

1 AN ACT in relation to criminal law.

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 5-410 as follows:

6 (705 ILCS 405/5-410)

7 Sec. 5-410. Non-secure custody or detention.

8 (1) Any minor arrested or taken into custody pursuant to  
9 this Act who requires care away from his or her home but who  
10 does not require physical restriction shall be given  
11 temporary care in a foster family home or other shelter  
12 facility designated by the court.

13 (2) (a) Any minor 10 years of age or older arrested  
14 pursuant to this Act where there is probable cause to believe  
15 that the minor is a delinquent minor and that (i) secured  
16 custody is a matter of immediate and urgent necessity for the  
17 protection of the minor or of the person or property of  
18 another, (ii) the minor is likely to flee the jurisdiction of  
19 the court, or (iii) the minor was taken into custody under a  
20 warrant, may be kept or detained in an authorized detention  
21 facility. No minor under 12 years of age shall be detained  
22 in a county jail or a municipal lockup for more than 6 hours.

23 (b) The written authorization of the probation officer  
24 or detention officer (or other public officer designated by  
25 the court in a county having 3,000,000 or more inhabitants)  
26 constitutes authority for the superintendent of any juvenile  
27 detention home to detain and keep a minor for up to 40 hours,  
28 excluding Saturdays, Sundays and court-designated holidays.  
29 These records shall be available to the same persons and  
30 pursuant to the same conditions as are law enforcement  
31 records as provided in Section 5-905.

1           (b-4) The consultation required by subsection (b-5)  
2 shall not be applicable if the probation officer or detention  
3 officer (or other public officer designated by the court in a  
4 county having 3,000,000 or more inhabitants) utilizes a  
5 scorable detention screening instrument, which has been  
6 developed with input by the State's Attorney, to determine  
7 whether a minor should be detained, however, subsection (b-5)  
8 shall still be applicable where no such screening instrument  
9 is used or where the probation officer, detention officer (or  
10 other public officer designated by the court in a county  
11 having 3,000,000 or more inhabitants) deviates from the  
12 screening instrument.

13           (b-5) Subject to the provisions of subsection (b-4), if  
14 a probation officer or detention officer (or other public  
15 officer designated by the court in a county having 3,000,000  
16 or more inhabitants) does not intend to detain a minor for an  
17 offense which constitutes one of the following offenses he or  
18 she shall consult with the State's Attorney's Office prior to  
19 the release of the minor: first degree murder, second degree  
20 murder, involuntary manslaughter, criminal sexual assault,  
21 aggravated criminal sexual assault, aggravated battery with a  
22 firearm, aggravated or heinous battery involving permanent  
23 disability or disfigurement or great bodily harm, robbery,  
24 aggravated robbery, armed robbery, vehicular hijacking,  
25 aggravated vehicular hijacking, vehicular invasion, arson,  
26 aggravated arson, kidnapping, aggravated kidnapping, home  
27 invasion, burglary, or residential burglary.

28           (c) Except as otherwise provided in paragraph (a), (d),  
29 or (e), no minor shall be detained in a county jail or  
30 municipal lockup for more than 12 hours, unless the offense  
31 is a crime of violence in which case the minor may be  
32 detained up to 24 hours. For the purpose of this paragraph,  
33 "crime of violence" has the meaning ascribed to it in Section  
34 1-10 of the Alcoholism and Other Drug Abuse and Dependency

1 Act.

2 (i) The period of detention is deemed to have begun once  
3 the minor has been placed in a locked room or cell or  
4 handcuffed to a stationary object in a building housing a  
5 county jail or municipal lockup. Time spent transporting a  
6 minor is not considered to be time in detention or secure  
7 custody.

8 (ii) Any minor so confined shall be under periodic  
9 supervision and shall not be permitted to come into or remain  
10 in contact with adults in custody in the building.

11 (iii) Upon placement in secure custody in a jail or  
12 lockup, the minor shall be informed of the purpose of the  
13 detention, the time it is expected to last and the fact that  
14 it cannot exceed the time specified under this Act.

15 (iv) A log shall be kept which shows the offense which  
16 is the basis for the detention, the reasons and circumstances  
17 for the decision to detain and the length of time the minor  
18 was in detention.

19 (v) Violation of the time limit on detention in a county  
20 jail or municipal lockup shall not, in and of itself, render  
21 inadmissible evidence obtained as a result of the violation  
22 of this time limit. Minors under 17 years of age shall be  
23 kept separate from confined adults and may not at any time be  
24 kept in the same cell, room or yard with adults confined  
25 pursuant to criminal law. Persons 17 years of age and older  
26 who have a petition of delinquency filed against them may  
27 ~~shall~~ be confined in an adult detention facility.

28 (d) (i) If a minor 12 years of age or older is confined  
29 in a county jail in a county with a population below  
30 3,000,000 inhabitants, then the minor's confinement shall be  
31 implemented in such a manner that there will be no contact by  
32 sight, sound or otherwise between the minor and adult  
33 prisoners. Minors 12 years of age or older must be kept  
34 separate from confined adults and may not at any time be kept

1 in the same cell, room, or yard with confined adults. This  
2 paragraph (d)(i) shall only apply to confinement pending an  
3 adjudicatory hearing and shall not exceed 40 hours, excluding  
4 Saturdays, Sundays and court designated holidays. To accept  
5 or hold minors during this time period, county jails shall  
6 comply with all monitoring standards promulgated by the  
7 Department of Corrections and training standards approved by  
8 the Illinois Law Enforcement Training Standards Board.

9 (ii) To accept or hold minors, 12 years of age or older,  
10 after the time period prescribed in paragraph (d)(i) of this  
11 subsection (2) of this Section but not exceeding 7 days  
12 including Saturdays, Sundays and holidays pending an  
13 adjudicatory hearing, county jails shall comply with all  
14 temporary detention standards promulgated by the Department  
15 of Corrections and training standards approved by the  
16 Illinois Law Enforcement Training Standards Board.

17 (iii) To accept or hold minors 12 years of age or older,  
18 after the time period prescribed in paragraphs (d)(i) and  
19 (d)(ii) of this subsection (2) of this Section, county jails  
20 shall comply with all programmatic and training standards for  
21 juvenile detention homes promulgated by the Department of  
22 Corrections.

23 (e) When a minor who is at least 15 years of age is  
24 prosecuted under the criminal laws of this State, the court  
25 may enter an order directing that the juvenile be confined in  
26 the county jail. However, any juvenile confined in the  
27 county jail under this provision shall be separated from  
28 adults who are confined in the county jail in such a manner  
29 that there will be no contact by sight, sound or otherwise  
30 between the juvenile and adult prisoners.

31 (f) For purposes of appearing in a physical lineup, the  
32 minor may be taken to a county jail or municipal lockup under  
33 the direct and constant supervision of a juvenile police  
34 officer. During such time as is necessary to conduct a

1 lineup, and while supervised by a juvenile police officer,  
2 the sight and sound separation provisions shall not apply.

3 (g) For purposes of processing a minor, the minor may be  
4 taken to a County Jail or municipal lockup under the direct  
5 and constant supervision of a law enforcement officer or  
6 correctional officer. During such time as is necessary to  
7 process the minor, and while supervised by a law enforcement  
8 officer or correctional officer, the sight and sound  
9 separation provisions shall not apply.

10 (3) If the probation officer or State's Attorney (or  
11 such other public officer designated by the court in a county  
12 having 3,000,000 or more inhabitants) determines that the  
13 minor may be a delinquent minor as described in subsection  
14 (3) of Section 5-105, and should be retained in custody but  
15 does not require physical restriction, the minor may be  
16 placed in non-secure custody for up to 40 hours pending a  
17 detention hearing.

18 (4) Any minor taken into temporary custody, not  
19 requiring secure detention, may, however, be detained in the  
20 home of his or her parent or guardian subject to such  
21 conditions as the court may impose.

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