



Sen. John J. Cullerton

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1 AMENDMENT TO HOUSE BILL 1804

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1804 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 4-103 as follows:

6 (625 ILCS 5/4-103) (from Ch. 95 1/2, par. 4-103)

7 Sec. 4-103. Offenses relating to motor vehicles and other  
8 vehicles - Felonies.

9 (a) Except as provided in subsection (a-1), it is a  
10 violation of this Chapter for:

11 (1) A person not entitled to the possession of a  
12 vehicle or essential part of a vehicle to receive, possess,  
13 conceal, sell, dispose, or transfer it, knowing it to have  
14 been stolen or converted. Knowledge that a vehicle or  
15 essential part is stolen or converted may be inferred: (A)  
16 from the surrounding facts and circumstances, which would

1       lead a reasonable person to believe that the vehicle or  
2       essential part is stolen or converted; or (B) if the person  
3       exercises exclusive unexplained possession over the stolen  
4       or converted vehicle or essential part, regardless of  
5       whether the date on which the vehicle or essential part was  
6       stolen is recent or remote; additionally the General  
7       ~~Assembly finds that the acquisition and disposition of~~  
8       ~~vehicles and their essential parts are strictly controlled~~  
9       ~~by law and that such acquisitions and dispositions are~~  
10       ~~reflected by documents of title, uniform invoices, rental~~  
11       ~~contracts, leasing agreements and bills of sale. It may be~~  
12       ~~inferred, therefore that a person exercising exclusive~~  
13       ~~unexplained possession over a stolen or converted vehicle~~  
14       ~~or an essential part of a stolen or converted vehicle has~~  
15       ~~knowledge that such vehicle or essential part is stolen or~~  
16       ~~converted, regardless of whether the date on which such~~  
17       ~~vehicle or essential part was stolen is recent or remote;~~

18           (2) A person to knowingly remove, alter, deface,  
19       destroy, falsify, or forge a manufacturer's identification  
20       number of a vehicle or an engine number of a motor vehicle  
21       or any essential part thereof having an identification  
22       number;

23           (3) A person to knowingly conceal or misrepresent the  
24       identity of a vehicle or any essential part thereof;

25           (4) A person to buy, receive, possess, sell or dispose  
26       of a vehicle, or any essential part thereof, with knowledge

1           that the identification number of the vehicle or any  
2           essential part thereof having an identification number has  
3           been removed or falsified;

4           (5) A person to knowingly possess, buy, sell, exchange,  
5           give away, or offer to buy, sell, exchange or give away,  
6           any manufacturer's identification number plate, mylar  
7           sticker, federal certificate label, State police  
8           reassignment plate, Secretary of State assigned plate,  
9           rosette rivet, or facsimile of such which has not yet been  
10          attached to or has been removed from the original or  
11          assigned vehicle. It is an affirmative defense to  
12          subsection (a) of this Section that the person possessing,  
13          buying, selling or exchanging a plate mylar sticker or  
14          label described in this paragraph is a police officer doing  
15          so as part of his official duties, or is a manufacturer's  
16          authorized representative who is replacing any  
17          manufacturer's identification number plate, mylar sticker  
18          or Federal certificate label originally placed on the  
19          vehicle by the manufacturer of the vehicle or any essential  
20          part thereof;

21          (6) A person to knowingly make a false report of the  
22          theft or conversion of a vehicle to any police officer of  
23          this State or any employee of a law enforcement agency of  
24          this State designated by the law enforcement agency to  
25          take, receive, process, or record reports of vehicle theft  
26          or conversion.

1           (a-1) A person engaged in the repair or servicing of  
2 vehicles does not violate this Chapter by knowingly possessing  
3 a manufacturer's identification number plate for the purpose of  
4 reaffixing it on the same damaged vehicle from which it was  
5 originally taken, if the person reaffixes or intends to reaffix  
6 the original manufacturer's identification number plate in  
7 place of the identification number plate affixed on a new  
8 dashboard that has been or will be installed in the vehicle.  
9 The person must notify the Secretary of State each time the  
10 original manufacturer's identification number plate is  
11 reaffixed on a vehicle. The person must keep a record  
12 indicating that the identification number plate affixed on the  
13 new dashboard has been removed and has been replaced by the  
14 manufacturer's identification number plate originally affixed  
15 on the vehicle. The person also must keep a record regarding  
16 the status and location of the identification number plate  
17 removed from the replacement dashboard. The Secretary shall  
18 adopt rules for implementing this subsection (a-1).

19           (a-2) The owner of a vehicle repaired under subsection  
20 (a-1) must, within 90 days of the date of the repairs, contact  
21 an officer of the Illinois State Police Vehicle Inspection  
22 Bureau and arrange for an inspection of the vehicle, by the  
23 officer or the officer's designee, at a mutually agreed upon  
24 date and location.

25           (b) Sentence. A person convicted of a violation of this  
26 Section shall be guilty of a Class 2 felony.

1           (c) The offenses set forth in subsection (a) of this  
2 Section shall not include the offense set forth in Section  
3 4-103.2 of this Code.

4           (Source: P.A. 93-456, eff. 8-8-03.)

5           Section 10. The Juvenile Court Act of 1987 is amended by  
6 changing Section 5-410 as follows:

7           (705 ILCS 405/5-410)

8           Sec. 5-410. Non-secure custody or detention.

9           (1) Any minor arrested or taken into custody pursuant to  
10 this Act who requires care away from his or her home but who  
11 does not require physical restriction shall be given temporary  
12 care in a foster family home or other shelter facility  
13 designated by the court.

14           (2) (a) Any minor 10 years of age or older arrested  
15 pursuant to this Act where there is probable cause to believe  
16 that the minor is a delinquent minor and that (i) secured  
17 custody is a matter of immediate and urgent necessity for the  
18 protection of the minor or of the person or property of  
19 another, (ii) the minor is likely to flee the jurisdiction of  
20 the court, or (iii) the minor was taken into custody under a  
21 warrant, may be kept or detained in an authorized detention  
22 facility. A minor under 13 years of age shall not be admitted,  
23 kept, or detained in a detention facility unless a local youth  
24 service provider, including a provider through the

1 Comprehensive Community Based Youth Services network, has been  
2 contacted and has not been able to accept the minor. No minor  
3 under 12 years of age shall be detained in a county jail or a  
4 municipal lockup for more than 6 hours.

5 (a-5) For a minor arrested or taken into custody for  
6 vehicular hijacking or aggravated vehicular hijacking, a  
7 previous finding of delinquency for vehicular hijacking or  
8 aggravated vehicular hijacking shall be given greater weight in  
9 determining whether secured custody of a minor is a matter of  
10 immediate and urgent necessity for the protection of the minor  
11 or of the person or property of another.

12 (b) The written authorization of the probation officer or  
13 detention officer (or other public officer designated by the  
14 court in a county having 3,000,000 or more inhabitants)  
15 constitutes authority for the superintendent of any juvenile  
16 detention home to detain and keep a minor for up to 40 hours,  
17 excluding Saturdays, Sundays and court-designated holidays.  
18 These records shall be available to the same persons and  
19 pursuant to the same conditions as are law enforcement records  
20 as provided in Section 5-905.

21 (b-4) The consultation required by subsection (b-5) shall  
22 not be applicable if the probation officer or detention officer  
23 (or other public officer designated by the court in a county  
24 having 3,000,000 or more inhabitants) utilizes a scorable  
25 detention screening instrument, which has been developed with  
26 input by the State's Attorney, to determine whether a minor

1 should be detained, however, subsection (b-5) shall still be  
2 applicable where no such screening instrument is used or where  
3 the probation officer, detention officer (or other public  
4 officer designated by the court in a county having 3,000,000 or  
5 more inhabitants) deviates from the screening instrument.

6 (b-5) Subject to the provisions of subsection (b-4), if a  
7 probation officer or detention officer (or other public officer  
8 designated by the court in a county having 3,000,000 or more  
9 inhabitants) does not intend to detain a minor for an offense  
10 which constitutes one of the following offenses he or she shall  
11 consult with the State's Attorney's Office prior to the release  
12 of the minor: first degree murder, second degree murder,  
13 involuntary manslaughter, criminal sexual assault, aggravated  
14 criminal sexual assault, aggravated battery with a firearm as  
15 described in Section 12-4.2 or subdivision (e)(1), (e)(2),  
16 (e)(3), or (e)(4) of Section 12-3.05, aggravated or heinous  
17 battery involving permanent disability or disfigurement or  
18 great bodily harm, robbery, aggravated robbery, armed robbery,  
19 vehicular hijacking, aggravated vehicular hijacking, vehicular  
20 invasion, arson, aggravated arson, kidnapping, aggravated  
21 kidnapping, home invasion, burglary, or residential burglary.

22 (c) Except as otherwise provided in paragraph (a), (d), or  
23 (e), no minor shall be detained in a county jail or municipal  
24 lockup for more than 12 hours, unless the offense is a crime of  
25 violence in which case the minor may be detained up to 24  
26 hours. For the purpose of this paragraph, "crime of violence"

1 has the meaning ascribed to it in Section 1-10 of the  
2 Alcoholism and Other Drug Abuse and Dependency Act.

3 (i) The period of detention is deemed to have begun  
4 once the minor has been placed in a locked room or cell or  
5 handcuffed to a stationary object in a building housing a  
6 county jail or municipal lockup. Time spent transporting a  
7 minor is not considered to be time in detention or secure  
8 custody.

9 (ii) Any minor so confined shall be under periodic  
10 supervision and shall not be permitted to come into or  
11 remain in contact with adults in custody in the building.

12 (iii) Upon placement in secure custody in a jail or  
13 lockup, the minor shall be informed of the purpose of the  
14 detention, the time it is expected to last and the fact  
15 that it cannot exceed the time specified under this Act.

16 (iv) A log shall be kept which shows the offense which  
17 is the basis for the detention, the reasons and  
18 circumstances for the decision to detain and the length of  
19 time the minor was in detention.

20 (v) Violation of the time limit on detention in a  
21 county jail or municipal lockup shall not, in and of  
22 itself, render inadmissible evidence obtained as a result  
23 of the violation of this time limit. Minors under 18 years  
24 of age shall be kept separate from confined adults and may  
25 not at any time be kept in the same cell, room or yard with  
26 adults confined pursuant to criminal law. Persons 18 years



1 of age and older who have a petition of delinquency filed  
2 against them may be confined in an adult detention  
3 facility. In making a determination whether to confine a  
4 person 18 years of age or older who has a petition of  
5 delinquency filed against the person, these factors, among  
6 other matters, shall be considered:

7 (A) The age of the person;

8 (B) Any previous delinquent or criminal history of  
9 the person;

10 (C) Any previous abuse or neglect history of the  
11 person; and

12 (D) Any mental health or educational history of the  
13 person, or both.

14 (d) (i) If a minor 12 years of age or older is confined in a  
15 county jail in a county with a population below 3,000,000  
16 inhabitants, then the minor's confinement shall be implemented  
17 in such a manner that there will be no contact by sight, sound  
18 or otherwise between the minor and adult prisoners. Minors 12  
19 years of age or older must be kept separate from confined  
20 adults and may not at any time be kept in the same cell, room,  
21 or yard with confined adults. This paragraph (d) (i) shall only  
22 apply to confinement pending an adjudicatory hearing and shall  
23 not exceed 40 hours, excluding Saturdays, Sundays and court  
24 designated holidays. To accept or hold minors during this time  
25 period, county jails shall comply with all monitoring standards  
26 adopted by the Department of Corrections and training standards

1 approved by the Illinois Law Enforcement Training Standards  
2 Board.

3 (ii) To accept or hold minors, 12 years of age or older,  
4 after the time period prescribed in paragraph (d)(i) of this  
5 subsection (2) of this Section but not exceeding 7 days  
6 including Saturdays, Sundays and holidays pending an  
7 adjudicatory hearing, county jails shall comply with all  
8 temporary detention standards adopted by the Department of  
9 Corrections and training standards approved by the Illinois Law  
10 Enforcement Training Standards Board.

11 (iii) To accept or hold minors 12 years of age or older,  
12 after the time period prescribed in paragraphs (d)(i) and  
13 (d)(ii) of this subsection (2) of this Section, county jails  
14 shall comply with all county juvenile detention standards  
15 adopted by the Department of Juvenile Justice.

16 (e) When a minor who is at least 15 years of age is  
17 prosecuted under the criminal laws of this State, the court may  
18 enter an order directing that the juvenile be confined in the  
19 county jail. However, any juvenile confined in the county jail  
20 under this provision shall be separated from adults who are  
21 confined in the county jail in such a manner that there will be  
22 no contact by sight, sound or otherwise between the juvenile  
23 and adult prisoners.

24 (f) For purposes of appearing in a physical lineup, the  
25 minor may be taken to a county jail or municipal lockup under  
26 the direct and constant supervision of a juvenile police

1 officer. During such time as is necessary to conduct a lineup,  
2 and while supervised by a juvenile police officer, the sight  
3 and sound separation provisions shall not apply.

4 (g) For purposes of processing a minor, the minor may be  
5 taken to a County Jail or municipal lockup under the direct and  
6 constant supervision of a law enforcement officer or  
7 correctional officer. During such time as is necessary to  
8 process the minor, and while supervised by a law enforcement  
9 officer or correctional officer, the sight and sound separation  
10 provisions shall not apply.

11 (3) If the probation officer or State's Attorney (or such  
12 other public officer designated by the court in a county having  
13 3,000,000 or more inhabitants) determines that the minor may be  
14 a delinquent minor as described in subsection (3) of Section  
15 5-105, and should be retained in custody but does not require  
16 physical restriction, the minor may be placed in non-secure  
17 custody for up to 40 hours pending a detention hearing.

18 (4) Any minor taken into temporary custody, not requiring  
19 secure detention, may, however, be detained in the home of his  
20 or her parent or guardian subject to such conditions as the  
21 court may impose.

22 (5) The changes made to this Section by Public Act 98-61  
23 apply to a minor who has been arrested or taken into custody on  
24 or after January 1, 2014 (the effective date of Public Act  
25 98-61).

26 (Source: P.A. 98-61, eff. 1-1-14; 98-685, eff. 1-1-15; 98-756,

1 eff. 7-16-14; 99-254, eff. 1-1-16.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.".