



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB4606**

Introduced 02/04/04, by Annazette Collins

**SYNOPSIS AS INTRODUCED:**

705 ILCS 405/5-810

Amends the Juvenile Court Act of 1987. Changes a cross reference in the Section relating to extended jurisdiction juvenile prosecutions in regard to the factors that the court considers in determining whether to enter an order designating a proceeding as an extended jurisdiction juvenile proceeding.

LRB093 19442 RLC 45180 b

1 AN ACT concerning minors.

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 5-810 as follows:

6 (705 ILCS 405/5-810)

7 Sec. 5-810. Extended jurisdiction juvenile prosecutions.

8 (1) (a) If the State's Attorney files a petition, at any  
9 time prior to commencement of the minor's trial, to designate  
10 the proceeding as an extended jurisdiction juvenile  
11 prosecution and the petition alleges the commission by a minor  
12 13 years of age or older of any offense which would be a felony  
13 if committed by an adult, and, if the juvenile judge assigned  
14 to hear and determine petitions to designate the proceeding as  
15 an extended jurisdiction juvenile prosecution determines that  
16 there is probable cause to believe that the allegations in the  
17 petition and motion are true, there is a rebuttable presumption  
18 that the proceeding shall be designated as an extended  
19 jurisdiction juvenile proceeding.

20 (b) The judge shall enter an order designating the  
21 proceeding as an extended jurisdiction juvenile proceeding  
22 unless the judge makes a finding based on clear and convincing  
23 evidence that sentencing under the Chapter V of the Unified  
24 Code of Corrections would not be appropriate for the minor  
25 based on an evaluation of the following factors:

26 (i) The seriousness of the alleged offense;

27 (ii) The minor's history of delinquency;

28 (iii) The age of the minor;

29 (iv) The culpability of the minor in committing the  
30 alleged offense;

31 (v) Whether the offense was committed in an aggressive  
32 or premeditated manner;

1           (vi) Whether the minor used or possessed a deadly  
2           weapon when committing the alleged offense.

3           In considering these factors, the court shall give greater  
4           weight to the seriousness of the alleged offense and the  
5           minor's prior record of delinquency than to other factors  
6           listed in this subsection.

7           (2) Procedures for extended jurisdiction juvenile  
8           prosecutions. ~~(a)~~ The State's Attorney may file a written  
9           motion for a proceeding to be designated as an extended  
10          juvenile jurisdiction prior to commencement of trial. Notice of  
11          the motion shall be in compliance with Section 5-530. When the  
12          State's Attorney files a written motion that a proceeding be  
13          designated an extended jurisdiction juvenile prosecution, the  
14          court shall commence a hearing within 30 days of the filing of  
15          the motion for designation, unless good cause is shown by the  
16          prosecution or the minor as to why the hearing could not be  
17          held within this time period. If the court finds good cause has  
18          been demonstrated, then the hearing shall be held within 60  
19          days of the filing of the motion. The hearings shall be open to  
20          the public unless the judge finds that the hearing should be  
21          closed for the protection of any party, victim or witness. If  
22          the Juvenile Judge assigned to hear and determine a motion to  
23          designate an extended jurisdiction juvenile prosecution  
24          determines that there is probable cause to believe that the  
25          allegations in the petition and motion are true the court shall  
26          grant the motion for designation. Information used by the court  
27          in its findings or stated in or offered in connection with this  
28          Section may be by way of proffer based on reliable information  
29          offered by the State or the minor. All evidence shall be  
30          admissible if it is relevant and reliable regardless of whether  
31          it would be admissible under the rules of evidence.

32          (3) Trial. A minor who is subject of an extended  
33          jurisdiction juvenile prosecution has the right to trial by  
34          jury. Any trial under this Section shall be open to the public.

35          (4) Sentencing. If an extended jurisdiction juvenile  
36          prosecution under subsections (1) results in a guilty plea, a

1 verdict of guilty, or a finding of guilt, the court shall  
2 impose the following:

3 (i) one or more juvenile sentences under Section 5-710;  
4 and

5 (ii) an adult criminal sentence in accordance with the  
6 provisions of Chapter V of the Unified Code of Corrections,  
7 the execution of which shall be stayed on the condition  
8 that the offender not violate the provisions of the  
9 juvenile sentence.

10 Any sentencing hearing under this Section shall be open to the  
11 public.

12 (5) If, after an extended jurisdiction juvenile  
13 prosecution trial, a minor is convicted of a lesser-included  
14 offense or of an offense that the State's Attorney did not  
15 designate as an extended jurisdiction juvenile prosecution,  
16 the State's Attorney may file a written motion, within 10 days  
17 of the finding of guilt, that the minor be sentenced as an  
18 extended jurisdiction juvenile prosecution offender. The court  
19 shall rule on this motion using the factors found in paragraph  
20 (1) (b) of this Section ~~5-805~~. If the court denies the State's  
21 Attorney's motion for sentencing under the extended  
22 jurisdiction juvenile prosecution provision, the court shall  
23 proceed to sentence the minor under Section 5-710.

24 (6) When it appears that a minor convicted in an extended  
25 jurisdiction juvenile prosecution under subsection (1) has  
26 violated the conditions of his or her sentence, or is alleged  
27 to have committed a new offense upon the filing of a petition  
28 to revoke the stay, the court may, without notice, issue a  
29 warrant for the arrest of the minor. After a hearing, if the  
30 court finds by a preponderance of the evidence that the minor  
31 committed a new offense, the court shall order execution of the  
32 previously imposed adult criminal sentence. After a hearing, if  
33 the court finds by a preponderance of the evidence that the  
34 minor committed a violation of his or her sentence other than  
35 by a new offense, the court may order execution of the  
36 previously imposed adult criminal sentence or may continue him

1 or her on the existing juvenile sentence with or without  
2 modifying or enlarging the conditions. Upon revocation of the  
3 stay of the adult criminal sentence and imposition of that  
4 sentence, the minor's extended jurisdiction juvenile status  
5 shall be terminated. The on-going jurisdiction over the minor's  
6 case shall be assumed by the adult criminal court and juvenile  
7 court jurisdiction shall be terminated and a report of the  
8 imposition of the adult sentence shall be sent to the  
9 Department of State Police.

10 (7) Upon successful completion of the juvenile sentence the  
11 court shall vacate the adult criminal sentence.

12 (8) Nothing in this Section precludes the State from filing  
13 a motion for transfer under Section 5-805.

14 (Source: P.A. 90-590, eff. 1-1-99.)