

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-601 and by adding Section 5-602 as follows:

6 (705 ILCS 405/5-601)

7 Sec. 5-601. Trial.

8 (1) When a petition has been filed alleging that the minor
9 is a delinquent, a trial must be held within 120 days of a
10 written demand for such hearing made by any party, except that
11 when the State, without success, has exercised due diligence
12 to obtain evidence material to the case and there are
13 reasonable grounds to believe that the evidence may be
14 obtained at a later date, the court may, upon motion by the
15 State, continue the trial for not more than 30 additional
16 days.

17 (2) If a minor respondent has multiple delinquency
18 petitions pending against the minor in the same county and
19 simultaneously demands a trial upon more than one delinquency
20 petition pending against the minor in the same county, the
21 minor shall receive a trial or have a finding, after waiver of
22 trial, upon at least one such petition before expiration
23 relative to any of the pending petitions of the period

1 described by this Section. All remaining petitions thus
2 pending against the minor respondent shall be adjudicated
3 within 120 ~~160~~ days from the date on which a finding relative
4 to the first petition prosecuted is rendered under Section
5 5-620 of this Article, or, if the trial upon the first petition
6 is terminated without a finding and there is no subsequent
7 trial, or adjudication after waiver of trial, on the first
8 petition within a reasonable time, the minor shall receive a
9 trial upon all of the remaining petitions within 120 ~~160~~ days
10 from the date on which the trial, or finding after waiver of
11 trial, on the first petition is concluded. If either such
12 period of 120 ~~160~~ days expires without the commencement of
13 trial, or adjudication after waiver of trial, of any of the
14 remaining pending petitions, the petition or petitions shall
15 be dismissed and barred for want of prosecution unless the
16 delay is occasioned by any of the reasons described in this
17 Section.

18 (3) When no such trial is held within the time required by
19 subsections (1) and (2) of this Section, the court shall, upon
20 motion by any party, dismiss the petition with prejudice.

21 (3.5) The period in which a trial shall be held as
22 prescribed by this Section is tolled by: (i) delay occasioned
23 by the minor; (ii) a continuance allowed pursuant to Section
24 114-4 of the Code of Criminal Procedure of 1963 after the
25 court's determination of the minor's incapacity for trial;
26 (iii) an interlocutory appeal; (iv) an examination of fitness

1 ordered pursuant to Section 104-13 of the Code of Criminal
2 Procedure of 1963; (v) a fitness hearing; or (vi) an
3 adjudication of unfitness for trial. Any such delay shall
4 temporarily suspend, for the time of the delay, the period
5 within which a trial must be held as prescribed by this
6 Section. On the day of expiration of the delays, the period
7 shall continue at the point at which the time was suspended.

8 (4) (Blank). ~~Without affecting the applicability of the~~
9 ~~tolling and multiple prosecution provisions of subsections (8)~~
10 ~~and (2) of this Section when a petition has been filed alleging~~
11 ~~that the minor is a delinquent and the minor is in detention or~~
12 ~~shelter care, the trial shall be held within 30 calendar days~~
13 ~~after the date of the order directing detention or shelter~~
14 ~~care, or the earliest possible date in compliance with the~~
15 ~~provisions of Section 5-525 as to the custodial parent,~~
16 ~~guardian or legal custodian, but no later than 45 calendar~~
17 ~~days from the date of the order of the court directing~~
18 ~~detention or shelter care. When the petition alleges the minor~~
19 ~~has committed an offense involving a controlled substance as~~
20 ~~defined in the Illinois Controlled Substances Act or~~
21 ~~methamphetamine as defined in the Methamphetamine Control and~~
22 ~~Community Protection Act, the court may, upon motion of the~~
23 ~~State, continue the trial for receipt of a confirmatory~~
24 ~~laboratory report for up to 45 days after the date of the order~~
25 ~~directing detention or shelter care. When the petition alleges~~
26 ~~the minor committed an offense that involves the death of,~~

1 ~~great bodily harm to or sexual assault or aggravated criminal~~
2 ~~sexual abuse on a victim, the court may, upon motion of the~~
3 ~~State, continue the trial for not more than 70 calendar days~~
4 ~~after the date of the order directing detention or shelter~~
5 ~~care.~~

6 ~~Any failure to comply with the time limits of this Section~~
7 ~~shall require the immediate release of the minor from~~
8 ~~detention, and the time limits set forth in subsections (1)~~
9 ~~and (2) shall apply.~~

10 (4.5) Agreeing to a continuance for trial or status based
11 on the failure of the State to complete discovery shall not be
12 considered a delay occasioned by the minor for purposes of
13 subsection (3.5). Further, demanding trial under subsection
14 (1) or (2) does not relieve the State of its ongoing duty to
15 tender discovery.

16 (5) If the court determines that the State, without
17 success, has exercised due diligence to timely obtain the
18 results of DNA testing that is material to the case, and that
19 there are reasonable grounds to believe that the results may
20 be obtained at a later date, the court may continue the cause
21 on application of the State for not more than 60 ~~120 additional~~
22 days, except if the petition alleges that the minor has
23 committed the offense of first degree murder in violation of
24 Section 9-1 of the Criminal Code of 2012 or aggravated
25 criminal sexual assault in violation of Section 11-1.30 of the
26 Criminal Code of 2012, the court may continue the cause on

1 ~~application of the State for not more than 120 days. The court~~
2 ~~may also extend the period of detention of the minor for not~~
3 ~~more than 120 additional days.~~

4 (6) (Blank). ~~If the State's Attorney makes a written~~
5 ~~request that a proceeding be designated an extended juvenile~~
6 ~~jurisdiction prosecution, and the minor is in detention, the~~
7 ~~period the minor can be held in detention pursuant to~~
8 ~~subsection (4), shall be extended an additional 30 days after~~
9 ~~the court determines whether the proceeding will be designated~~
10 ~~an extended juvenile jurisdiction prosecution or the State's~~
11 ~~Attorney withdraws the request for extended juvenile~~
12 ~~jurisdiction prosecution.~~

13 (7) (Blank). ~~When the State's Attorney files a motion for~~
14 ~~waiver of jurisdiction pursuant to Section 5-805, and the~~
15 ~~minor is in detention, the period the minor can be held in~~
16 ~~detention pursuant to subsection (4), shall be extended an~~
17 ~~additional 30 days if the court denies motion for waiver of~~
18 ~~jurisdiction or the State's Attorney withdraws the motion for~~
19 ~~waiver of jurisdiction.~~

20 (8) (Blank). ~~The period in which a trial shall be held as~~
21 ~~prescribed by subsections (1), (2), (3), (4), (5), (6), or (7)~~
22 ~~of this Section is tolled by: (i) delay occasioned by the~~
23 ~~minor; (ii) a continuance allowed pursuant to Section 114-4 of~~
24 ~~the Code of Criminal Procedure of 1963 after the court's~~
25 ~~determination of the minor's incapacity for trial; (iii) an~~
26 ~~interlocutory appeal; (iv) an examination of fitness ordered~~

~~pursuant to Section 104-13 of the Code of Criminal Procedure of 1963; (v) a fitness hearing; or (vi) an adjudication of unfitness for trial. Any such delay shall temporarily suspend, for the time of the delay, the period within which a trial must be held as prescribed by subsections (1), (2), (4), (5), and (6) of this Section. On the day of expiration of the delays the period shall continue at the point at which the time was suspended.~~

~~(9) (Blank). Nothing in this Section prevents the minor or the minor's parents, guardian or legal custodian from exercising their respective rights to waive the time limits set forth in this Section.~~

(Source: P.A. 103-22, eff. 8-8-23; revised 9-20-23.)

(705 ILCS 405/5-602 new)

Sec. 5-602. Pretrial detention.

(1) When a petition has been filed alleging that the minor is a delinquent and the minor is in detention or shelter care, the trial shall be held within 30 calendar days after the date of the order directing detention or shelter care, or the earliest possible date in compliance with the provisions of Section 5-525 as to the custodial parent, guardian, or legal custodian, but no later than 45 calendar days from the date of the order of the court directing detention or shelter care. This time includes any time a minor spends in custody on a release upon request to Department of Children and Family

1 Services status. When the petition alleges the minor committed
2 an offense that involves the death of or great bodily harm to a
3 victim, the court may, upon motion of the State, continue the
4 trial for not more than 70 calendar days after the date of the
5 order directing detention or shelter care.

6 (2) Any failure to comply with the time limits of this
7 Section shall require the immediate release of the minor from
8 detention and the time limits set forth in subsections (1) and
9 (2) of Section 5-601 shall apply.

10 (3) As the speedy trial provisions outlined in Section
11 5-601 and this Section are distinctly separate statute
12 Sections, a minor need not demand trial for this Section to
13 apply.

14 (4) Notwithstanding the provisions of subsection (2) of
15 Section 5-601, the detention provisions of this Section govern
16 a minor who has multiple delinquency petitions filed against
17 him or her. A minor shall not be held longer than the times
18 described in this Section while awaiting trial. If immediate
19 and urgent necessity has been found pursuant to Section 5-501
20 ordering a minor to be held, the hold shall be on all pending
21 cases.

22 (5) If the State's Attorney makes a written request that a
23 proceeding be designated an extended juvenile jurisdiction
24 prosecution, and the minor is in detention, the period the
25 minor may be held in detention may be extended an additional 30
26 days. A pending extended juvenile jurisdiction petition shall

1 not be a basis for detention past the prescribed time periods
2 in this Section.

3 (6) When the State's Attorney files a motion for waiver of
4 jurisdiction pursuant to Section 5-805, and the minor is in
5 detention, the period the minor may be held in detention may be
6 extended an additional 30 days. A pending transfer petition
7 shall not be a basis for detention past the prescribed time
8 periods in this Section.

9 (6.5) If the court determines that the State, without
10 success, has exercised due diligence to timely obtain the
11 results of DNA testing that is material to the case, and that
12 there are reasonable grounds to believe that the results may
13 be obtained at a later date, the court may extend the period of
14 detention of the minor to not more than 70 days, only for any
15 matter for which the minor may be committed to the Department
16 of Juvenile Justice.

17 (7) The period in which a trial shall be held as prescribed
18 by this Section is tolled by: (i) delay occasioned by the
19 minor; (ii) a continuance allowed pursuant to Section 114-4 of
20 the Code of Criminal Procedure of 1963 after the court's
21 determination of the minor's incapacity for trial; (iii) an
22 interlocutory appeal; (iv) an examination of fitness ordered
23 pursuant to Section 104-13 of the Code of Criminal Procedure
24 of 1963; (v) a fitness hearing; or (vi) an adjudication of
25 unfitness for trial. Any such delay shall temporarily suspend,
26 for the time of the delay, the period within which a trial must

1 be held as prescribed by this Section.

2 (8) Agreeing to a continuance for trial or status based on
3 the failure of the State to complete discovery shall not be
4 considered a delay occasioned by the minor for purposes of
5 this Section. Time needed to prepare a defense to a State
6 motion such as an extended juvenile jurisdiction petition in
7 subsection (5) or a transfer petition in subsection (6) shall
8 not be considered a delay occasioned by the minor.