

1 AN ACT in relation to interrogations.

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 adding Section 5-401.5 as follows:

6 (705 ILCS 405/5-401.5 new)

7 Sec. 5-401.5. When statements by minor may be used.

8 (a) In this Section, "custodial interrogation" means any
9 interrogation (i) during which a reasonable person in the
10 subject's position, innocent of any crime, would consider
11 himself or herself to be in custody and (ii) during which a
12 question is asked that is reasonably likely to elicit an
13 incriminating response.

14 In this Section, "place of detention" means a building
15 under the control of a law enforcement agency at which
16 persons are or may be held in detention in connection with
17 criminal charges against those persons or allegations that
18 those persons are delinquent minors.

19 (b) An oral, written, or sign language statement of a
20 minor who, at the time of the commission of the offense was
21 under the age of 17 years, made as a result of a custodial
22 interrogation conducted at a police station or other place of
23 detention on or after the effective date of this amendatory
24 Act of the 93rd General Assembly shall be presumed to be
25 inadmissible as evidence against the minor in any criminal
26 proceeding or juvenile court proceeding, for an act that if
27 committed by an adult would be brought under Section 9-1,
28 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 12-13, 12-14, 12-14.1,
29 12-15, or 12-16 of the Criminal Code of 1961 unless counsel
30 is present and is allowed to consult with the minor during
31 the entire custodial interrogation.