

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

PRESIDENT PHILIP:

The regular Session of the 90th General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by Reverend Gerry Comstock, United {sic} (Unity) Church, Springfield, Illinois. Reverend Comstock.

THE REVEREND GERRY COMSTOCK:

(Prayer by the Reverend Gerry Comstock)

PRESIDENT PHILIP:

Will you please remain standing for the Pledge of Allegiance? Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journal of Wednesday, January 28th, in the year 1998, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objections, so ordered. Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Mr. President. Senator Bomke has filed a motion with respect to House Bill 1485.

PRESIDENT PHILIP:

Mr. Secretary, the Chair requests these motions be printed on the Calendar. So ordered. Committee Reports.

SECRETARY HARRY:

Senator Cronin, Chair of the Committee on Education, reports

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

House Bills 1640 and 1685 Do Pass, as Amended.

Senator Mahar, Chair of the Committee on Environment and Energy, reports House Bill -- 263, the First Conference Committee Report, Be Approved for Consideration.

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Bill 120, the First Conference Committee Report, Be Adopted; and Senate Bill 363, the Motion to Concur with House Amendment 1, Be Approved for Consideration.

And Senator Petka, the Vice-Chair of the Committee on Executive, reports Senate Joint Resolution 44 Be Adopted and House Bill 2364 Do Pass.

PRESIDENT PHILIP:

Introduction of Bills.

SECRETARY HARRY:

Senator Weaver offers Senate Bill 1282.

(Secretary reads title of bill)

Senate Bill 1283, by Senator O'Malley.

(Secretary reads title of bill)

Senate Bill 1284, by Senators Dillard and Jacobs.

(Secretary reads title of bill)

Senate Bill 1285, by Senator Dillard.

(Secretary reads title of bill)

Senate Bill 1286 is offered by Senator Rauschenberger.

(Secretary reads title of bill)

Senator Fitzgerald offers Senate Bill 1287.

(Secretary reads title of bill)

Senate Bill 1288, by Senator Mahar.

(Secretary reads title of bill)

Senate Bill 1289, offered by Senators Dudycz and Lawrence Walsh.

(Secretary reads title of bill)

Senate Bill 1290, by Senator Peterson.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

(Secretary reads title of bill)

Senate Bill 1291, by Senators Watson and Trotter.

(Secretary reads title of bill)

Senate Bill 1292, Senator Weaver.

(Secretary reads title of bill)

Senate Bill 1293, Senator Fawell.

(Secretary reads title of bill)

And Senate Bill 1294, by Senator Clayborne.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DONAHUE)

We are now going to proceed with Supplemental Calendar No. 1. We'll go from the top right through. First up will be Senator Maitland on Senate Joint Resolution 44. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Joint Resolution 44, offered by Senators Maitland, Philip and others.

There are no committee or Floor amendments, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much. Madam President and Members of the Senate, in the year 2000, the NCSL annual meeting is going to be held -- is going to be held in the City of Chicago. This will be the twentieth -- twenty-fifth anniversary of NCSL. You may recall, those of you who have been around a long time, that we had the 1982 NCSL annual meeting in Chicago, and it was quite successful. We were successful, a couple of years ago, in presenting to the Executive Committee of NCSL a -- a plan for Chicago to have this meeting in the year 2000. And as a consequence of that, we felt it was necessary to put together a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

joint resolution that would create a host committee to put together the mechanism that will allow this meeting to move forward. Senator Philip, Senator Jones, Senator Berman and myself are the sponsors of this resolution. It is necessary that we move forward as quickly as possible. And, Madam President, I would seek support of the Body. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, Senator Maitland has moved the adoption of Senate Joint Resolution 44. Those in favor will vote Aye. Those opposed will vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have -- take the record. Oh! Forgot him? Yeah. There are 52 Ayes, no Nays, none voting Present. Senate Joint Resolution 44 is adopted. Under Secretary's Desk, Concurrence. Senator Hawkinson? Read the bill, Mr. Secretary.

SECRETARY HARRY:

...move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 363.

The motion filed by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank -- thank you, Madam President. And I will try not to belabor this issue, but it will take a -- a few minutes because this is a project that has been in the works for almost ten years, for me.

PRESIDING OFFICER: (SENATOR DONAHUE)

If I could have your attention. This is some pretty serious legislation that we should give him our full attention. So if you have your conferences, please take them off the Floor. Keep your voices down, and give Senator Hawkinson your attention. Senator

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. Again, as I was saying, this is a project I've been working on since I arrived in the Senate some eleven years ago. A number of years ago this Body appointed a -- Juvenile Legislative Task Force, which was a broad-based task force that I was privileged to serve on, along with former Senator, now Judge, Tom Dunn, who served on that task force. More recently, out of the reports of that, we asked that the State's Attorneys' Association draft some legislation. They did so, and over the course of the last year, year and a half, there have been innumerable meetings. We had legislation, we thought, ready to go in the spring. And several groups indicated they wished more time to look at it, so we held a number of meetings over the summer. Again, in the Veto Session, we were prepared to proceed, but again several groups asked that we take another look at several aspects, and we did so. Finally, on Tuesday, the House took up Senate Bill 363 and passed it overwhelmingly with a hundred and four positive votes. Yesterday we had a hearing in the Senate Judiciary Committee and it passed out with nine affirmative votes, no negative votes and one voting Present. I want to thank former Senator Dunn, now Judge Dunn. More recently, I want to thank my cosponsor, Senator Cullerton. I want to thank Senator Obama for his work on the bill. In the House, Representative Cross and Representative Tom Dart spent innumerable hours in crafting this legislation. Cook County State's Attorney's Office, led by -- formerly by Jack O'Malley and now by Dick Devine, have been extremely helpful. And in particular, the head of the Juvenile Justice Unit in Cook County, Sister Cathy Ryan, has been very helpful in crafting this legislation. Staff, in both the House and the Senate...

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

Please move your conferences off the Floor. Will the Senators please be in your seats? And let's give Senator Hawkinson your attention. Senator Hawkinson.

SENATOR HAWKINSON:

Thank -- thank you, Madam President. Enough can't be said about the hours and hours and hours that our staff has put in on this, Gideon Baum from the Democratic side, staff in the House. And a special thanks to probably thousands - I'm -- I'm safe to say hundreds - of hours that Matt Jones of our staff has put in in going over details and crafting and meeting with groups. But it's been a long work in progress. We have met with many groups. And you can see by your analysis that this -- this concurrence motion has broad support. There were cost concerns that were raised. We have worked with the Metro Counties. We have worked with the Urban County Councils, met with individual counties, and this legislation is supported by those groups. We have recently added language that if the -- it is felt that there are any new mandates placed on counties in this legislation, that the State can reimburse that, subject to the appropriation process. We are working with the federal government. It was announced yesterday, Senator Dick Durbin, in the federal juvenile justice bill, is looking at, perhaps, eight million dollars in prevention money that could come from the federal government through this legislation. So we have worked with the affected groups.

PRESIDING OFFICER: (SENATOR DONAHUE)

I'm going to clear the Floor. You have one more chance to get in your seats. Please give Senator Hawkinson your attention. This is a far-reaching bill. And, staff, I'd like you to take your conferences off the Floor - both sides. And be in your seats. Senator Hawkinson.

SENATOR HAWKINSON:

Thank -- thank you, Madam President. To the -- to the bill

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

itself and the House amendment that became the bill: This legislation attempts to create in Illinois the balanced and restorative justice model of juvenile justice. It separates out the delinquency aspects of -- of the former Juvenile Act from the Abused and Neglected Acts to create a separate section. It talks about holding young people accountable for their actions. It talks about protecting the public, and then it talks about building competencies or rehabilitating those young people that we can rehabilitate to prevent them from going on and on in the system. Past Acts of this General Assembly have dealt with those who are already, in the view of many, lost to the system, those who are committing murders, those who are committing rape and armed robberies and others. We have dealt, over the past decade, with transfer provisions, which have seen those -- those kinds of young criminals transferred to adult court. That job is not a job that needs to be done in this bill; we've already done that job and continue to address it. This bill seeks to take a brand-new look at the juvenile justice system and try and cut off that pipeline, whereas kids come into contact many, many, many times with the system and then graduate into more and more serious crime and become one of the sixteen percent of the chronic offenders who cause so much of -- of our juvenile crime in this nation. It attempts to do that in a number of ways. But to -- to give an analogy that I think most of us can relate to as parents: When children break the rules or they do something wrong, one of the ways that they have to be taught is that they have to be taught that there are consequences to misbehavior. Too often that has not been true in the juvenile justice system. Particularly in larger urban areas, a young person can get in trouble with the law, go from suburb to suburb or precinct to precinct, use a different name and get a slap on the wrist and be sent home after a lecture. This can happen dozens of time. And we've had

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

examples, particularly in Chicago, where they don't even know the correct name of the young person that's standing in front of the juvenile police officer or even the juvenile court. One of the things this bill does is set up a statewide data system, so that we keep track of the contacts with the law, the breaking of the law. We do that so that, number one, there can be consequences and appropriate consequences applied for the breaking of the law, but also so that services and prevention can be brought to bear if there's an alcohol or a drug problem, or a truancy problem, so that services can be brought to bear so that we can try and rehabilitate and build competencies in that youngster so he will not -- he or she will not graduate into becoming a chronic offender. Another thing that we do in this bill is we formalize the station adjustment process. That's where you get in trouble, you're talked to by a -- a police officer and you're sent home. Well, with no record being kept of that, with no consequences, kids learn to play the system. They learn that I can get in trouble without there being any consequences. And they know it can happen many, many times. We set limits on the number of informal station adjustments and we set limits on the number of formal station adjustments that can take place, in an attempt to, again, build the three aspects of the balanced and restorative justice system: to hold young offenders accountable, to protect the public, and to try and build competencies in these young people. There are many other provisions of this bill that -- that attempt to do the same thing. You have a comprehensive analysis and you have the list of those in support and in opposition to the -- to this bill. We want to concentrate on cutting off that pipeline and preventing kids from graduating into more serious offenders. There are a number of other provisions in this bill. We recognize, for the first time, that victims have rights in juvenile court. We give them the right, as victims, to attend the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

hearing; something they don't have now. Bill of Rights that criminal victims have in adult courts, we give the victims those rights in juvenile court. We also recognize the importance of involving parents. We recognize that when a court or a juvenile officer tries to dispose of a case in a way that will prevent that young person from reengaging in criminal activity, that it's important to have parents involved. And this bill will allow the courts to involve parents in those plans to deal with the young people. Another important part of this system is the sharing of information. As the Juvenile Task Force and Commissions have met over the years, we found out that too often the juvenile officer in one part of the -- part of the city won't know what's going on in another part, won't know what's going on in school, won't know what's going on in the family. Through the Department of Human Services, through the schools, through all the juvenile justice agencies, this bill allows the sharing of information with -- with confidentiality and with prohibitions on sharing this information outside the system, but nevertheless allows and sets up a system so information about a young offender will be known at the school, and what's happening at school, with a serious offense, will be known by the courts and by the juvenile officers. We try and streamline the process and take many recommendations as to notice and as times it takes to -- to do a case. Another important part of this bill that some of you may have heard about is called extended juvenile jurisdiction, or EJJ. This will allow, with certain offenders, serious offenders, for a judge to -- to apply a -- a two-tiered sentence. He can say: Okay, young man or young lady of fifteen or sixteen, we're going to give you a juvenile sentence, and you're going to be treated as a juvenile, and here's what you're going to have to do, in terms of drug or alcohol treatment or staying in school, or the many other options that the court will have; but if you do not successfully complete your

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

juvenile sentence, here's an adult sentence that I'm going to impose at the same time. And so there will be that adult sentence hanging over the head of the young offender who's still going to be treated as a juvenile, but it says that if you mess up, if you commit another crime, or you're supposed to stay home and you don't stay home, or you're supposed to be in school, you can be sentenced as an adult. This has been tried other places. Strong support for doing that in Illinois. And we create that provision. Again, this is a many-faceted bill, many folks have worked on it, and it is supported by a broad range of law enforcement groups and many others, including many of the counties - Cook, City of Chicago, DuPage County, Urban County Councils, Metro Counties. It's going to take some money. It's going to take some money to set up the statewide database. It's going to take prevention money. It's going to take more detention money. And we're going to need to work on those aspects. But we think this is a comprehensive overview of our juvenile system, to teach young offenders right off the bat that there are consequences to misbehavior, and hopefully, by doing that and by applying the appropriate services and preventive services at the beginning, we will keep them from joining that group of chronic offenders that end up populating our prisons. With that, I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

The Illinois Information Service requests the permission to videotape the proceedings. Is leave granted? Leave is granted. Further discussion on Senate Bill 363? Senator Obama.

SENATOR OBAMA:

Thank you, Madam Chairman {sic}. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Obama.

SENATOR OBAMA:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

I just want to briefly comment on this bill. I want to start off by, first of all, commending Senator Hawkinson for his hard work on this bill. I know he's been working on it for a long time, and although he and I have not seen eye to eye on every single facet of the bill, he's been consistently open-minded, fair and responsive, in terms of the negotiations, and I very much appreciate that. I think he's done an excellent job. I also want to acknowledge that the State's Attorneys' Association, and the Cook County State's Attorneys in particular, have also been open, in terms of obtaining input from other parties, even those who disagree with them. They haven't incorporated all the suggestions of opponents to this bill, but they have been responsive, and I want to thank them for that. Third, I want to say that I think there are some wonderful things in this bill. And I think the basic principles underlying this bill are terrific. I think the notion that we should catch young people early and make sure that they understand that there are consequences to their action is -- is -- is vital and critically important, particularly in urban areas. And so I think the changes in terms of formalizing station adjustments is excellent. I think the notion that we should get parents responsible for the actions of their children is vital. I think that there are a number of other provisions in there that are going to provide improved record keeping and I think that's important from a law enforcement perspective. Having said all these good things, there is a but. I remain concerned about this bill, and the reason I'm concerned is not so much because of sins of commission in the bill, but rather some sins of omission. There -- there are two particular concerns that I have - one which has been addressed directly by Senator Hawkinson, one that I still think needs to be talked about. The first concern that I have has to do with the issue of prevention dollars to go with this program. All right? As Senator Hawkinson indicated, the concept

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

of balanced and restorative justice has three legs to it. There are three legs to the stool. One is that we're going to be concerned with the victims of crimes, and that -- that's entirely appropriate and that's addressed in the bill. Another is, is that we're concerned with public safety. And again, that's appropriate; that's the philosophy that we should be working under. The third principle to a balanced and restorative justice approach is that we actually are trying to build some competencies among these young people so that we can steer them on the right track. And although there are a number of provisions in the bill that seek to do that, we can only do that if we've got the resources to make sure that these young people, once they get into trouble early on, are actually getting some of the support services they need to -- to get on the right track. So to give you a specific example: The notion of formalizing station adjustments makes a lot of sense. We want young people, when they come in to the police station, to have more than just a slap on the wrist or a lecture, particularly if they have substance abuse problems or there are problems at home. But the police officers, to make those station adjustments effective, need to have someplace to send these young people, need to be able to refer them to programs, need to be able to refer them to services. The same is true with parental responsibility. If we're going to hold parents responsible for the behavior of their young people, if they currently can't control those young people, we've got to make sure that we've got those services in place. The same is true with blended sentencing, or EJJ, extended juvenile jurisdiction. If, in fact, we are creating a system where we're going to give young people an adult sentence and a juvenile sentence at the same time, then we are obliged to make sure, as much as possible, that they're going to be successful in carrying out that juvenile sentence. If we don't do that, if we don't provide the services

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

to allow them to complete a juvenile sentence successfully, then this bill, essentially, will result in more incarcerations of young people. I don't think that's the intent of the bill, but if we don't put the prevention dollars in place, that's what's going to end up happening. And so I just want to say that I appreciate Senator Hawkinson's commitment to work with myself, the Governor's Office, Members of our caucus, on a bipartisan basis, to secure the funding for this bill to make it work, because if we don't have the funding in place, then this, essentially, is a bill that will permit, or facilitate through the backdoor, additional incarcerations of young people, and -- and that I don't think is the intent of the bill. So -- so that's first point. Second point, which may be a -- a broader point, I've -- originally, as this bill had been proposed by the State's Attorneys, as well as Senator Hawkinson, contained two provisions that would have affected automatic transfers. Would have affected automatic transfers by taking nonviolent offenses that are currently subject to automatic transfers, a couple of them - drug and gun possession in public housing or in schools - and would have made them mandatory transfers as opposed to automatic transfers. The reason that provision was in there was a recognition on the part of the sponsors of the bill that it doesn't make sense for us to transfer, indiscriminately, young people to adult court for nonviolent offenses, that too often sending them to adult court and giving them adult sentences may simply be sending them to criminal finishing school and that we should be able to make distinctions between those young people who are serious offenders and do need to be locked up and those young people who can still be salvaged, still be saved. I want to say that the reason that's not in the bill here today is not because of Senator Hawkinson, but actually some of our colleagues in the other Chamber, Democrats, who were worried about the political consequences of

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

making a change like that. The notion being that if we somehow alter these automatic transfers, that we might be subject to a direct mail piece saying that we're being soft on crime. That concerns me, because I think that, right now, the status quo with respect to automatic transfers indiscriminately consigns many of our young people who could be salvaged into a situation where they either go to adult court and receive a slap on the wrist because the adult judges don't take the offenses seriously or they end up getting adult sentences with no prospects for rehabilitation, and that doesn't make sense. And I'm sorry to see that we couldn't have considered those issues in this bill for political reasons and bipartisan political reasons. But I -- I want to make that statement here today because I'm hoping that as a consequence of having put this bill together, that many of us will give this bill a chance to work and be a little bit more measured in how we end up considering additional automatic transfer provisions. What I'm worried about is that next Session we come back and we have a whole nother slew of automatic transfer provisions for every conceivable crime under the sun and that we continue down a path where our main strategy for dealing for juvenile crime is to lock kids up. That is an unsustainable, unconscionable approach. It is not smart in terms of crime fighting. It is not the kind of State I want to live in, where we are afraid of our children and we are continually building more prisons, as opposed to building more schools. So I'm hoping that we give this bill a chance to work. I would have liked to have seen some work in terms of modifying the automatic transfer provisions. I recognize that politically that was not in the cards, and I appreciate Senator Hawkinson's concerns about these issues, but I did want to raise them today. And -- and -- so, let -- let me just conclude by saying this: I am going to vote Present on this bill, as opposed to voting No, because I think Senator Hawkinson has been sincere

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

in these efforts and I think this bill may have a chance to work. But I urge you to be just as supportive - when this bill sails through - to be just as supportive when the legislation comes up with respect to the prevention money, and I also would urge everybody in this Chamber to give this bill a chance to work and not come up with a bunch of politically motivated automatic transfer schemes next time that will throw this balanced and restorative bill out of balance once again. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Hendon.

SENATOR HENDON:

Senator Hawkinson, one of the great pleasures I've had in this Chamber is sitting next to you, across the aisle, and I know you are a very sincere person, one of the finest gentlemen in this Chamber. But I have to ask you: Are there any prevention dollars in this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

This is not an appropriation bill, Senator Hendon. And I wouldn't even attempt to take over that role in this Chamber, but you have my assurance that not only will we work for the federal prevention dollars, which we think are on the way, but we've already opened discussions with the Governor's Office and -- and both sides of the aisle in regard to the need for more prevention dollars from the State.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

Senator Hendon.

SENATOR HENDON:

Thank you... I -- I called the President this morning to try to get him to hold this bill, but I was unsuccessful in -- in reaching my friend, and I called him for a specific reason. Let me apologize right now to all of you today about my demeanor. Last night I got a call in my room from my administrative assistant -- from my wife, and she told me that my administrative assistant, who's been with me twelve years, son was murdered in front of her house last night by some teenagers. And it really troubled me, because, as you know, yesterday I had the honor of walking our esteemed Governor down the aisle for his final State of the State Address and I listened very closely. One theme that he repeated more than any other, and I -- it's on page five, he says that "The headlines of the '90s remind us too frequently that lives can be lost at any age. But lives can also be saved at any age." On page sixteen, he says, "Every dollar we spend on prevention means dollar after dollar that {sic} we don't have to spend tomorrow correcting our failure to act". Page nineteen, he repeats it again. Says: And we must make sure on many fronts that kids get this support. Lives can be lost at any age; lives can be saved at any age. On page twenty he repeated that theme, "Lives can be lost at any age. Lives can be saved at any age." Page twenty-one, the same thing. And at the end of his speech, on page twenty-five, he says, "We must challenge the conventional wisdom. And we must challenge ourselves. Lives can be lost at any age. Lives can (also) be saved at any age." This was a great statement by a great Governor. I wonder if that statement holds any - any - semblance of reality to us here today. We're about to pass this bill. I know it's going to get out of here. I know it's going to fly out of here. It's an election year. Tough on crime, blah, de, blah, de, blah. But if we don't do something to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

keep these babies from getting -- going to the penitentiary, from getting caught up in the juvenile system at the age of eight and nine and as soon as they get -- show signs of being in trouble, we are lost. We're going to lose these children the Governor is speaking about. At any age - eight, nine, ten. They're gone. Twenty to thirty thousand dollars a year to incarcerate them. One or two thousand dollars for some prevention program - that's all we ask for. That's all we ask for. It makes no sense at all for us to continue to apply the same old, worn-out "lock 'em up, throw away the key" philosophy to dealing with these babies. All of them belong to us. The killers and those who are killed are our children. All of them. The bad ones and the good ones. I claim all of them. We've said to the State's Attorneys, "Listen, we live with this every day. Every day." I live personally with it. On my block I've buried babies three years old, grandmothers, killed by these teenagers. And guess what? When you look at 'em they -- just like they're scared to death. Thirteen, fourteen. Don't know how the hell they end up down this road. And we keep on doing the same thing, come up with the same solutions that do not work, and then the State's Attorney wants to say, "Well, we'll get the prevention dollars later." Well, one of my babies died last night. We may never pass this appropriation to fund these prevention programs. You all know that. But we have a great Chairman of Approp, Senator Rauschenberger, who is a dear and personal friend of mine. We may never muster the votes to pass it. If you're going to do something, we should put the dollars in here now. Now. Put the money where your mouth is. Do what the Governor said: Save a life at an early age. Because, you know, you lock 'em up; we try 'em as adults; they go in the penitentiary at fourteen, thirteen, twelve; they come out at twenty-two, worse than they were when they went in. What are they -- what's going to happen to them in the penitentiary? They're going to get

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

homosexual rape. The real killers are going to teach 'em how to truly kill. The big drug dealers are going to really teach 'em how to sell dope. They are becoming better criminals while incarcerated. Senator Obama said: The school of -- being a better criminal. That's -- that's what our penitentiaries are. So why not take the babies, confused as they may be, dangerous as they may be, deadly as they may be, and get 'em at eight and nine and ten, when they first show the signs, Carl, and say -- and I thank all my friends on that side of the aisle who voted for my "scared straight" bill three years ago. We lost by one vote. And you take 'em to the penitentiary at seven and eight, and nine, and ten, and let 'em see where they're headed. You take 'em to the colleges and let 'em see that there's an alternative. You take 'em to the Fortune 500 companies and let 'em see that there is such a thing as a workplace, and show 'em that they have some choices. Why not put that in here now, instead of locking 'em up and trying 'em as adults and trying 'em as juveniles at the same time, and surrendering to the penitentiary system? I urge you all -- I -- I urge you to vote No. I urge my friend, Senator Hawkinson, who I know is going to fight later for the prevention dollars, to take this out of the record. There is no rush. Election is not till March 17th. We'll be back here on the end of February. Give us an opportunity to talk to the President of this Chamber, who certainly will use and apply more logic and reason to this than the Speaker of the House most certainly has, who's brave enough to not allow political considerations to move a bill. Give us a chance to talk to him and talk to the Chairman of Approp and the rest of you about putting some prevention dollars in this bill to save some of the babies at an early age, as our Governor urged us to.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator del Valle.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

SENATOR DEL VALLE:

Thank you, Madam President. We just recently took action to improve our public education system, and I think we all recognize that that couldn't be done without additional resources, without dollars. We asked for accountability and we realized that without those resources, we had no business demanding increased accountability. I think that was a big step on the part of this Legislative Body and on the part of the Governor. But here we have, I think, a similar situation, where we recognize that we have to improve our juvenile justice system. But we're referring to a bill here as -- as being a comprehensive bill, and yet, to me, comprehensive means an entire package. This is not an entire package. We cannot call this legislation comprehensive. The analysis says, "The bill creates several programs which attempt to divert juveniles away from the court system and into community-based programing. However, these programs would have to be funded at the county level since the bill makes no provision for any State funding." But it's going to take dollars. That's what's being said here today. The dollars are not attached. We know that we have to get them early. We know that there are successful models of intervention out there. We're looking at after-school programs, youth employment and training programs. And as Senator Hendon says, you know, we live with this on a daily basis. I see it every day. My district is calling out for help. We have to deal with the gang bangers. We've got to deal with the drug dealers, those that use eleven-year-olds to -- to generate business. So we are in need. But I'm worried. I'm troubled by the fact that we haven't even been able to finalize a three-percent increase for service providers. Now, if we can't do that -- and some of those service providers are being asked to work with this legislation in order to provide services. And we can't give 'em a three-percent increase. I would hope that during

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

this Session there would be an appropriation for the purpose of funding effective prevention programs - effective prevention programs. And Senator Jones has indicated that there are programs out there and that those programs need to be looked at. So the same way that we did a comprehensive review of this portion, we ought to do a comprehensive review of the programs that are State-funded that are out there now, that are county-funded that are out there now, and look to see how we can make those programs more effective so that we have a prevention component that's part of a real comprehensive reform effort here. Until that gets done -- and that will require more dollars, but they have to be dollars that are targeted to the very areas that are the problem areas of the State, that is generating the highest number of juveniles that end up incarcerated and end up in trouble and end up hurting many of the constituents that we work with, and hurting themselves, of course, in the process. And so let's do that. We can certainly move this along. But I would hope that by the end of this Session we will have taken care of the other part so that at the end of this Session we can say that what we did was truly comprehensive.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Would the sponsor yield for about three questions, quick questions?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Jacobs.

SENATOR JACOBS:

Senator, number one, will this bill create a need for more jail space in the counties that we're -- we're talking about here?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

SENATOR HAWKINSON:

There's some debate over that, but we are going to need more detention space and we are also, in addition to prevention dollars - and this is not new with this bill - there's a crying need for more juvenile detention facilities and, perhaps, some regional detention facilities for those who are awaiting trial who have been transferred to adult court.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

Are we mandating cost to the county with this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

I don't believe so. We have worked and worked and worked to take out the -- the mandates. Staff tells me no, but we also have a provision in here that if they find that it is, that the State ought to reimburse that through the appropriation process. But we have made every effort to remove any mandates.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

Well, one of the things that bothers me with this bill, and I think overall it's probably a pretty good bill, but it has -- it says in our analysis, we are changing "the purpose of the Juvenile Delinquency Act from the 'rehabilitation of the minor' to the 'balanced and restorative model'..." We don't really mean that, do we?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

The second part of your statement is true. It is a balanced

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

and restorative. But as I said, rehabilitation, or building competencies in youth, is one of the three key legs to that. The second leg is -- is holding the youth accountable, and the third leg is protecting the public. But we are by no means eliminating the rehabilitative aspect or the prevention part of the juvenile justice model - in -- in no way. As a matter of fact, in the preamble it's even been rearranged in later drafts to put prevention right at the top.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

Well, I think that Senator Hendon gave the impassioned plea on this. We're talking about ten-year-olds, in many cases. I think that most mothers and -- and fathers and grandparents look at a ten-year-old, as -- as Senator Hendon points it out so -- so well, as their babies. And I do realize that there are -- are many areas of this State where ten-year-olds do act in a different manner and -- and do act in a -- a very violent way, and there's a lot of reasons for that, which I won't -- don't care to get into. But it seems to me that this is probably a good bill, maybe in the wrong forum. I see where the City of Chicago is for this bill. And this is a bill that, to me, probably should be debated on the floor of the City Council of Chicago rather than here, but I understand your intention, Senator, and... I'm still not sure where I'm going to go with this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Trotter.

SENATOR TROTTER:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

Thank you. Senator -- let me join, first, with my colleagues in saying I do commend Senator Hawkinson for all the work that he's done on this bill, also the individuals from the Cook County State's Attorney's Office, who has met with the Illinois Legislative Black Caucus and really tried to resolve some of these issues that are impacting on our communities. And as Senator Hendon pointed out, we in the African-American community and the other minority communities are where a lot of these predators are doing their business. So we certainly are looking for a system and one with -- that's going to work to get these guys off the street. And -- and women. Not just guys, because unfortunately there are girls involved in these crimes as well. But we want something that's fair, and we want something that's going to be a real juvenile justice bill and not a juvenile punishment bill. And because of some of the issues that are in here, we -- some of us still believe that this is some unjust punishment that is being perpetrated on -- on some of our children as well. One being, it's brought up again about not having any adequate prevention dollars. And the other that Senator Jacobs alluded to, and that is detention dollars. There's a part here in the bill, Senator -- we'll get to get a question -- that says -- that provides that minors may be detained in secure and nonsecure custody up to forty hours pending a detention hearing. So my -- my question is: How many detention centers do we have for juveniles here in the State of Illinois?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

You're mixing apples and oranges there, Senator, because right now we allow thirty-six hours. The reason for the change to forty is purely practical. If you arrest a young person at -- at 5 p.m., you'd have to file that petition before 5 a.m. on the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

second day. It just doesn't work as a practical matter. There really was no dispute about that provision in changing it to forty hours. It's not going to increase the need for a single detention bed because those -- those are folks who are at the -- at the station.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Trotter.

SENATOR TROTTER:

I wasn't trying to -- I just wanted some clarity, which I didn't have, and thank you for giving that to me. Another is, is: Are these childrens -- and downstate. And I ask -- I guess the second question is: How many detention centers do we have now here in the State of Illinois for juveniles, and where are they located?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

I believe there's sixteen.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Trotter.

SENATOR TROTTER:

Reason why I asked this question is because if we're going to be locking up more youth, we want to make sure - we're not locking up; we're detaining those that -- who actually perpetrate some crimes - want to make sure that they are at least kept in juvenile detention centers and not in -- in adult centers where they might be subjected to other -- other predators on themselves.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

We have not changed that in any respect in this bill. The same rules about sight and sound separation and separate

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

facilities continue to apply.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Trotter.

SENATOR TROTTER:

Another, it has in here -- there's a new provision that provides for trial for minors in absentia. What is the need for this?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

It's the same provision we have in adult court where someone has appeared before the judge, you've set a trial date, they're out on bail and they skip, all the witnesses are there, the victims are there, you have the case fresh, they're represented by counsel. You may proceed with the trial, just as you do in adult court. That's the purpose. If you don't do it and -- and you -- and you don't apprehend the adult or the juvenile until some time later, you can have witnesses who have moved or who died, or evidence that has been changed, or recollections that aren't there. But you still have all the protections of the counsel being present, the right to cross-examine the witnesses. It's the same provisions we have in the adult court today.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Trotter.

SENATOR TROTTER:

And -- and now, I guess, move on to -- to those who have basically served their time, have been on parole and -- and have paid their -- the cost to the system. What kind of expungement arrangements have you put into this bill for these children so they can get that second opportunity to a good and fruitful life?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

SENATOR HAWKINSON:

Expungement covers a whole, broad range of -- of offenses. But if you're -- if you're arrested and there's no delinquency adjudication or a conviction, the expungement is at twenty-one -- seventeen, I'm sorry. The expungement is at seventeen in those cases... For all of the others, except for a limited number of violent offenses, it's at age twenty-one.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Trotter.

SENATOR TROTTER:

Thank you very much. To the bill: Again, I must point out that a lot of work has been done on this bill. Just -- as pointed out by Senator del Valle, it is just not a complete bill at this time. Many of us feel that it is still a little premature to be pushing this bill that really has not -- doesn't allow for those things that are necessary, which are the prevention dollars, more intervention dollars, and some more action taken there. Just one more question, if I may, maybe two more questions, on the dollars themselves. Senator, when you were negotiating with the individuals, and I wasn't in the room with them, did you come up with a ballpark figure of what this Legislative Body is going to be looking at as far as what this bill might be costing us?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

...database is going to be about twelve to twelve and a half million dollars. We -- the new prevention dollars, I assume we're going to try and get what we can, but we're talking about, in this bill, four or five more million dollars for preventive.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Trotter.

SENATOR TROTTER:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

That's sixteen million dollars. Okay. That's not counting for -- we're talking about we may need additional bed space, and -- because also you said there's a provision in here that says if the counties do have added expenses, they can petition this Legislative Body and get more dollars. So there can be probability that each county can ask for and need some additional million dollars for services. So it can explode...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

The four or five are the potential reimbursements to the counties that we were talking about.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Trotter.

SENATOR TROTTER:

Okay. Where do we plan to get this sixteen million dollars from? Is it going to be from revenue growth, or...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

My first stop is Senator Rauschenberger and -- and through the appropriation process.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Trotter.

SENATOR TROTTER:

The eight million dollars you said from the feds, that's coming through which program and -- and what are the real feasibilities, or was this just election-year rhetoric, even from Durbin?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

No. It's 8.7 million through the Illinois Juvenile Justice Commission. Seventy-five percent of that has to be targeted to local governments. And incidentally, if we don't pass this legislation to meet the federal requirements, we won't get that 8.7 million dollars.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Trotter.

SENATOR TROTTER:

So those requirements -- obviously this bill does meet those -- adheres to those provisions that they're requesting at this point in time.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Based on our discussions with the -- the federal folks, we believe that it does.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Trotter.

SENATOR TROTTER:

Thank you very much. In -- in closing, Senator, once again, thank you very much for -- for your answers, very candid answers, and for all the work you've done with all of us, and all the other participants in the group. However, I'm still very uncomfortable with this bill at this time. And as those who've said before me, and I will not reiterate what they've said, but this is not the place and time. We have plenty of time to really work on this a little bit more. It certainly would not hurt and it would help those individuals that we really want to take care of, and that is our youth. So I'm going to vote No.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

Madam President, Ladies and Gentlemen of the Senate, there is no such thing as a perfect bill that ever came out of this Legislature. However, this bill is a step in the right direction, and it's been in the workings for about ten years. Bipartisan, not just Republicans, not just Democrats, but both. And I might point out what this bill is about: It refers to accountability for youngsters who don't know any better. The new philosophy is called balanced and restorative justice, which requires the system to look at holding juvenile offenders accountable for their actions, protecting the public and building competency, which is also known as rehabilitation, in the juvenile offender so that he can -- he or she can avoid further criminal activity. And I think it's time that we realize that the public is tired of youngsters being goaded on to do criminal -- vile criminal acts or do them on -- on their own. And it's time that we did something to try to prevent them from becoming hardened criminals and having a chance to have a better life. I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Collins.

SENATOR COLLINS:

...just have one quick question or two here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Collins.

SENATOR COLLINS:

Senator, I think the overall theme of your -- of the -- this bill was balanced and restorative justice, and also let me join the rest of my colleagues in commending those who worked long hours to get this bill to this point and I agree that we will never have a bill, and I've never seen one, that everyone is in total agreement on both sides of the aisle, and even if it is, when it gets to the Governor's desk, usually there's some objections of some kind there. But I do have some concerns about

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

what happens at the -- dealing with your theme first, balanced and restoring justice, and we're talking about public safety, juvenile prevention and the victim. Problem here is - I think Rickey's point - is that not only -- there are two victims here: the child that commits the crime and the victim, the person who is harmed by the crime. And I wanted to know what -- in all of the meetings and hearings that you had, did we take a look at what brought that child to that point? How does a eight-year-old throw a baby out of a window with no remorse? How do that happen? How does a teenager walk down the streets and see children playing in the play lot and just open up with a Uzi and not -- with no regard to killing and slaughtering those children? How does a teenager break into a senior citizen's home, may be blind and can't hardly get around, and -- with no remorse and -- and just rob them and then turn around, rape them and kill them? Who's the victims here? Who are the guilty ones here? Is it those children? Are they something -- is it something inherited wrong with their genes to cause them to commit these heinous crimes without a conscience? There's something wrong here. Do we know and have we listened to their cries of "I want to get out of here", of being bruised, bruised and battered in their home, molested by the fathers, the brothers, sometime the boyfriends, beaten because they can't take care and go out and steal and get food for their baby sisters and brothers? Who are the victims here? That's what we should have been dealing with. It sounds great to go out of here today and say, "Yes, we did a great job on putting together and revising a new juvenile justice program here." But the reality is, unless we deal with prevention, nothing is going to change - nothing's going to change. Now, I'm not hung up, like some of my colleagues, that there's no money written into this bill, because I don't even think that's the proper procedure around here. I don't -- I've never seen a bill where -- a substantive bill had appropriation

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

dollars written in it. I haven't seen that, and I've been here, I think, long as anyone else. So I'm not hung up about that at all. But I am concerned about is when you responded to Senator Trotter, and I think, if the money comes and what you're going to try to do with the money, and I'm concerned about the reality that there are no -- not enough programs out there. There are some. And we need to look at the money that's out there and maximize the use of that money and make sure that it is monitored and the people are doing what they ought to be doing. That is not happening. If this bill would do that -- you need some dollars even to do that, because it takes staff to do that. I'm also concerned that -- what happens when there are no -- there is no place for the policeman or for -- for you to send these children. What rights does that parent have then to decide that that child has been denied due process? What are you going to do then? You're opening yourself up for lawsuits. So if we are going to pass this bill, I think you ought to very -- think very, very seriously about putting in that -- that appropriation. In fact, you could have filed them at the same time. That we -- probably would have taken away some of the doubt and problems if you just go on and file an appropriation bill to fund the prevention part of this program. That would solve your problem. And for that reason, because my colleagues are so strongly against not having adequate provisions or reference in this bill for funding or a companion bill to fund it, I'm going to vote Present, too. But I do think it's a great step forward.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

Thank you, Madam President, Members of the Senate. Will the sponsor yield for a couple of questions?

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

He indicates he'll yield, Senator Molaro.

SENATOR MOLARO:

Thank you, Senator Hawkinson. I just have some questions on this extended jurisdiction juvenile prosecutions. Kind of a novel thought. I'm no longer on this great theory. So I -- I just want to clarify a few things that may have -- somewhat troubling. Okay? Are there -- are there specific crimes or specific offenses that are allowed an extended juvenile -- or, this EJJP, or can it be for any crime?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

It's -- it's for those crimes that under the current transfer Statute would be presumptive transfers to adult court or above - mandatory, so forth.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

Okay. And -- and you'll have to show me later where that is. I just couldn't find it in the Statute. So as long as you said that, we'll -- we'll take that. The other thing that was a little troubling and I was wondering what it is, it is my - and we have some State's Attorneys sitting in the room, watching -- watching the progress of this bill - it is my understanding that when you have adult probation -- scratch that. You're sentenced as an adult - anybody, twenty-five-year-old, twenty-eight years old. They wind up getting probation or whatever sentence they are giving. Okay? When there is some evidence or something brought to the State's Attorney that you violate that probation, they're usually given some type of a notice. It usually doesn't come to an arrest. At least, that's my understanding. So anyway, in this bill somewhere it does say that if -- if you violate your sentence

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

that you were handed down as a juvenile, that a warrant would issue without notice. And I just want to know why we're issuing a warrant without notice. So you're going to go out and arrest this kid for violating when -- so I'd like him to speak to that question.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, first of all, there's no formal notice in the adult system. I mean, if you violate your probation by -- it's usually by committing another crime, there'll be a warrant, just as there will be in -- in the juvenile system. But to address the broader question of the EJJ, I was initially real leery of this, and when a former drafter -- before the State's Attorneys got involved, out of the City of Chicago, there came a draft to have this provision in, I indicated I didn't think I'd support it, because really what it does is it gives an additional chance. Right now these kids are being transferred to adult court - right now. But with this EJJ, you give the prosecutor and the court one more option to have the extended juvenile jurisdiction sentence with the alternative of the adult sentence. So I think you're really giving the young person an additional chance with EJJ, plus you're giving them the right to a jury trial for extended due process in this situation. So that's the group it's designed for, those who are currently at the presumptive transfer level or above, who under today's law are being transferred to adult court because this -- there isn't this option.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

Okay. One other -- well, maybe couple questions. Why, I just want to make sure that it's -- it's strictly for -- that it's

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

already presumptive, that it's not just any kid over the age of thirteen for any offense. Well, we'll get to that later. We'll -- we'll wait on that. You can do it later. I -- I want to get into this part about violation. From what I read from it, you would have -- you go in under this EJJ. So you would have -- and at the end of the trial or the guilty plea, whatever it may be, you give 'em a -- a juvenile sentence, which has a lot of conditions to it. I've been -- done some of them, and there would be boxes checked as to what you have to do - you know, counseling, stay in school, community -- whatever -- whatever these all are, okay? - and that's part of the sentence. Now, of course, you go out and you give an adult sentence that's stayed, which may be three years in DOC, whatever it may be, and that's stayed. Now, you go out and they violate the conditions of their juvenile sentence. Now, you're right when you say normally, or most of the times, they go out and commit another offense. That's great. Go out and commit an offense while you're on probation, maybe you should be -- the stay should be lifted. But what if it's not that you did another sentence {sic}? What if it's that you missed seeing your counselor? You didn't report to your probation officer? Because it's clear in the Statute, it's clear in the Statute - and that's why I'm trying to get to intent here - it's clear in the Statute that it talks about any violation of the sentence, and then it talks about that it's brought and the judge hears whether or not it's a violation. So missing seeing your counselor is a violation. Not seeing your probation officer is a violation. And it says, then, the -- the judge must lift the stay order and sentence them. The judge has no discretion to say, "Wait a second. He missed his probation officer. I'm not going to lift it." A violation is a violation. So I just want to make sure that if we're going to put it in the hands of judges out there, we're going to put it in the hands of State's Attorneys,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

that there's some intent that committing another felony while you're on felony probation is one thing, but not seeing your probation officer or missing the date is another. So I'd like your comments on it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, similarly to the adult court, first of all, there's a lot of discretion built into this. I mean, if you're never showing up to see your probation officer or you're never staying home for home confinement, I would submit those could be grounds for lifting the stay. But you've got a lot of discretion built in. First of all, the probation officer has to bring it forward. He or she has to determine that it's serious enough to -- to remove them from juvenile jurisdiction. And don't forget that the judges control the probation department. Secondly, you've got to also, then, convince the State's Attorney that this is serious enough to bring the petition to revoke. So that's your second level. Your third level of discretion is if the court thinks, hey, he was just late or he just missed one time, I'm not going to find there was a violation, because the court has to also find the violation. So you've got a number of levels of discretion. It's not intended, in any means, to say that, okay, I'm five minutes late to visit my probation officer or something, we're going to revoke him. After I -- after all, the whole idea of this is another chance, to have this adult sentence hanging over their head so that they will take advantage of the services in the juvenile sentence to not commit the other offenses. So you've got a number of levels of discretion built in: first, with the probation officer, who's controlled by the judge; second, with the State's Attorney; and then third, with the court even finding that there's a violation if it's of the technical kind of nature that

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

you've been talking about.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

Thank you very much. That -- that clears it up. I mean, this was certainly meant so there's something in the record that would go out to probation officers, judges and State's Attorneys throughout the State of Illinois, certainly not my State's Attorney, who would -- already knows this, but other State's Attorneys out there that this should be used exactly what you just said. That it's not being used -- that, okay, if we get you for a little violation, we're going to send you to three years in the Department of Correction, and I just wanted to add that -- state for the record. And the last comment, as to other speakers as far as not enough prevention, well, I, for one, realize that there's -- there's -- I don't think there's ever enough being done for prevention in this State. That -- the Sun-Times had that parable about a baby floating in the river - I don't know if you -- if you saw that - not too long ago, talking about it -- talking about something just like this. There was a fellow on a bridge and he sees a -- he sees a baby floating in the water down the river, wrapped up in a -- you know, in a blanket. So he goes, "Oh, my God", and he rushes down there, and he plucks the baby from the water and puts her on the side, and as he's doing that another baby comes by, and another baby, and he starts plucking these babies. All of a sudden someone's on top and he sees what's going on and he goes down to help him. Now there's two people down there plucking out these babies. The first fellow says, "I'm going", and he jumps out and he starts running up the riverbank. The second guy that came in goes, "Where are you going?" And he says, "I'm going upstream to find out who's throwing these babies in." Now, the moral of the story, obviously, is that somewhere,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

sometime, someplace down the road someone's going to have to jump out of this stream and find out why all these babies are being thrown in this river. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Last speaker, Senator Jones.

SENATOR JONES:

Yeah. Thank you, Madam President. We deal with many pieces of legislation in this Body, but this is one of the most critical pieces of legislation that we'll be dealing with. Because we are dealing with young people, we are really dealing with the future of Illinois, the future of the nation. I want to commend Senator Hawkinson and my colleague, Senator Obama, and those who've worked on this bill to bring about some necessary changes that I felt should be included in this bill. When we talk about young people, young people having the opportunity, young people when they are juveniles making juvenile mistakes, even though we may consider, sometime, it to be an adult mistake, and treat them as an adult when they, in many instances, do not know the consequences or the magnitude of the crime they may have committed. One of the things that really concerned me is when I visited the juvenile detention center and the -- the disparity of those individuals who are incarcerated there. And I raised this with the State's Attorney, Dick Devine, who is sitting here, his aide, Sheila {sic} (Sister) Ryan, and all his -- all his staff, as to the disparity of youngsters at the juvenile detention center, particularly in Cook County. And I wanted included in there and I will -- I will get the answer. Already know the answer, but I wanted included in there some statistical data that would be compiled by the Illinois State Police, to issue a quarterly report based on the age, the race, the sex, and the crime for those persons who are incarcerated. Another problem I have with the bill is that originally the bill was going to fingerprint all juveniles for all

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

types of minor offenses. Working with them, I got them to change that for only felonies. And as I look at the Members who serve in this Body and I look at the Members who serve across the Rotunda, I look at many successful people in this society. Many of those people who are successful may have committed a crime when they were a juvenile. They don't make the same mistakes when they become adults. But if we are going to save -- our society, we must save children. I'm concerned about a youngster who may live in Senator Trotter's district or Senator Hendon's district and that youngster gets picked up for shoplifting. I want that same youngster, for his first offense, to be treated the same as that youngster in Senator Dudycz's district or Senator Pate Philip's district. And that gets down - though we can deal with this in the legislation, but all youngsters - if there's going to be a station adjustment, if an opportunity is going to be -- be made so that youngster can be really rehabilitated, I think that youngster deserves that opportunity. The police powers at the juvenile -- level should treat all children equally. So we -- we -- we insisted in here some standards as it relate to the station adjustments -- a station adjustment. If a child shoplifts in Senator Hendon's district as his first offense, his first contact, that child should be given the same opportunity as a child being from the suburb or northwest side of the City of Chicago, same opportunity to improve so he does not become a habitual criminal, he does not become one who is in the juvenile justice system. I hear all the talk about money. But let me say this to you, and the facts will bear it out: Currently there are dollars there. Illinois Department of Mental Health fund all these delicate agencies. And I know the facts on this here. A lot of youngsters, rather than end up in the juvenile detention center, the youth officer get together and say this child has a mental illness. And that's where a lot of them end up. They don't end

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

up with a record. So we got -- we must look at these programs that we are currently funding through DCFS, we must look at these programs that we are currently funding from the Department of Mental Health, to see that all youngsters are treated equally and fair. Because if we're just going to lock up kids, we're not solving the problem. And in this bill -- in this bill, those standards are in there. The youth officer must treat the children equally. And I would hope that the State's Attorneys around this State would get together and deal with this critical issue, because I know drugs are being sold in suburban schools, I know shoplifting takes place on the northwest side, and I know shoplifting takes place in the suburbs. I don't want a kid, just because he happens to live in a certain area -- he may -- he may steal a car. But in one area he would be arrested and charged with car theft; in another area, "Oh," they say, "he was just joyriding." He's station adjusted out of the system. It's the application of the law. The bill, as it originally started out, was a very bad bill. It has been improved, significantly. And I really appreciate you, Senator Hawkinson, for sitting down, working on this issue. But I want my colleagues on this side of the aisle, and those who oppose equally as well, to realize that there are -- there are dollars currently in this budget, the current State budget, that funds these delicate agencies, and we got to look at those programs and make sure those programs work equally as well in your community as they are working in other communities. I know for a fact the Illinois Department of Mental Health and its agencies, a lot of these same youngsters who come in contact with it, that's where they end up, they got a mental health problem. They have a mental health problem, Senator Collins. I know for a fact. And some youngsters, that's where they go. They don't end up with a juvenile record. And they are saved. So -- so in Senator Hendon's district, in my district, in

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

a lot of other districts, lot of children, due to the family structure and breakdown with drugs and everything, they have a mental problem. We must attempt to save those children. I like the part where you're going to bring in the ministers, bring in the community leaders and sit down with these youngsters and see if you can save them so they don't get tied up in the system. This is a very, very important bill and should not be taken lightly. And you check the records back on most of your successful adults and ask them: Did they come in contact? And they did, a lot of them did come in contact, but they were saved. We must do the same for all youngsters. We must see that the law is applied equally. If a child in his first contact with the youth officer, the State's Attorney treat that child equally as you're going to treat another child from another community. So again, I am going to support this bill based on one fact. I had a long talk with Dick Devine, the State's Attorney, and he assured me that he's going to see that it is applied equally. If not, then we're going to have to revisit this issue again, because I don't like the disparity that I see in the juvenile detention center in -- in the City of Chicago, which is for the entire county of Cook - what happened to some of the other kids. And I know it happens. I know they get arrested. They're riding in the car with a person that has drugs. He hasn't committed a crime. But just because that youngster's riding in the car, he's charged. But it all depends on where that child comes from. That child may not be charged if he's from Northbrook, nor from Bolingbrook, Naperville. He may not be charged. They'll call his parents and whatnot and sit down, do a station adjustment, say, "Stay away from those kids that you are dealing with." But if it's in the City of Chicago in the urban area, that child will be charged, even though the child had not committed a crime. Equal application of the law. So with that I'll support that bill. And

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

Dick Devine, the Cook County State's Attorney, we've talked about this issue and he assured me that the law would be applied equally. And if we can prevent a youngster from getting tied up in this system, then we can move toward saving many of these youngsters and not trying to build more prisons.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton, for what purpose do you rise? Afterwards. I thought you said now. Excuse me. Senator Hawkinson, to close.

SENATOR HAWKINSON:

Thank -- thank you, Madam President. And I appreciate the comments by the many speakers. We have, Senator Jones indicated, worked with him and with Senator Obama to try and incorporate some of these changes. I just got done rereading, for the second time, a book by Pulitzer prize winner, Edward Humes, not for this book, but it's called No Matter How Long -- How Loud I Shout. And it's about a year in the life of the juvenile court in Los Angeles, and it really is a good explanation of the problems with juvenile justice. And it's about the cry for help, the cry for prevention, the -- the cry for building competencies, for rehabilitating. Many times the cry comes from the parents or a parent of the offender who's out of control, who won't go to school, who won't come home at night, who's breaking minor laws, and that parent is crying out for help from the system, from the police, from the courts, for some sort of intervention, some sort of program to turn that young lady or that young boy around. This bill is about, in large part, prevention and, as I said in my opening remarks, trying to cut off and narrow that funnel so that the kids don't come from those first contacts and end up at the bottom of the funnel with that group of chronic offenders who we've sent to adult court. I didn't go over a number of provisions in this bill, but had I it might have short-circuited some of the debate, because we recognize in this legislation that counties may create

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

local county juvenile justice counties {sic}, with a broad range of representation to try and target programs already available within those communities, to provide the kinds of services to youth that are needed in those communities, recognizing current available programs, some of which are very good, like the Chicago Area Project. We have a Knox County Area Project. We have services all over the State that are available in helping young boys and young girls try and stay out of a life of delinquency and crime. The initial draft of this bill would have cut off all the funding for those existing programs and put the funding in these new councils and I said, no, wait a minute. We've got programs out there, like the Chicago Area Project, the Knox County Area Project, and many, many others, that are providing services now, and we want to take advantage of those and enhance those in the prevention aspect. We recognize teen court. We also recognize the mediation panels that are to involve people from the community, as Senator Jones has said, to try and prevent kids from falling down that funnel to where they're really committing violent crimes against society. So I guess I would ask for your affirmative vote on the concurrence to Senate Bill 363 to answer that cry that Edward Humes talks about in No Matter How Loud I Shout, and the cries of -- of parents of -- of young boys and girls who are offending, as well as those who are victims of juvenile crime and who do deserve a right to be protected as we do with the balanced and restorative justice concept. So I would ask for your Aye vote on the concurrence motion to Senate Bill 363.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is final action. And the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 363. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, 2

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

Nays, 4 voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 363, and having received the required constitutional majority, is declared passed. Senator Cullerton, for what purpose do you seek recognition?

SENATOR CULLERTON:

Yes. Point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR CULLERTON:

I just would like to ask the Senate to welcome the State's Attorney of Cook County, Richard Devine, who's here in the back of our Chamber.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be recognized? Welcome to Springfield.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson, for what purpose do you arise, sir?

SENATOR WATSON:

Yes. Thank you. I'd just like to make a comment that Senator Klemm is not here today, due to an illness in his family. And I'd like for the record to reflect that. Senator Klemm.

PRESIDING OFFICER: (SENATOR MAITLAND)

Record will so indicate. And I think, to extend that, Senator Watson, that was yesterday and today. Yes. Okay. Thank you very much. All right. Middle of page 2 of Supplemental Calendar No. 1, Conference Committee Reports, is House Bill 263. Mr. Secretary, do you have on file a conference committee report on House Bill 263?

SECRETARY HARRY:

Yes, Mr. President. First Conference Committee Report on House Bill 263.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. -- thank you, Mr. President, Ladies and Gentlemen of the Senate. In our work in the last Session, as we worked on new agreements and enforcement mechanisms for interconnection agreements in the telecommunications industry, we drafted what, I think, people across the country have said is a pretty good bill. In the initial stages of implementing it, a number of structural problems have come up, as far as timing, deadlines, clarifications, et cetera. This conference committee report makes those corrections in the underlying bill, Senate Bill 700, which is now the new interconnection agreement bill. It also adds -- defines a revenue stream, where the parties -- when we have two private parties engaged in a dispute resolution before the ICC, requires and sets up a mechanism for them to repay the State of Illinois the costs for that arbitration and mediation. There was originally a provision included in this that was requested by some telecommunication carriers that CUB objected to. In the interest of moving this conference committee along, the -- the proponents of that section removed it. This bill now has no -- no known opposition that I'm aware of. CUB put a slip in in support of the bill in hearing yesterday. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just a point of inquiry. I notice in the Calendar it states that this is a Novak - Granberg bill over in the House. It's my understanding it should be a Granberg - Novak. I don't know if that makes any difference, but I just wanted to raise that point.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

Your point is noted, Senator Jacobs. Thank you very much.
Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor leave -- leave for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Does this bill have anything to do with -- well, just some time ago I was besieged by my constituents that the cable television people were charging five dollars for late payment. Now, does this have anything to do with that?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Geo-Karis, no. There's no subject matter involving cable regulation or late fees involved in this bill at all.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Rauschenberger, do you wish to close? All right. Thank you very much. The question is, shall the Senate adopt the Conference Committee Report on House Bill 263. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 54 Ayes, no Nays, 1 Member voting Present. The Senate does adopt the Conference Committee Report on House Bill 263. And the bill, having received the required constitutional majority, is declared passed. All right. Continuing on the middle of page 2 of Supplemental Calendar No. 1 is Senate Bill 120. Mr. Secretary, do you have on file a conference committee report with respect to Senate Bill 120?

SECRETARY HARRY:

Yes, Mr. President. The First Conference Committee Report on

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

Senate Bill 120.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. The Conference Committee Report No. 1 to Senate Bill 120 puts naprapaths or the practice of naprapathy in line with other medical professions when it comes to malpractice suit by stating that an affidavit against a naprapath in a malpractice suit has to be completed by another naprapath. That's simply all that it does. I -- I am aware of no opposition to this bill and would ask favorable consideration of Conference Committee Report No. 1 to Senate Bill 120.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 120. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, no Nays, no Members voting Present. The Senate does adopt the Conference Committee Report with respect to House Bill -- Senate Bill 120. And the bill, having received the required constitutional majority, is declared passed. Bottom of page 2 on Supplemental Calendar No. 1 is House Bill 1485, Motions in Writing to Accept the Specific Recommendations for -- Change. Senator Bomke, on House Bill 1485. I'm sorry. Mr. Secretary, read the motion.

SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to House Bill 1485, in manner and form as follows:

Amendment to House Bill 1485

in Acceptance of Governor's Recommendations

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

The motion filed by Senator Bomke.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. It's nothing more than a technical amendment. Initially the bill had required CMS to adopt the rules of implementing the burial expense benefits. However, the death benefits provided in the same Act is administered jointly by the Illinois Attorney General and the Court of Claims. Thus, the Governor recommends that the Attorney General and Court of Claims administer the burial benefits, and I would move for the -- for the adoption of the concurrence.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Bomke has moved to accept the specific recommendations of the Governor as to House Bill 1485. Is there any discussion? If there -- is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1485, in the manner and form just stated by Senator Bomke. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. The specific recommendations of the Governor as to House Bill 1485, having received the required constitutional majority vote of Senators elected, are declared accepted. ...Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to the Committee on Financial Institutions - Conference Committee Report 1 to House Bill 597; to the Committee on Insurance and Pensions - Senate Bill 1270; to the Committee on Judiciary - Senate Bill

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

1260; to the Committee on Local Government and Elections - Senate Bill 1280 and House Bill 644; to the Committee on Revenue - Senate Bills 1267 and 1273; and to the Committee on Transportation - Senate Bills 1222 and 1250.

PRESIDING OFFICER: (SENATOR MAITLAND)

Consent Calendar. Resolutions.

SECRETARY HARRY:

Senate Resolution 150, offered by Senator Cullerton.

It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Consent Calendar. All right. Ladies and Gentlemen, if I could have your attention, please, we will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HARRY:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there any discussion? If -- if not, the question is, shall the resolutions on the Consent Calendar be adopted. Those in favor will say Aye. Opposed, Nay. The motion carries, and the resolutions are adopted. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 46.

(Secretary reads HJR No. 46)

Adopted by the House, January 28th, 1998.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver now moves to suspend the rules for the purpose of the immediate consideration and adoption of House Joint Resolution 46. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Weaver... Let me have your attention, please. Yes. Are there -- are there any amendments?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Weaver.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver, would you... And would you all give us your attention, please? Senator Weaver.

SENATOR WEAVER:

Thank -- thank you, Mr. President. This amendment clarifies the times that we come back, which were mistakenly put in in the House. So I would move its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver has moved the adoption of Amendment No. 1 to House Joint Resolution. All those in favor, signify by -- by saying Aye. Those opposed, same sign. The motion is carried. Senator Weaver, any further discussion? Is there discussion? If not, Senator Weaver has moved for the adoption of House Joint Resolution 46. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Any further business to come before the Senate? All right. All right. Ladies and Gentlemen, we are effectively finished for the day. We do have some bills to be read in. There will be no other official business that will take place. So the Senate will stand at ease. Madam Secretary, just one moment, please. Just -- just for the record, Ladies and Gentlemen, if you're gone here when we make the adjournment, the Senate will be adjourned until Wednesday, at 11:30 a.m., February 18th - 11:30 a.m., Wednesday, February 18th.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

Budget Message, Madam Secretary. Introduction of Bills, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1295, offered by Senator Farley.

(Secretary reads title of bill)

Senate Bill 1296, offered by Senator Jacobs.

(Secretary reads title of bill)

Senate Bill 1297, offered by Senator del Valle.

(Secretary reads title of bill)

Senate Bill 1298, offered by Senator Madigan.

(Secretary reads title of bill)

Senate Bill 1299, offered by Senator Madigan.

(Secretary reads title of bill)

Senate Bill 1300, offered by Senator Madigan.

(Secretary reads title of bill)

Senate Bill 1301, offered by Senator Madigan.

(Secretary reads title of bill)

Senate Bill 1302, offered by Senators Sieben, Philip and Parker.

(Secretary reads title of bill)

Senate Bill 1303, offered by Senator Molaro.

(Secretary reads title of bill)

Senate Bill 1304, offered by Senator Berman.

(Secretary reads title of bill)

Senate Bill 1305, offered by Senators Peterson and Severns.

(Secretary reads title of bill)

Senate Bill 1306, offered by Senator Mahar.

(Secretary reads title of bill)

Senate Bill 1307, offered by Senator Klemm.

(Secretary reads title of bill)

Senate Bill 1308, offered by Senators Philip, Bomke, Myers, Luechtefeld and Watson.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

72nd Legislative Day

January 29, 1998

(Secretary reads title of bill)

And Senate Bill 1309, offered by Senators Geo-Karis and Madigan.

(Secretary reads title of bill)

1st Reading of those bills.

PRESIDING OFFICER: (SENATOR MAITLAND)

House Bills 1st Reading.

ACTING SECRETARY HAWKER:

House Bill 44, offered by Senator Hawkinson.

(Secretary reads title of bill)

And House Bill 1208, offered by Senator Dillard.

(Secretary reads title of bill)

1st Reading of those House bills.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there any further business to come before the Senate? If not, the Senate stands adjourned until Wednesday, February 18th, at the hour of 11:30 a.m. Senate is adjourned.

JANUARY 29, 1998

HB-0044	FIRST READING	PAGE	51
HB-0263	CONFERENCE	PAGE	43
HB-1208	FIRST READING	PAGE	51
HB-1485	VETO ACTION	PAGE	46
HB-1485	MOTION FILED	PAGE	1
SB-0120	CONFERENCE	PAGE	45
SB-0363	CONCURRENCE	PAGE	4
SB-1282	FIRST READING	PAGE	2
SB-1283	FIRST READING	PAGE	2
SB-1284	FIRST READING	PAGE	2
SB-1285	FIRST READING	PAGE	2
SB-1286	FIRST READING	PAGE	2
SB-1287	FIRST READING	PAGE	2
SB-1288	FIRST READING	PAGE	2
SB-1289	FIRST READING	PAGE	2
SB-1290	FIRST READING	PAGE	2
SB-1291	FIRST READING	PAGE	3
SB-1292	FIRST READING	PAGE	3
SB-1293	FIRST READING	PAGE	3
SB-1294	FIRST READING	PAGE	3
SB-1295	FIRST READING	PAGE	50
SB-1296	FIRST READING	PAGE	50
SB-1297	FIRST READING	PAGE	50
SB-1298	FIRST READING	PAGE	50
SB-1299	FIRST READING	PAGE	50
SB-1300	FIRST READING	PAGE	50
SB-1301	FIRST READING	PAGE	50
SB-1302	FIRST READING	PAGE	50
SB-1303	FIRST READING	PAGE	50
SB-1304	FIRST READING	PAGE	50
SB-1305	FIRST READING	PAGE	50
SB-1306	FIRST READING	PAGE	50
SB-1307	FIRST READING	PAGE	50
SB-1308	FIRST READING	PAGE	50
SB-1309	FIRST READING	PAGE	51
SR-0150	RESOLUTION OFFERED	PAGE	48
HJR-0046	ADOPTED	PAGE	49
HJR-0046	RESOLUTION OFFERED	PAGE	48
SJR-0044	ADOPTED	PAGE	3

SUBJECT MATTER

SENATE TO ORDER-PRESIDENT PHILIP	PAGE	1
PRAYER-THE REVEREND GERRY COMSTOCK	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
JOURNAL-POSTPONED	PAGE	1
COMMITTEE REPORTS	PAGE	1
COMMITTEE REPORTS	PAGE	47
RESOLUTIONS CONSENT CALENDAR-ADOPTED	PAGE	48
MESSAGE FROM THE HOUSE	PAGE	48
ADJOURNMENT	PAGE	51