



Juvenile Justice Reform Committee

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09600HB4583ham002

LRB096 13244 RLC 37849 a

1 AMENDMENT TO HOUSE BILL 4583

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

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

8 (705 ILCS 405/3-1) (from Ch. 37, par. 803-1)

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

16 (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.

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

2 (705 ILCS 405/3-15) (from Ch. 37, par. 803-15)

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

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

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

24 (3) The petition must allege that it is in the best
25 interests of the minor and of the public that he be adjudged a

1 ward of the court and may pray generally for relief available
2 under this Act. The petition need not specify any proposed
3 disposition following adjudication of wardship.

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

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

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

12 (705 ILCS 405/3-40 new)

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

15 (a) For the purposes of this Section:

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

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

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

1 developed breast of the person.

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

3 (b) A minor shall not distribute or disseminate an indecent
4 visual depiction of another minor through the use of a computer
5 or electronic communication device.

6 (c) Adjudication. A minor who violates subsection (b) of
7 this Section may be subject to a petition for adjudication and
8 adjudged a minor in need of supervision.

9 (d) Kinds of dispositional orders. A minor found to be in
10 need of supervision under this Section may be:

11 (1) ordered to obtain counseling or other supportive
12 services to address the acts that led to the need for
13 supervision; or

14 (2) ordered to perform community service.

15 (e) Nothing in this Section shall be construed to prohibit
16 a prosecution for disorderly conduct, public indecency, child
17 pornography, a violation of the Harassing and Obscene
18 Communications Act, or any other applicable provision of law."