



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0239

Introduced 1/31/2019, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

20 ILCS 505/17a-9
705 ILCS 405/5-105

from Ch. 23, par. 5017a-9

Amends the Children and Family Services Act. Provides that the Illinois Juvenile Justice Commission in its annual submission of recommendation to the Governor and General Assembly shall include recommendations regarding the inclusion of emerging adults into a developmentally appropriate justice system, reducing recidivism, and preventing deeper criminal involvement. Amends the Juvenile Court Act of 1987. Provides in the Article concerning delinquent minors that on and after January 1, 2020, "delinquent minor" includes a minor who prior to his or her 19th birthday has violated or attempted to violate, regardless of where the act occurred, a federal law or State law, or county or municipal ordinance and the law or ordinance is classified as a misdemeanor offense. Provides that on and after January 1, 2022, "delinquent minor" includes a minor who prior to his or her 21st birthday has violated or attempted to violate, regardless of where the act occurred, a federal law or State law or county or municipal ordinance and the law or ordinance is classified as a misdemeanor offense. Provides that the changes made by the amendatory Act apply to violations or attempted violations committed on or after the effective of the amendatory Act.

LRB101 07674 SLF 52722 b

1 AN ACT concerning juveniles.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Children and Family Services Act is amended
5 by changing Section 17a-9 as follows:

6 (20 ILCS 505/17a-9) (from Ch. 23, par. 5017a-9)

7 Sec. 17a-9. Illinois Juvenile Justice Commission.

8 (a) There is hereby created the Illinois Juvenile Justice
9 Commission which shall consist of 25 persons appointed by the
10 Governor. The Chairperson of the Commission shall be appointed
11 by the Governor. Of the initial appointees, 8 shall serve a
12 one-year term, 8 shall serve a two-year term and 9 shall serve
13 a three-year term. Thereafter, each successor shall serve a
14 three-year term. Vacancies shall be filled in the same manner
15 as original appointments. Once appointed, members shall serve
16 until their successors are appointed and qualified. Members
17 shall serve without compensation, except they shall be
18 reimbursed for their actual expenses in the performance of
19 their duties. The Commission shall carry out the rights, powers
20 and duties established in subparagraph (3) of paragraph (a) of
21 Section 223 of the Federal "Juvenile Justice and Delinquency
22 Prevention Act of 1974", as now or hereafter amended. The
23 Commission shall determine the priorities for expenditure of

1 funds made available to the State by the Federal Government
2 pursuant to that Act. The Commission shall have the following
3 powers and duties:

4 (1) Development, review and final approval of the
5 State's juvenile justice plan for funds under the Federal
6 "Juvenile Justice and Delinquency Prevention Act of 1974";

7 (2) Review and approve or disapprove juvenile justice
8 and delinquency prevention grant applications to the
9 Department for federal funds under that Act;

10 (3) Annual submission of recommendations to the
11 Governor and the General Assembly concerning matters
12 relative to its function, including recommendations
13 regarding the inclusion of emerging adults into a
14 developmentally appropriate justice system, reducing
15 recidivism, and preventing deeper criminal involvement;

16 (4) Responsibility for the review of funds allocated to
17 Illinois under the "Juvenile Justice and Delinquency
18 Prevention Act of 1974" to ensure compliance with all
19 relevant federal laws and regulations;

20 (5) Function as the advisory committee for the State
21 Youth and Community Services Program as authorized under
22 Section 17 of this Act, and in that capacity be authorized
23 and empowered to assist and advise the Secretary of Human
24 Services on matters related to juvenile justice and
25 delinquency prevention programs and services; and

26 (6) Study the impact of, develop timelines, and propose

1 a funding structure to accommodate the expansion of the
2 jurisdiction of the Illinois Juvenile Court to include
3 youth age 17 under the jurisdiction of the Juvenile Court
4 Act of 1987. The Commission shall submit a report by
5 December 31, 2011 to the General Assembly with
6 recommendations on extending juvenile court jurisdiction
7 to youth age 17 charged with felony offenses.

8 (b) On the effective date of this amendatory Act of the
9 96th General Assembly, the Illinois Juvenile Jurisdiction Task
10 Force created by Public Act 95-1031 is abolished and its duties
11 are transferred to the Illinois Juvenile Justice Commission as
12 provided in paragraph (6) of subsection (a) of this Section.

13 (Source: P.A. 96-1199, eff. 1-1-11.)

14 Section 10. The Juvenile Court Act of 1987 is amended by
15 changing Section 5-105 as follows:

16 (705 ILCS 405/5-105)

17 Sec. 5-105. Definitions. As used in this Article:

18 (1) "Aftercare release" means the conditional and
19 revocable release of an adjudicated delinquent juvenile
20 committed to the Department of Juvenile Justice under the
21 supervision of the Department of Juvenile Justice.

22 (1.5) "Court" means the circuit court in a session or
23 division assigned to hear proceedings under this Act, and
24 includes the term Juvenile Court.

1 (2) "Community service" means uncompensated labor for
2 a community service agency as hereinafter defined.

3 (2.5) "Community service agency" means a
4 not-for-profit organization, community organization,
5 church, charitable organization, individual, public
6 office, or other public body whose purpose is to enhance
7 the physical or mental health of a delinquent minor or to
8 rehabilitate the minor, or to improve the environmental
9 quality or social welfare of the community which agrees to
10 accept community service from juvenile delinquents and to
11 report on the progress of the community service to the
12 State's Attorney pursuant to an agreement or to the court
13 or to any agency designated by the court or to the
14 authorized diversion program that has referred the
15 delinquent minor for community service.

16 (3) "Delinquent minor" means any minor who prior to his
17 or her 18th birthday has violated or attempted to violate,
18 regardless of where the act occurred, any federal, State,
19 county or municipal law or ordinance. On and after January
20 1, 2020, "delinquent minor" includes a minor who prior to
21 his or her 19th birthday has violated or attempted to
22 violate, regardless of where the act occurred, a federal
23 law or State law, or county or municipal ordinance and the
24 law or ordinance is classified as a misdemeanor offense. On
25 and after January 1, 2022, "delinquent minor" includes a
26 minor who prior to his or her 21st birthday has violated or

1 attempted to violate, regardless of where the act occurred,
2 a federal law or State law or county or municipal ordinance
3 and the law or ordinance is classified as a misdemeanor
4 offense. The changes made by this amendatory Act of the
5 101st General Assembly apply to violations or attempted
6 violations committed on or after the effective of this
7 amendatory Act of the 101st General Assembly.

8 (4) "Department" means the Department of Human
9 Services unless specifically referenced as another
10 department.

11 (5) "Detention" means the temporary care of a minor who
12 is alleged to be or has been adjudicated delinquent and who
13 requires secure custody for the minor's own protection or
14 the community's protection in a facility designed to
15 physically restrict the minor's movements, pending
16 disposition by the court or execution of an order of the
17 court for placement or commitment. Design features that
18 physically restrict movement include, but are not limited
19 to, locked rooms and the secure handcuffing of a minor to a
20 rail or other stationary object. In addition, "detention"
21 includes the court ordered care of an alleged or
22 adjudicated delinquent minor who requires secure custody
23 pursuant to Section 5-125 of this Act.

24 (6) "Diversion" means the referral of a juvenile,
25 without court intervention, into a program that provides
26 services designed to educate the juvenile and develop a

1 productive and responsible approach to living in the
2 community.

3 (7) "Juvenile detention home" means a public facility
4 with specially trained staff that conforms to the county
5 juvenile detention standards adopted by the Department of
6 Juvenile Justice.

7 (8) "Juvenile justice continuum" means a set of
8 delinquency prevention programs and services designed for
9 the purpose of preventing or reducing delinquent acts,
10 including criminal activity by youth gangs, as well as
11 intervention, rehabilitation, and prevention services
12 targeted at minors who have committed delinquent acts, and
13 minors who have previously been committed to residential
14 treatment programs for delinquents. The term includes
15 children-in-need-of-services and
16 families-in-need-of-services programs; aftercare and
17 reentry services; substance abuse and mental health
18 programs; community service programs; community service
19 work programs; and alternative-dispute resolution programs
20 serving youth-at-risk of delinquency and their families,
21 whether offered or delivered by State or local governmental
22 entities, public or private for-profit or not-for-profit
23 organizations, or religious or charitable organizations.
24 This term would also encompass any program or service
25 consistent with the purpose of those programs and services
26 enumerated in this subsection.

1 (9) "Juvenile police officer" means a sworn police
2 officer who has completed a Basic Recruit Training Course,
3 has been assigned to the position of juvenile police
4 officer by his or her chief law enforcement officer and has
5 completed the necessary juvenile officers training as
6 prescribed by the Illinois Law Enforcement Training
7 Standards Board, or in the case of a State police officer,
8 juvenile officer training approved by the Director of State
9 Police.

10 (10) "Minor" means a person under the age of 21 years
11 subject to this Act.

12 (11) "Non-secure custody" means confinement where the
13 minor is not physically restricted by being placed in a
14 locked cell or room, by being handcuffed to a rail or other
15 stationary object, or by other means. Non-secure custody
16 may include, but is not limited to, electronic monitoring,
17 foster home placement, home confinement, group home
18 placement, or physical restriction of movement or activity
19 solely through facility staff.

20 (12) "Public or community service" means uncompensated
21 labor for a not-for-profit organization or public body
22 whose purpose is to enhance physical or mental stability of
23 the offender, environmental quality or the social welfare
24 and which agrees to accept public or community service from
25 offenders and to report on the progress of the offender and
26 the public or community service to the court or to the

1 authorized diversion program that has referred the
2 offender for public or community service. "Public or
3 community service" does not include blood donation or
4 assignment to labor at a blood bank. For the purposes of
5 this Act, "blood bank" has the meaning ascribed to the term
6 in Section 2-124 of the Illinois Clinical Laboratory and
7 Blood Bank Act.

8 (13) "Sentencing hearing" means a hearing to determine
9 whether a minor should be adjudged a ward of the court, and
10 to determine what sentence should be imposed on the minor.
11 It is the intent of the General Assembly that the term
12 "sentencing hearing" replace the term "dispositional
13 hearing" and be synonymous with that definition as it was
14 used in the Juvenile Court Act of 1987.

15 (14) "Shelter" means the temporary care of a minor in
16 physically unrestricting facilities pending court
17 disposition or execution of court order for placement.

18 (15) "Site" means a not-for-profit organization,
19 public body, church, charitable organization, or
20 individual agreeing to accept community service from
21 offenders and to report on the progress of ordered or
22 required public or community service to the court or to the
23 authorized diversion program that has referred the
24 offender for public or community service.

25 (16) "Station adjustment" means the informal or formal
26 handling of an alleged offender by a juvenile police

1 officer.

2 (17) "Trial" means a hearing to determine whether the
3 allegations of a petition under Section 5-520 that a minor
4 is delinquent are proved beyond a reasonable doubt. It is
5 the intent of the General Assembly that the term "trial"
6 replace the term "adjudicatory hearing" and be synonymous
7 with that definition as it was used in the Juvenile Court
8 Act of 1987.

9 The changes made to this Section by Public Act 98-61 apply
10 to violations or attempted violations committed on or after
11 January 1, 2014 (the effective date of Public Act 98-61).

12 (Source: P.A. 98-61, eff. 1-1-14; 98-558, eff. 1-1-14; 98-685,
13 eff. 1-1-15; 98-756, eff. 7-16-14; 98-824, eff. 1-1-15; 99-78,
14 eff. 7-20-15.)