



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2223

Introduced 2/8/2023, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-105
705 ILCS 405/5-120
705 ILCS 405/5-135

Amends the Juvenile Court Act of 1987. Deletes from the definition of "delinquent minor" that the minor violated or attempted to violate any federal law and that a minor may meet the definition of "delinquent minor" regardless of where the act occurred. Makes conforming changes in Sections concerning venue and exclusive jurisdiction.

LRB103 25352 RLC 51697 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 Sections 5-105, 5-120, and 5-135 as follows:

6 (705 ILCS 405/5-105)

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

8 (1) "Aftercare release" means the conditional and
9 revocable release of an adjudicated delinquent juvenile
10 committed to the Department of Juvenile Justice under the
11 supervision of the Department of Juvenile Justice.

12 (1.5) "Court" means the circuit court in a session or
13 division assigned to hear proceedings under this Act, and
14 includes the term Juvenile Court.

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

17 (2.5) "Community service agency" means a
18 not-for-profit organization, community organization,
19 church, charitable organization, individual, public
20 office, or other public body whose purpose is to enhance
21 the physical or mental health of a delinquent minor or to
22 rehabilitate the minor, or to improve the environmental
23 quality or social welfare of the community which agrees to

1 accept community service from juvenile delinquents and to
2 report on the progress of the community service to the
3 State's Attorney pursuant to an agreement or to the court
4 or to any agency designated by the court or to the
5 authorized diversion program that has referred the
6 delinquent minor for community service.

7 (3) "Delinquent minor" means any minor who prior to
8 the minor's ~~his or her~~ 18th birthday has violated or
9 attempted to violate an Illinois ~~, regardless of where the~~
10 ~~act occurred, any federal,~~ State, county, or municipal law
11 or ordinance.

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

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

1 custody pursuant to Section 5-125 of this Act.

2 (6) "Diversion" means the referral of a juvenile,
3 without court intervention, into a program that provides
4 services designed to educate the juvenile and develop a
5 productive and responsible approach to living in the
6 community.

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

11 (8) "Juvenile justice continuum" means a set of
12 delinquency prevention programs and services designed for
13 the purpose of preventing or reducing delinquent acts,
14 including criminal activity by youth gangs, as well as
15 intervention, rehabilitation, and prevention services
16 targeted at minors who have committed delinquent acts, and
17 minors who have previously been committed to residential
18 treatment programs for delinquents. The term includes
19 children-in-need-of-services and
20 families-in-need-of-services programs; aftercare and
21 reentry services; substance abuse and mental health
22 programs; community service programs; community service
23 work programs; and alternative-dispute resolution programs
24 serving youth-at-risk of delinquency and their families,
25 whether offered or delivered by State or local
26 governmental entities, public or private for-profit or

1 not-for-profit organizations, or religious or charitable
2 organizations. This term would also encompass any program
3 or service consistent with the purpose of those programs
4 and services enumerated in this subsection.

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

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

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

24 (12) "Public or community service" means uncompensated
25 labor for a not-for-profit organization or public body
26 whose purpose is to enhance physical or mental stability

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

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

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

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

1 the authorized diversion program that has referred the
2 offender for public or community service.

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

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

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

16 (Source: P.A. 102-538, eff. 8-20-21.)

17 (705 ILCS 405/5-120)

18 Sec. 5-120. Exclusive jurisdiction. Proceedings may be
19 instituted under the provisions of this Article concerning any
20 minor who prior to his or her 18th birthday has violated or
21 attempted to violate an Illinois ~~, regardless of where the act~~
22 ~~occurred, any federal,~~ State, county, or municipal law or
23 ordinance. Except as provided in Sections 5-125, 5-130, 5-805,
24 and 5-810 of this Article, no minor who was under 18 years of
25 age at the time of the alleged offense may be prosecuted under

1 the criminal laws of this State.

2 The changes made to this Section by this amendatory Act of
3 the 98th General Assembly apply to violations or attempted
4 violations committed on or after the effective date of this
5 amendatory Act.

6 (Source: P.A. 98-61, eff. 1-1-14.)

7 (705 ILCS 405/5-135)

8 Sec. 5-135. Venue.

9 (1) If the offense is committed either wholly or partly
10 within the State of Illinois, venue ~~Venue~~ under this Article
11 lies in the county where the minor resides, where the alleged
12 violation or attempted violation of ~~federal or~~ State law or
13 county or municipal ordinance occurred or in the county where
14 the order of the court, alleged to have been violated by the
15 minor, was made unless subsequent to the order the proceedings
16 have been transferred to another county.

17 (2) If proceedings are commenced in any county other than
18 that of the minor's residence, the court in which the
19 proceedings were initiated may at any time before or after
20 adjudication of wardship transfer the case to the county of
21 the minor's residence by transmitting to the court in that
22 county an authenticated copy of the court record, including
23 all documents, petitions and orders filed in that court, a
24 copy of all reports prepared by the agency providing services
25 to the minor, and the minute orders and docket entries of the

1 court. Transfer in like manner may be made in the event of a
2 change of residence from one county to another of a minor
3 concerning whom proceedings are pending.

4 (Source: P.A. 90-590, eff. 1-1-99; 91-357, eff. 7-29-99.)