



Filed: 2/24/2010

09600HB4583ham001

LRB096 13244 RLC 37475 a

1 AMENDMENT TO HOUSE BILL 4583

2 AMENDMENT NO. _____. Amend House Bill 4583 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 3-1, 3-7, and 3-15 and by adding Section 3-40
6 as follows:

7 (705 ILCS 405/3-1) (from Ch. 37, par. 803-1)

8 Sec. 3-1. Jurisdictional facts. Proceedings may be
9 instituted under this Article concerning boys and girls who
10 require authoritative intervention as defined in Section 3-3,
11 ~~or~~ who are truant minors in need of supervision as defined in
12 Section 3-33.5, or who are minors involved in electronic
13 dissemination of indecent visual depictions in need of
14 supervision as defined in Section 3-40.

15 (Source: P.A. 94-1011, eff. 7-7-06.)

1 (705 ILCS 405/3-7) (from Ch. 37, par. 803-7)

2 Sec. 3-7. Taking into temporary custody.

3 (1) A law enforcement officer may, without a warrant, take
4 into temporary custody a minor (a) whom the officer with
5 reasonable cause believes to be a minor requiring authoritative
6 intervention; (b) who has been adjudged a ward of the court and
7 has escaped from any commitment ordered by the court under this
8 Act; or (c) who is found in any street or public place
9 suffering from any sickness or injury which requires care,
10 medical treatment or hospitalization; or (d) whom the officer
11 with reasonable cause believes to be minor in need of
12 supervision under Section 3-40.

13 (2) Whenever a petition has been filed under Section 3-15
14 and the court finds that the conduct and behavior of the minor
15 may endanger the health, person, welfare, or property of
16 himself or others or that the circumstances of his home
17 environment may endanger his health, person, welfare or
18 property, a warrant may be issued immediately to take the minor
19 into custody.

20 (3) The taking of a minor into temporary custody under this
21 Section is not an arrest nor does it constitute a police
22 record.

23 (4) No minor taken into temporary custody shall be placed
24 in a jail, municipal lockup, detention center, or secure
25 correctional facility.

26 (Source: P.A. 87-1154.)

1 (705 ILCS 405/3-15) (from Ch. 37, par. 803-15)

2 Sec. 3-15. Petition; supplemental petitions.

3 (1) Any adult person, any agency or association by its
4 representative may file, or the court on its own motion may
5 direct the filing through the State's Attorney of a petition in
6 respect to a minor under this Act. The petition and all
7 subsequent court documents shall be entitled "In the interest
8 of, a minor".

9 (2) The petition shall be verified but the statements may
10 be made upon information and belief. It shall allege that the
11 minor requires authoritative intervention or supervision and
12 set forth (a) facts sufficient to bring the minor under Section
13 3-3, ~~or~~ 3-33.5, or 3-40; (b) the name, age and residence of the
14 minor; (c) the names and residences of his parents; (d) the
15 name and residence of his legal guardian or the person or
16 persons having custody or control of the minor, or of the
17 nearest known relative if no parent or guardian can be found;
18 and (e) if the minor upon whose behalf the petition is brought
19 is sheltered in custody, the date on which shelter care was
20 ordered by the court or the date set for a shelter care
21 hearing. If any of the facts herein required are not known by
22 the petitioner, the petition shall so state.

23 (3) The petition must allege that it is in the best
24 interests of the minor and of the public that he be adjudged a
25 ward of the court and may pray generally for relief available

1 under this Act. The petition need not specify any proposed
2 disposition following adjudication of wardship.

3 (4) If appointment of a guardian of the person with power
4 to consent to adoption of the minor under Section 3-30 is
5 sought, the petition shall so state.

6 (5) At any time before dismissal of the petition or before
7 final closing and discharge under Section 3-32, one or more
8 supplemental petitions may be filed in respect to the same
9 minor.

10 (Source: P.A. 94-1011, eff. 7-7-06.)

11 (705 ILCS 405/3-40 new)

12 Sec. 3-40. Minors involved in electronic dissemination of
13 indecent visual depictions in need of supervision.

14 (a) For the purposes of this Section:

15 "Computer" has the meaning ascribed to it in Section 16D-2
16 of the Criminal Code of 1961.

17 "Electronic communication device" means an electronic
18 device, including but not limited to a wireless telephone,
19 personal digital assistant, or a portable or mobile computer,
20 that is capable of transmitting images or pictures.

21 "Indecent visual depiction" means a depiction or portrayal
22 in any pose, posture, or setting involving a lewd exhibition of
23 the unclothed or transparently clothed genitals, pubic area,
24 buttocks, or, if such person is female, a fully or partially
25 developed breast of the person.

1 "Minor" means a person under 18 years of age.

2 (b) A minor shall not knowingly and voluntarily and without
3 threat or coercion use a computer or electronic communication
4 device to transmit an indecent visual depiction of himself or
5 herself to another person.

6 (c) A minor shall not possess an indecent visual depiction
7 of another minor that was transmitted to the minor in violation
8 of subsection (b) of this Section. It is not a violation of
9 this subsection if the minor took reasonable steps, whether
10 successful or not, to destroy or eliminate the visual depiction
11 within a reasonable time after discovering the depiction.

12 (d) A minor shall not possess an indecent visual depiction
13 of another minor in violation of subsection (c) and distribute
14 or disseminate the depiction through the use of a computer or
15 electronic communication device.

16 (e) Adjudication. A minor who violates subsection (b), (c),
17 or (d) of this Section may be subject to a petition for
18 adjudication and adjudged a minor in need of supervision.

19 (f) Kinds of dispositional orders. A minor found to be in
20 need of supervision under this Section may be:

21 (1) ordered to obtain counseling or other supportive
22 services to address the acts that led to the need for
23 supervision; or

24 (2) ordered to perform community service.

25 (g) Orders entered under this Section may be enforced by
26 contempt proceedings.

1 (h) Nothing in this Section shall be construed to prohibit
2 a prosecution for disorderly conduct, public indecency, child
3 pornography, a violation of the Harassing and Obscene
4 Communications Act, or any other applicable provision of law."