



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2385

Introduced 2/26/2021, 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 recommendations 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, 2022, "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, 2024, "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 date of the amendatory Act.

LRB102 02819 RLC 12827 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,
20 powers and duties established in subparagraph (3) of paragraph
21 (a) of Section 223 of the Federal "Juvenile Justice and
22 Delinquency Prevention Act of 1974", as now or hereafter
23 amended. The Commission shall determine the priorities for

1 expenditure of funds made available to the State by the
2 Federal Government pursuant to that Act. The Commission shall
3 have the following 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
17 to 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

1 propose a funding structure to accommodate the expansion
2 of the jurisdiction of the Illinois Juvenile Court to
3 include youth age 17 under the jurisdiction of the
4 Juvenile Court Act of 1987. The Commission shall submit a
5 report by 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
11 duties are transferred to the Illinois Juvenile Justice
12 Commission as provided in paragraph (6) of subsection (a) of
13 this Section.

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

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

17 (705 ILCS 405/5-105)

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

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

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

1 includes the term Juvenile Court.

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

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

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

1 1, 2024, "delinquent minor" includes a minor who prior to
2 his or her 21st birthday has violated or attempted to
3 violate, regardless of where the act occurred, a federal
4 law or State law, or county or municipal ordinance, and
5 the law or ordinance is classified as a misdemeanor
6 offense. The changes made by this amendatory Act of the
7 102nd General Assembly apply to violations or attempted
8 violations committed on or after the effective date of
9 this amendatory Act of the 102nd General Assembly.

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

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

26 (6) "Diversion" means the referral of a juvenile,

1 without court intervention, into a program that provides
2 services designed to educate the juvenile and develop a
3 productive and responsible approach to living in the
4 community.

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

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

1 or service consistent with the purpose of those programs
2 and services enumerated in this subsection.

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

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

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

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

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

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

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

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

1 (16) "Station adjustment" means the informal or formal
2 handling of an alleged offender by a juvenile police
3 officer.

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

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

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