



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5288

Introduced 1/31/2022, by Rep. Marcus C. Evans, Jr.

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-401

Amends the Juvenile Court Act of 1987. Provides that no minor arrested or taken into custody for an offense that if committed by an adult would be vehicular hijacking or aggravated vehicular hijacking shall be released from custody for at least 36 hours after the minor's arrest or taking into custody until an assessment by the court that the conduct and behavior of the minor does not endanger the health, person, welfare, or property of the minor or others or that the circumstances of his or her home environment does not endanger his or her health, person, welfare or property. Provides that if the court after the assessment determines that the conduct and behavior of the minor does endanger the health, person, welfare, or property of the minor or others or that the circumstances of his or her home environment does endanger his or her health, person, welfare or property, the minor shall be held in custody until the disposition of the minor's case at the adjudicatory hearing held under the Delinquent Minors Article of the Act.

LRB102 22554 RLC 31695 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 changing Section 5-401 as follows:

6 (705 ILCS 405/5-401)

7 Sec. 5-401. Arrest and taking into custody of a minor.

8 (1) A law enforcement officer may, without a warrant,

9 (a) arrest a minor whom the officer with probable  
10 cause believes to be a delinquent minor; or

11 (b) take into custody a minor who has been adjudged a  
12 ward of the court and has escaped from any commitment  
13 ordered by the court under this Act; or

14 (c) take into custody a minor whom the officer  
15 reasonably believes has violated the conditions of  
16 probation or supervision ordered by the court.

17 (2) Whenever a petition has been filed under Section 5-520  
18 and the court finds that the conduct and behavior of the minor  
19 may endanger the health, person, welfare, or property of the  
20 minor or others or that the circumstances of his or her home  
21 environment may endanger his or her health, person, welfare or  
22 property, a warrant may be issued immediately to take the  
23 minor into custody.

1           (3) Except for minors accused of violation of an order of  
2 the court, any minor accused of any act under federal or State  
3 law, or a municipal or county ordinance that would not be  
4 illegal if committed by an adult, cannot be placed in a jail,  
5 municipal lockup, detention center, or secure correctional  
6 facility. Juveniles accused with underage consumption and  
7 underage possession of alcohol or cannabis cannot be placed in  
8 a jail, municipal lockup, detention center, or correctional  
9 facility.

10           (4) No minor arrested or taken into custody for an offense  
11 that if committed by an adult would be vehicular hijacking  
12 under Section 18-3 of the Criminal Code of 2012 or aggravated  
13 vehicular hijacking under Section 18-4 of the Criminal Code of  
14 2012 shall be released from custody for at least 36 hours after  
15 the minor's arrest or taking into custody until an assessment  
16 has been made by the court that the conduct and behavior of the  
17 minor does not endanger the health, person, welfare, or  
18 property of the minor or others or that the circumstances of  
19 his or her home environment does not endanger his or her  
20 health, person, welfare or property. After the assessment has  
21 been made, if the court determines that the conduct and  
22 behavior of the minor does endanger the health, person,  
23 welfare, or property of the minor or others or that the  
24 circumstances of his or her home environment does endanger his  
25 or her health, person, welfare or property, the minor shall be  
26 held in custody until the disposition of the minor's case at

1 the adjudicatory hearing held under this Article.

2 (Source: P.A. 101-27, eff. 6-25-19.)