

SB0063



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0063

Introduced 1/23/2019, by Sen. Patricia Van Pelt

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-175 new

Amends the Juvenile Court Act of 1987. Provides that the Chief Judge of each judicial circuit may establish a Justice for Juveniles Program, which would require that juveniles arrested or detained for eligible offenses be represented by legal counsel throughout the entire custodial interrogation of the juvenile. Provides that if a Chief Judge establishes a Justice for Juveniles Program, any oral, written, or sign language statement of a juvenile made without the presence of legal counsel during a custodial interrogation on or after the effective date of the Program shall be inadmissible as evidence against the juvenile in a proceeding under this Act or in a proceeding under the Criminal Code of 1961 or the Criminal Code of 2012. Defines "eligible offense" and "juvenile".

LRB101 07112 SLF 52149 b

A BILL FOR

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 5-175 as follows:

6 (705 ILCS 405/5-175 new)

7 Sec. 5-175. Justice for Juveniles Program.

8 (a) The General Assembly recognizes the complex legal
9 challenges faced by juveniles who are arrested for serious
10 offenses. The statements and decisions made by juveniles while
11 detained have consequences which will shape areas of their
12 lives that the juveniles have yet to experience. The General
13 Assembly further acknowledges that the juvenile brain has not
14 completely developed, which may hinder understanding of legal
15 rights without the assistance of legal counsel.

16 (b) In this Section:

17 "Eligible offense" means an offense that if committed
18 by an adult would be a violation of Section 9-1, 9-1.2,
19 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 11-1.20, 11-1.30, 11-1.40,
20 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
21 the Criminal Code of 1961 or the Criminal Code of 2012.

22 "Juvenile" means a minor who was under the age of 18
23 years of age at the time of the commission of the eligible

1 offense.

2 (b-5) The Justice for Juveniles Program established in
3 subsection (c) shall be implemented in addition to the
4 representation by counsel requirements of Section 5-170 of this
5 Act.

6 (c) The Chief Judge of each judicial circuit may establish
7 a Justice for Juveniles Program, which would require that
8 juveniles arrested or detained for eligible offenses be
9 represented by legal counsel throughout the entire custodial
10 interrogation of the juvenile. If a Chief Judge establishes a
11 Justice for Juveniles Program, any oral, written, or sign
12 language statement of a juvenile made without the presence of
13 legal counsel during a custodial interrogation on or after the
14 effective date of the Program shall be inadmissible as evidence
15 against the juvenile in a proceeding under this Act or in a
16 proceeding under the Criminal Code of 1961 or the Criminal Code
17 of 2012.