



Rep. Rita Mayfield

**Filed: 3/22/2023**

10300HB2347ham002

LRB103 28294 RLC 59498 a

1 AMENDMENT TO HOUSE BILL 2347

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2347, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Children and Family Services Act is  
6 amended by changing Section 17a-9 as follows:

7 (20 ILCS 505/17a-9) (from Ch. 23, par. 5017a-9)

8 Sec. 17a-9. Illinois Juvenile Justice Commission.

9 (a) There is hereby created the Illinois Juvenile Justice  
10 Commission which shall consist of 25 persons appointed by the  
11 Governor. The Chairperson of the Commission shall be appointed  
12 by the Governor. Of the initial appointees, 8 shall serve a  
13 one-year term, 8 shall serve a two-year term and 9 shall serve  
14 a three-year term. Thereafter, each successor shall serve a  
15 three-year term. Vacancies shall be filled in the same manner  
16 as original appointments. Once appointed, members shall serve

1 until their successors are appointed and qualified. Members  
2 shall serve without compensation, except they shall be  
3 reimbursed for their actual expenses in the performance of  
4 their duties. The Commission shall carry out the rights,  
5 powers and duties established in subparagraph (3) of paragraph  
6 (a) of Section 223 of the Federal "Juvenile Justice and  
7 Delinquency Prevention Act of 1974", as now or hereafter  
8 amended. The Commission shall determine the priorities for  
9 expenditure of funds made available to the State by the  
10 Federal Government pursuant to that Act. The Commission shall  
11 have the following powers and duties:

12 (1) Development, review and final approval of the  
13 State's juvenile justice plan for funds under the Federal  
14 "Juvenile Justice and Delinquency Prevention Act of 1974";

15 (2) Review and approve or disapprove juvenile justice  
16 and delinquency prevention grant applications to the  
17 Department for federal funds under that Act;

18 (3) Annual submission of recommendations to the  
19 Governor and the General Assembly concerning matters  
20 relative to its function;

21 (4) Responsibility for the review of funds allocated  
22 to Illinois under the "Juvenile Justice and Delinquency  
23 Prevention Act of 1974" to ensure compliance with all  
24 relevant federal laws and regulations;

25 (5) Function as the advisory committee for the State  
26 Youth and Community Services Program as authorized under

1 Section 17 of this Act, and in that capacity be authorized  
2 and empowered to assist and advise the Secretary of Human  
3 Services on matters related to juvenile justice and  
4 delinquency prevention programs and services; ~~and~~

5 (5.5) Study and make recommendations to the General  
6 Assembly regarding the availability of youth services to  
7 reduce the use of detention and prevent deeper criminal  
8 involvement and regarding the impact and advisability of  
9 raising the minimum age of detention to 14, and develop a  
10 process to assist in the implementation of the provisions  
11 of this amendatory Act of the 103rd General Assembly; and

12 (6) Study the impact of, develop timelines, and  
13 propose a funding structure to accommodate the expansion  
14 of the jurisdiction of the Illinois Juvenile Court to  
15 include youth age 17 under the jurisdiction of the  
16 Juvenile Court Act of 1987. The Commission shall submit a  
17 report by December 31, 2011 to the General Assembly with  
18 recommendations on extending juvenile court jurisdiction  
19 to youth age 17 charged with felony offenses.

20 (b) On the effective date of this amendatory Act of the  
21 96th General Assembly, the Illinois Juvenile Jurisdiction Task  
22 Force created by Public Act 95-1031 is abolished and its  
23 duties are transferred to the Illinois Juvenile Justice  
24 Commission as provided in paragraph (6) of subsection (a) of  
25 this Section.

26 (Source: P.A. 96-1199, eff. 1-1-11.)

1 Section 10. The Juvenile Court Act of 1987 is amended by  
2 changing Section 5-410 as follows:

3 (705 ILCS 405/5-410)

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

5 (1) Placement of a minor away from his or her home must be  
6 a last resort and the least restrictive alternative available.

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

12 (2) (a-1) ~~(a)~~ On or after July 1, 2024, any Any minor 12 to  
13 years of age or older arrested pursuant to this Act where there  
14 is probable cause to believe that the minor is a delinquent  
15 minor and that ~~(i)~~ secure custody is a matter of immediate and  
16 urgent necessity, in light of a serious threat to the physical  
17 safety of a person or persons in the community or in order to  
18 secure the presence of the minor at the next hearing, as  
19 evidenced by a demonstrable record of willful failure to  
20 appear at a scheduled court hearing within the past 12 months,  
21 may be kept or detained in an authorized detention facility.  
22 On or after July 1, 2025, with the exception of minors age 12  
23 years or older and charged with first degree murder,  
24 aggravated criminal sexual assault, aggravated battery in

1 which a firearm was used in the offense, or aggravated  
2 vehicular hijacking, any minor 13 years of age or older  
3 arrested pursuant to this Act where there is probable cause to  
4 believe that the minor is a delinquent minor and that secure  
5 custody is a matter of immediate and urgent necessity in light  
6 of a serious threat to the physical safety of a person or  
7 persons in the community, or to secure the presence of the  
8 minor at the next hearing as evidenced by a demonstrable  
9 record of willful failure to appear at a scheduled court  
10 hearing within the past 12 months may be kept or detained in an  
11 authorized detention facility. ~~for the protection of the minor~~  
12 ~~or of the person or property of another, (ii) the minor is~~  
13 ~~likely to flee the jurisdiction of the court, or (iii) the~~  
14 ~~minor was taken into custody under a warrant, may be kept or~~  
15 ~~detained in an authorized detention facility. A minor under 13~~  
16 ~~years of age shall not be admitted, kept, or detained in a~~  
17 ~~detention facility unless a local youth service provider,~~  
18 ~~including a provider through the Comprehensive Community Based~~  
19 ~~Youth Services network, has been contacted and has not been~~  
20 ~~able to accept the minor. No minor under 13 12 years of age~~  
21 ~~shall be detained in a county jail or a municipal lockup for~~  
22 ~~more than 6 hours.~~

23 (a-2) Probation and court services shall document and  
24 share on a monthly basis with the Illinois Juvenile Justice  
25 Commission each instance where alternatives to detention  
26 failed or were lacking, including the basis for detention, the

1 providers who were contacted, and the reason alternatives were  
2 rejected, lacking or denied.

3 (a-3) Instead of detention, minors under the age of 13 who  
4 are in conflict with the law may be held accountable through a  
5 petition under Article 3, Minors Requiring Authoritative  
6 Intervention, or may be held accountable through a community  
7 mediation program as set forth in Section 5-310.

8 (a-5) For a minor arrested or taken into custody for  
9 vehicular hijacking or aggravated vehicular hijacking, a  
10 previous finding of delinquency for vehicular hijacking or  
11 aggravated vehicular hijacking shall be given greater weight  
12 in determining whether secured custody of a minor is a matter  
13 of immediate and urgent necessity for the protection of the  
14 minor or of the person or property of another.

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

24 (b-4) The consultation required by paragraph (b-5) shall  
25 not be applicable if the probation officer or detention  
26 officer (or other public officer designated by the court in a

1 county having 3,000,000 or more inhabitants) utilizes a  
2 scorable detention screening instrument, which has been  
3 developed with input by the State's Attorney, to determine  
4 whether a minor should be detained, however, paragraph (b-5)  
5 shall still be applicable where no such screening instrument  
6 is used or where the probation officer, detention officer (or  
7 other public officer designated by the court in a county  
8 having 3,000,000 or more inhabitants) deviates from the  
9 screening instrument.

10 (b-5) Subject to the provisions of paragraph (b-4), if a  
11 probation officer or detention officer (or other public  
12 officer designated by the court in a county having 3,000,000  
13 or more inhabitants) does not intend to detain a minor for an  
14 offense which constitutes one of the following offenses he or  
15 she shall consult with the State's Attorney's Office prior to  
16 the release of the minor: first degree murder, second degree  
17 murder, involuntary manslaughter, criminal sexual assault,  
18 aggravated criminal sexual assault, aggravated battery with a  
19 firearm as described in Section 12-4.2 or subdivision (e) (1),  
20 (e) (2), (e) (3), or (e) (4) of Section 12-3.05, aggravated or  
21 heinous battery involving permanent disability or  
22 disfigurement or great bodily harm, robbery, aggravated  
23 robbery, armed robbery, vehicular hijacking, aggravated  
24 vehicular hijacking, vehicular invasion, arson, aggravated  
25 arson, kidnapping, aggravated kidnapping, home invasion,  
26 burglary, or residential burglary.

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

8           (i) The period of detention is deemed to have begun  
9           once the minor has been placed in a locked room or cell or  
10          handcuffed to a stationary object in a building housing a  
11          county jail or municipal lockup. Time spent transporting a  
12          minor is not considered to be time in detention or secure  
13          custody.

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

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

21          (iv) A log shall be kept which shows the offense which  
22          is the basis for the detention, the reasons and  
23          circumstances for the decision to detain, and the length  
24          of time the minor was in detention.

25          (v) Violation of the time limit on detention in a  
26          county jail or municipal lockup shall not, in and of



1           itself, render inadmissible evidence obtained as a result  
2           of the violation of this time limit. Minors under 18 years  
3           of age shall be kept separate from confined adults and may  
4           not at any time be kept in the same cell, room, or yard  
5           with adults confined pursuant to criminal law. Persons 18  
6           years of age and older who have a petition of delinquency  
7           filed against them may be confined in an adult detention  
8           facility. In making a determination whether to confine a  
9           person 18 years of age or older who has a petition of  
10          delinquency filed against the person, these factors, among  
11          other matters, shall be considered:

12                   (A) the age of the person;

13                   (B) any previous delinquent or criminal history of  
14          the person;

15                   (C) any previous abuse or neglect history of the  
16          person; and

17                   (D) any mental health or educational history of  
18          the person, or both.

19          (d) (i) If a minor 12 years of age or older is confined in  
20          a county jail in a county with a population below 3,000,000  
21          inhabitants, then the minor's confinement shall be implemented  
22          in such a manner that there will be no contact by sight, sound,  
23          or otherwise between the minor and adult prisoners. Minors 12  
24          years of age or older must be kept separate from confined  
25          adults and may not at any time be kept in the same cell, room,  
26          or yard with confined adults. This paragraph (d) (i) shall only

1 apply to confinement pending an adjudicatory hearing and shall  
2 not exceed 40 hours, excluding Saturdays, Sundays, and  
3 court-designated holidays. To accept or hold minors during  
4 this time period, county jails shall comply with all  
5 monitoring standards adopted by the Department of Corrections  
6 and training standards approved by the Illinois Law  
7 Enforcement Training Standards Board.

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

16 (iii) To accept or hold minors 12 years of age or older,  
17 after the time period prescribed in paragraphs (d)(i) and  
18 (d)(ii) of this subsection (2) of this Section, county jails  
19 shall comply with all county juvenile detention standards  
20 adopted by the Department of Juvenile Justice.

21 (e) When a minor who is at least 15 years of age is  
22 prosecuted under the criminal laws of this State, the court  
23 may enter an order directing that the juvenile be confined in  
24 the county jail. However, any juvenile confined in the county  
25 jail under this provision shall be separated from adults who  
26 are confined in the county jail in such a manner that there

1 will be no contact by sight, sound or otherwise between the  
2 juvenile and adult prisoners.

3 (f) For purposes of appearing in a physical lineup, the  
4 minor may be taken to a county jail or municipal lockup under  
5 the direct and constant supervision of a juvenile police  
6 officer. During such time as is necessary to conduct a lineup,  
7 and while supervised by a juvenile police officer, the sight  
8 and sound separation provisions shall not apply.

9 (g) For purposes of processing a minor, the minor may be  
10 taken to a county jail or municipal lockup under the direct and  
11 constant supervision of a law enforcement officer or  
12 correctional officer. During such time as is necessary to  
13 process the minor, and while supervised by a law enforcement  
14 officer or correctional officer, the sight and sound  
15 separation provisions shall not apply.

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

24 (4) Any minor taken into temporary custody, not requiring  
25 secure detention, may, however, be detained in the home of his  
26 or her parent or guardian subject to such conditions as the

1 court may impose.

2 (5) The changes made to this Section by Public Act 98-61  
3 apply to a minor who has been arrested or taken into custody on  
4 or after January 1, 2014 (the effective date of Public Act  
5 98-61).

6 (Source: P.A. 100-745, eff. 8-10-18; 101-81, eff. 7-12-19.)".