

1 AMENDMENT TO HOUSE BILL 2853

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2853 as follows:

3 by replacing lines 14 through 34 on page 45 and all of page  
4 46 with the following:

5 "(2) (Blank). Presumptive-transfer.

6 (a) If the State's Attorney files a petition, at  
7 any time prior to commencement of the minor's trial, to  
8 permit prosecution under the criminal laws and the  
9 petition alleges the commission by a minor 15 years of  
10 age or older of: (i) a Class X felony other than armed  
11 violence; (ii) aggravated discharge of a firearm; (iii)  
12 armed violence with a firearm when the predicate offense  
13 is a Class 1 or Class 2 felony and the State's Attorney's  
14 motion to transfer the case alleges that the offense  
15 committed is in furtherance of the criminal activities of  
16 an organized gang; (iv) armed violence with a firearm  
17 when the predicate offense is a violation of the Illinois  
18 Controlled Substances Act or a violation of the Cannabis  
19 Control Act; (v) armed violence when the weapon involved  
20 was a machine gun or other weapon described in subsection  
21 (a)(7) of Section 24-1 of the Criminal Code of 1961, and,  
22 if the juvenile judge assigned to hear and determine  
23 motions to transfer a case for prosecution in the

1 criminal-court-determines-that-there-is-probable-cause-to  
2 believe-that-the-allegations-in-the-petition--and--motion  
3 are--true,--there--is--a--rebuttable-presumption-that-the  
4 minor-is-not-a-fit-and-proper-subject-to--be--dealt--with  
5 under--the--Juvenile--Justice--Reform--Provisions-of-1998  
6 (Public-Act-90-590),--and--that,--except--as--provided--in  
7 paragraph--(b),--the--case--should--be-transferred-to-the  
8 criminal-court.

9 (b)--The--judge--shall--enter--an--order--permitting  
10 prosecution-under-the-criminal-laws--of--Illinois--unless  
11 the--judge--makes-a-finding-based-on-clear-and-convincing  
12 evidence-that-the-minor-would-be-amenable--to--the--care,  
13 treatment,--and--training--programs-available-through-the  
14 facilities-of-the-juvenile-court-based-on--an--evaluation  
15 of-the-following:

16 (i)--The-seriousness-of-the-alleged-offense;

17 (ii)--The-minor's-history-of-delinquency;

18 (iii)--The-age-of-the-minor;

19 (iv)---The--culpability--of-the-minor-in-committing  
20 the-alleged-offense;

21 (v)--Whether--the--offense--was--committed---in---an  
22 aggressive-or-premeditated-manner;

23 (vi)--Whether--the--minor-used-or-possessed-a-deadly  
24 weapon-when-committing-the-alleged-offense;

25 (vii)--The-minor's-history--of--services,--including  
26 the--minor's--willingness--to-participate-meaningfully-in  
27 available-services;

28 (viii)-Whether-there-is-a-reasonable-likelihood-that  
29 the-minor-can-be-rehabilitated-before-the--expiration--of  
30 the-juvenile-court's-jurisdiction;

31 (ix)--The--adequacy--of--the--punishment-or-services  
32 available-in-the-juvenile-justice-system.

33 In--considering--these--factors,--the--court--shall--give  
34 greater-weight-to-the-seriousness-of-the-alleged-offense--and

1 the--minor's--prior--record--of--delinquency--than--to--the--other  
2 factors--listed--in--this--subsection-".