



Rep. Justin Slaughter

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10300HB5070ham002

LRB103 37039 RLC 72384 a

1 AMENDMENT TO HOUSE BILL 5070

2 AMENDMENT NO. _____. Amend House Bill 5070 by replacing
3 everything after the enacting clause with the following:

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.

1 (2) If a minor respondent has multiple delinquency
2 petitions pending against the minor in the same county and
3 simultaneously demands a trial upon more than one delinquency
4 petition pending against the minor in the same county, the
5 minor shall receive a trial or have a finding, after waiver of
6 trial, upon at least one such petition before expiration
7 relative to any of the pending petitions of the period
8 described by this Section. All remaining petitions thus
9 pending against the minor respondent shall be adjudicated
10 within 120 ~~160~~ days from the date on which a finding relative
11 to the first petition prosecuted is rendered under Section
12 5-620 of this Article, or, if the trial upon the first petition
13 is terminated without a finding and there is no subsequent
14 trial, or adjudication after waiver of trial, on the first
15 petition within a reasonable time, the minor shall receive a
16 trial upon all of the remaining petitions within 120 ~~160~~ days
17 from the date on which the trial, or finding after waiver of
18 trial, on the first petition is concluded. If either such
19 period of 120 ~~160~~ days expires without the commencement of
20 trial, or adjudication after waiver of trial, of any of the
21 remaining pending petitions, the petition or petitions shall
22 be dismissed and barred for want of prosecution unless the
23 delay is occasioned by any of the reasons described in this
24 Section.

25 (3) When no such trial is held within the time required by
26 subsections (1) and (2) of this Section, the court shall, upon

1 motion by any party, dismiss the petition with prejudice.

2 (3.5) The period in which a trial shall be held as
3 prescribed by this Section is tolled by: (i) delay occasioned
4 by the minor; (ii) a continuance allowed pursuant to Section
5 114-4 of the Code of Criminal Procedure of 1963 after the
6 court's determination of the minor's incapacity for trial;
7 (iii) an interlocutory appeal; (iv) an examination of fitness
8 ordered pursuant to Section 104-13 of the Code of Criminal
9 Procedure of 1963; (v) a fitness hearing; or (vi) an
10 adjudication of unfitness for trial. Any such delay shall
11 temporarily suspend, for the time of the delay, the period
12 within which a trial must be held as prescribed by this
13 Section. On the day of expiration of the delays, the period
14 shall continue at the point at which the time was suspended.

15 ~~(4) (Blank). Without affecting the applicability of the~~
16 ~~tolling and multiple prosecution provisions of subsections (8)~~
17 ~~and (2) of this Section when a petition has been filed alleging~~
18 ~~that the minor is a delinquent and the minor is in detention or~~
19 ~~shelter care, the trial shall be held within 30 calendar days~~
20 ~~after the date of the order directing detention or shelter~~
21 ~~care, or the earliest possible date in compliance with the~~
22 ~~provisions of Section 5-525 as to the custodial parent,~~
23 ~~guardian or legal custodian, but no later than 45 calendar~~
24 ~~days from the date of the order of the court directing~~
25 ~~detention or shelter care. When the petition alleges the minor~~
26 ~~has committed an offense involving a controlled substance as~~

1 ~~defined in the Illinois Controlled Substances Act or~~
2 ~~methamphetamine as defined in the Methamphetamine Control and~~
3 ~~Community Protection Act, the court may, upon motion of the~~
4 ~~State, continue the trial for receipt of a confirmatory~~
5 ~~laboratory report for up to 45 days after the date of the order~~
6 ~~directing detention or shelter care. When the petition alleges~~
7 ~~the minor committed an offense that involves the death of,~~
8 ~~great bodily harm to or sexual assault or aggravated criminal~~
9 ~~sexual abuse on a victim, the court may, upon motion of the~~
10 ~~State, continue the trial for not more than 70 calendar days~~
11 ~~after the date of the order directing detention or shelter~~
12 ~~care.~~

13 ~~Any failure to comply with the time limits of this Section~~
14 ~~shall require the immediate release of the minor from~~
15 ~~detention, and the time limits set forth in subsections (1)~~
16 ~~and (2) shall apply.~~

17 (4.5) Agreeing to a continuance for trial or status based
18 on the failure of the State to complete discovery shall not be
19 considered a delay occasioned by the minor for purposes of
20 subsection (3.5). Further, demanding trial under subsection
21 (1) or (2) does not relieve the State of its ongoing duty to
22 tender discovery.

23 (5) If the court determines that the State, without
24 success, has exercised due diligence to timely obtain the
25 results of DNA testing that is material to the case, and that
26 there are reasonable grounds to believe that the results may

1 be obtained at a later date, the court may continue the cause
2 on application of the State for not more than 60 ~~120 additional~~
3 days, except if the petition alleges that the minor has
4 committed the offense of first degree murder in violation of
5 Section 9-1 of the Criminal Code of 2012 or aggravated
6 criminal sexual assault in violation of Section 11-1.30 of the
7 Criminal Code of 2012, the court may continue the cause on
8 application of the State for not more than 120 days. ~~The court~~
9 ~~may also extend the period of detention of the minor for not~~
10 ~~more than 120 additional days.~~

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

20 (7) (Blank). ~~When the State's Attorney files a motion for~~
21 ~~waiver of jurisdiction pursuant to Section 5-805, and the~~
22 ~~minor is in detention, the period the minor can be held in~~
23 ~~detention pursuant to subsection (4), shall be extended an~~
24 ~~additional 30 days if the court denies motion for waiver of~~
25 ~~jurisdiction or the State's Attorney withdraws the motion for~~
26 ~~waiver of jurisdiction.~~

1 (8) (Blank). ~~The period in which a trial shall be held as~~
2 ~~prescribed by subsections (1), (2), (3), (4), (5), (6), or (7)~~
3 ~~of this Section is tolled by: (i) delay occasioned by the~~
4 ~~minor; (ii) a continuance allowed pursuant to Section 114-4 of~~
5 ~~the Code of Criminal Procedure of 1963 after the court's~~
6 ~~determination of the minor's incapacity for trial; (iii) an~~
7 ~~interlocutory appeal; (iv) an examination of fitness ordered~~
8 ~~pursuant to Section 104-13 of the Code of Criminal Procedure~~
9 ~~of 1963; (v) a fitness hearing; or (vi) an adjudication of~~
10 ~~unfitness for trial. Any such delay shall temporarily suspend,~~
11 ~~for the time of the delay, the period within which a trial must~~
12 ~~be held as prescribed by subsections (1), (2), (4), (5), and~~
13 ~~(6) of this Section. On the day of expiration of the delays the~~
14 ~~period shall continue at the point at which the time was~~
15 ~~suspended.~~

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

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

21 (705 ILCS 405/5-602 new)

22 Sec. 5-602. Pretrial detention.

23 (1) When a petition has been filed alleging that the minor
24 is a delinquent and the minor is in detention or shelter care,
25 the trial shall be held within 30 calendar days after the date

1 of the order directing detention or shelter care, or the
2 earliest possible date in compliance with the provisions of
3 Section 5-525 as to the custodial parent, guardian, or legal
4 custodian, but no later than 45 calendar days from the date of
5 the order of the court directing detention or shelter care.
6 This time includes any time a minor spends in custody on a
7 release upon request to Department of Children and Family
8 Services status. When the petition alleges the minor committed
9 an offense that involves the death of or great bodily harm to a
10 victim, the court may, upon motion of the State, continue the
11 trial for not more than 70 calendar days after the date of the
12 order directing detention or shelter care.

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

17 (3) As the speedy trial provisions outlined in Section
18 5-601 and this Section are distinctly separate statute
19 Sections, a minor need not demand trial for this Section to
20 apply.

21 (4) Notwithstanding the provisions of subsection (2) of
22 Section 5-601, the detention provisions of this Section govern
23 a minor who has multiple delinquency petitions filed against
24 him or her. A minor shall not be held longer than the times
25 described in this Section while awaiting trial. If immediate
26 and urgent necessity has been found pursuant to Section 5-501

1 ordering a minor to be held, the hold shall be on all pending
2 cases.

3 (5) If the State's Attorney makes a written request that a
4 proceeding be designated an extended juvenile jurisdiction
5 prosecution, and the minor is in detention, the period the
6 minor may be held in detention may be extended an additional 30
7 days. A pending extended juvenile jurisdiction petition shall
8 not be a basis for detention past the prescribed time periods
9 in this Section.

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

16 (6.5) 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 extend the period of
21 detention of the minor to not more than 70 days, only for any
22 matter for which the minor may be committed to the Department
23 of Juvenile Justice.

24 (7) The period in which a trial shall be held as prescribed
25 by this Section is tolled by: (i) delay occasioned by the
26 minor; (ii) a continuance allowed pursuant to Section 114-4 of

1 the Code of Criminal Procedure of 1963 after the court's
2 determination of the minor's incapacity for trial; (iii) an
3 interlocutory appeal; (iv) an examination of fitness ordered
4 pursuant to Section 104-13 of the Code of Criminal Procedure
5 of 1963; (v) a fitness hearing; or (vi) an adjudication of
6 unfitness for trial. Any such delay shall temporarily suspend,
7 for the time of the delay, the period within which a trial must
8 be held as prescribed by this Section.

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