

1 AN ACT in relation to 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 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. If before trial or plea, an
10 information or indictment is filed that includes one or more
11 charges under the criminal laws of this State and additional
12 charges that are classified as misdemeanors that are subject to
13 proceedings under this Act, all of the charges arising out of
14 the same incident shall be prosecuted under the criminal laws
15 of this State. If after trial or plea the court finds that the
16 minor committed an offense that is solely classified as a
17 misdemeanor, the court must proceed under Section 5-705 and
18 5-710 of this Act. Except as provided in Sections 5-125, 5-130,
19 5-805, and 5-810 of this Article, no minor who was under 17
20 years of age at the time of the alleged offense may be
21 prosecuted under the criminal laws of this State.

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

23 (705 ILCS 405/5-121 new)

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

25 (a) The General Assembly finds that:

1 (1) 37 other states and the District of Columbia, the
2 Federal Government, and nearly every other nation in the
3 world use 18 as the age of juvenile court jurisdiction; and

4 (2) the Legislature of Connecticut voted last year to
5 raise the age to 18 for juvenile court; and

6 (3) recent research on adolescent brain development
7 reveals that the center of the brain that controls
8 reasoning and impulsivity is not fully developed until the
9 early twenties; and

10 (4) research consistently documents that trying youth
11 age 17 in the adult court disproportionately impacts
12 minority youth.

13 (b) The Illinois Juvenile Jurisdiction Task Force is hereby
14 created within the Department of Juvenile Justice. The mission
15 of the Illinois Juvenile Jurisdiction Task Force is to study
16 the impact of, develop timelines and propose a funding
17 structure to accommodate the expansion of the jurisdiction of
18 the Illinois Juvenile Court to include youth age 17 under the
19 jurisdiction of this Act.

20 (c) The Illinois Juvenile Jurisdiction Task Force shall
21 consist of the following members:

22 (1) one member appointed by the President of the
23 Senate;

24 (2) one member appointed by the Minority Leader of the
25 Senate;

26 (3) one member appointed by the Speaker of the House;

1 (4) one member appointed by the Minority Leader of the
2 House;

3 (5) one member appointed by the Governor;

4 (6) the Director of Juvenile Justice or his or her
5 designee;

6 (7) the Director of the Administrative Office of
7 Illinois Courts or his or her designee;

8 (8) the Cook County State's Attorney or his or her
9 designee;

10 (9) the Cook County Public Defender or his or her
11 designee;

12 (10) the Director of the Office of the State's
13 Attorneys Appellate Prosecutor or his or her designee;

14 (11) the State Appellate Defender or his or her
15 designee;

16 (12) the Chair of the Illinois Juvenile Justice
17 Commission;

18 (13) the Chair of the Redeploy Illinois Partnership;

19 (14) one member appointed by the Governor who is a
20 chairman of a county board; and

21 (15) one member appointed by the President of the
22 Illinois Probation and Court Services Association.

23 (d) The Task Force shall appoint a chairperson from among
24 its members. If a vacancy occurs in the Task Force membership,
25 the vacancy shall be filled in the same manner as the initial
26 appointment.

1 (e) Members of the Illinois Juvenile Jurisdiction Task
2 Force shall serve without compensation.

3 (f) The Illinois Juvenile Jurisdiction Task Force may begin
4 to conduct business upon the appointment of a majority of its
5 members.

6 (g) The Task Force shall submit a report by January 1, 2010
7 to the General Assembly with recommendations on extending
8 juvenile court jurisdiction to youth age 17 charged with felony
9 offenses.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law, except that the amendatory changes to Sections
12 5-105 and 5-120 of the Juvenile Court Act of 1987 take effect
13 January 1, 2010.