry.

6 (c) The proceeding shall be commenced by filing with the  
7 clerk of the court and with a petition verified by affidavit.  
8 The petitioner shall also serve another copy upon the State's  
9 Attorney. The clerk shall docket the petition for consideration  
10 by the court upon his or her receipt and bring the same  
11 promptly to the attention of the court.

12 (d) A person seeking relief by filing a petition under this  
13 Section shall specify in the petition or its heading that it is  
14 filed under this Section.

15 (e) Only one petition may be filed by a petitioner under  
16 this Section without leave of the court.