



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1517

Introduced 2/22/2007, by Rep. Annazette Collins

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-105  
705 ILCS 405/5-120  
705 ILCS 405/5-121 new

Amends the Juvenile Court Act of 1987. Defines "delinquent minor" as any minor who prior to his or her 18th birthday has violated or attempted to violate, regardless of where the act occurred, any federal, State, county or municipal law or ordinance classified as a misdemeanor offense (presently persons 17 years of age are prosecuted as adults). Creates the Illinois Juvenile Jurisdiction Task Force. Provides that the Task Force shall submit a report by January 1, 2008 to the General Assembly with recommendations on extending juvenile court jurisdiction to youth age 17 charged with Class 4 and Class 3 felonies. Provides that the Task Force shall submit a report by January 1, 2009 to the General Assembly with recommendations on extending juvenile court jurisdiction to youth age 17 charged with all remaining felony classifications. Effective immediately.

LRB095 10049 RLC 30263 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Juvenile Court Act of 1987 is amended by  
5 changing Sections 5-105 and 5-120 and by adding Section 5-121  
6 as follows:

7 (705 ILCS 405/5-105)

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

9 (1) "Court" means the circuit court in a session or  
10 division assigned to hear proceedings under this Act, and  
11 includes the term Juvenile Court.

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

14 (2.5) "Community service agency" means a not-for-profit  
15 organization, community organization, church, charitable  
16 organization, individual, public office, or other public body  
17 whose purpose is to enhance the physical or mental health of a  
18 delinquent minor or to rehabilitate the minor, or to improve  
19 the environmental quality or social welfare of the community  
20 which agrees to accept community service from juvenile  
21 delinquents and to report on the progress of the community  
22 service to the State's Attorney pursuant to an agreement or to  
23 the court or to any agency designated by the court or to the

1 authorized diversion program that has referred the delinquent  
2 minor for community service.

3 (3) "Delinquent minor" means any minor who prior to his or  
4 her 17th birthday has violated or attempted to violate,  
5 regardless of where the act occurred, any federal or State law,  
6 county or municipal ordinance, and any minor who prior to his  
7 or her 18th birthday has violated or attempted to violate,  
8 regardless of where the act occurred, any federal, State,  
9 county or municipal law or ordinance classified as a  
10 misdemeanor offense.

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

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

25 (6) "Diversion" means the referral of a juvenile, without  
26 court intervention, into a program that provides services

1 designed to educate the juvenile and develop a productive and  
2 responsible approach to living in the community.

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

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

25 (9) "Juvenile police officer" means a sworn police officer  
26 who has completed a Basic Recruit Training Course, has been

1 assigned to the position of juvenile police officer by his or  
2 her chief law enforcement officer and has completed the  
3 necessary juvenile officers training as prescribed by the  
4 Illinois Law Enforcement Training Standards Board, or in the  
5 case of a State police officer, juvenile officer training  
6 approved by the Director of State Police.

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

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

17 (12) "Public or community service" means uncompensated  
18 labor for a not-for-profit organization or public body whose  
19 purpose is to enhance physical or mental stability of the  
20 offender, environmental quality or the social welfare and which  
21 agrees to accept public or community service from offenders and  
22 to report on the progress of the offender and the public or  
23 community service to the court or to the authorized diversion  
24 program that has referred the offender for public or community  
25 service.

26 (13) "Sentencing hearing" means a hearing to determine

1 whether a minor should be adjudged a ward of the court, and to  
2 determine what sentence should be imposed on the minor. It is  
3 the intent of the General Assembly that the term "sentencing  
4 hearing" replace the term "dispositional hearing" and be  
5 synonymous with that definition as it was used in the Juvenile  
6 Court Act of 1987.

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

10 (15) "Site" means a not-for-profit organization, public  
11 body, church, charitable organization, or individual agreeing  
12 to accept community service from offenders and to report on the  
13 progress of ordered or required public or community service to  
14 the court or to the authorized diversion program that has  
15 referred the offender for public or community service.

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

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

24 (Source: P.A. 90-590, eff. 1-1-99; 91-820, eff. 6-13-00.)

1           Sec. 5-120. Exclusive jurisdiction. Proceedings may be  
2           instituted under the provisions of this Article concerning any  
3           minor who prior to the minor's 17th birthday has violated or  
4           attempted to violate, regardless of where the act occurred, any  
5           federal or State law or municipal or county ordinance, and any  
6           minor who prior to his or her 18th birthday has violated or  
7           attempted to violate, regardless of where the act occurred, any  
8           federal, State, county or municipal law or ordinance classified  
9           as a misdemeanor offense. Except as provided in Sections 5-125,  
10          5-130, 5-805, and 5-810 of this Article, no minor who was under  
11          17 years of age at the time of the alleged offense may be  
12          prosecuted under the criminal laws of this State.

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

14                 (705 ILCS 405/5-121 new)

15                 Sec. 5-121. Illinois Juvenile Jurisdiction Task Force.

16                 (a) The General Assembly finds that:

17                         (1) 37 other states and the District of Columbia, the  
18                         Federal Government, and nearly every international  
19                         agreement and country use 18 as the age of juvenile court  
20                         jurisdiction; and

21                         (2) recent research on brain development reveals that  
22                         the center of the brain that controls reasoning and  
23                         impulsivity is not fully developed until the early  
24                         twenties; and

25                         (3) trying youth age 17 in the adult court

1 disproportionately impacts African American and Latino  
2 youth; and

3 (4) youth age 17 with a prior juvenile record are  
4 already commonly tried in the juvenile court upon  
5 revocation or parole violations. It is only first time  
6 offenders age 17 whose exclusive option is the adult court.

7 (b) (1) Therefore, the Illinois Juvenile Jurisdiction Task  
8 Force is hereby created. The mission of the Illinois Juvenile  
9 Jurisdiction Task Force is to develop timelines and a funding  
10 structure to accommodate the expansion of the jurisdiction of  
11 the Illinois Juvenile Court to include youth age 17 under the  
12 jurisdiction of this Act.

13 (2) The Illinois Juvenile Jurisdiction Task Force shall  
14 consist of the following members: one member appointed by the  
15 President of the Senate, one member appointed by the Minority  
16 Leader of the Senate, one member appointed by the Speaker of  
17 the House, one member appointed by the Minority Leader of the  
18 House, one member appointed by the Governor, the Director of  
19 the Department of Juvenile Justice or his or her designee, the  
20 Director of the Administrative Office of Illinois Courts or his  
21 or her designee, the Cook County State's Attorney or his or her  
22 designee, the Cook County Public Defender or his or her  
23 designee, the Director of the Illinois Appellate Prosecutor's  
24 Association or his or her designee, the State Appellate  
25 Defender or his or her designee, one member appointed by the  
26 Governor who is a county board official, and one member



1 appointed by the Governor who is an Illinois citizen with  
2 expertise in juvenile justice.

3 (3) The Task Force shall appoint a chairperson from among  
4 its members. If a vacancy occurs in the Task Force membership,  
5 the vacancy shall be filled in the same manner as the initial  
6 appointment.

7 (4) Members of the Illinois Juvenile Jurisdiction Task  
8 Force shall serve without compensation.

9 (5) The Illinois Juvenile Jurisdiction Task Force may begin  
10 to conduct business upon the appointment of a majority of its  
11 members.

12 (6) The Task Force shall submit a report by January 1, 2008  
13 to the General Assembly with recommendations on extending  
14 juvenile court jurisdiction to youth age 17 charged with Class  
15 4 and Class 3 felonies. The Task Force shall submit a report by  
16 January 1, 2009 to the General Assembly with recommendations on  
17 extending juvenile court jurisdiction to youth age 17 charged  
18 with all remaining felony classifications.

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.