

AN ACT concerning courts.

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

Section 5. The Juvenile Court Act of 1987 is amended by changing Sections 5-310 and 5-705 as follows:

(705 ILCS 405/5-310)

Sec. 5-310. Community mediation program.

(1) Program purpose. The purpose of community mediation is to provide a system by which minors who commit delinquent acts may be dealt with in a speedy and informal manner at the community or neighborhood level. The goal is to make the juvenile understand the seriousness of the juvenile's actions and the effect that a crime has on the minor, the minor's family, the minor's victim and the minor's community. In addition, this system offers a method to reduce the ever-increasing instances of delinquent acts while permitting the judicial system to deal effectively with cases that are more serious in nature.

(2) Community mediation panels. Either the court or the ~~The~~ State's Attorney, or both, or an entity designated by the State's Attorney, may establish community mediation programs designed to provide citizen participation in addressing juvenile delinquency. The State's Attorney, or the State's

Attorney's designee, shall maintain a list of qualified persons who have agreed to serve as community mediators. To the maximum extent possible, panel membership shall reflect the social-economic, racial and ethnic make-up of the community in which the panel sits. The panel shall consist of members with a diverse background in employment, education and life experience.

(3) Community mediation cases.

(a) Community mediation programs shall provide one or more community mediation panels to informally hear cases that are referred by a police officer as a station adjustment, or a probation officer as a probation adjustment, or referred by the State's Attorney as a diversion from prosecution.

(b) Minors who are offered the opportunity to participate in the program must admit responsibility for the offense to be eligible for the program.

(4) Disposition of cases. Subsequent to any hearing held, the community mediation panel may:

(a) Refer the minor for placement in a community-based nonresidential program.

(b) Refer the minor or the minor's family to community counseling.

(c) Require the minor to perform up to 100 hours of community service.

(d) Require the minor to make restitution in money or

in kind in a case involving property damage; however, the amount of restitution shall not exceed the amount of actual damage to property.

(e) Require the minor and the minor's parent, guardian, or legal custodian to undergo an approved screening for substance abuse or use, or both. If the screening indicates a need, a drug and alcohol assessment of the minor and the minor's parent, guardian, or legal custodian shall be conducted by an entity licensed by the Department of Human Services, as a successor to the Department of Alcoholism and Substance Abuse. The minor and the minor's parent, guardian, or legal custodian shall adhere to and complete all recommendations to obtain drug and alcohol treatment and counseling resulting from the assessment.

(f) Require the minor to attend school.

(g) Require the minor to attend tutorial sessions.

(h) Impose any other restrictions or sanctions that are designed to encourage responsible and acceptable behavior and are agreed upon by the participants of the community mediation proceedings.

(5) The agreement shall run no more than 6 months. All community mediation panel members and observers are required to sign the following oath of confidentiality prior to commencing community mediation proceedings:

"I solemnly swear or affirm that I will not

divulge, either by words or signs, any information about the case which comes to my knowledge in the course of a community mediation presentation and that I will keep secret all proceedings which may be held in my presence.

Further, I understand that if I break confidentiality by telling anyone else the names of community mediation participants, except for information pertaining to the community mediation panelists themselves, or any other specific details of the case which may identify that juvenile, I will no longer be able to serve as a community mediation panel member or observer."

(6) The State's Attorney shall adopt rules and procedures governing administration of the program.

(Source: P.A. 103-22, eff. 8-8-23.)

(705 ILCS 405/5-705)

Sec. 5-705. Sentencing hearing; evidence; continuance.

(1) In this subsection (1), "violent crime" has the same meaning ascribed to the term in subsection (c) of Section 3 of the Rights of Crime Victims and Witnesses Act. At the sentencing hearing, the court shall determine whether it is in the best interests of the minor or the public that the minor be made a ward of the court, and, if the minor is to be made a ward of the court, the court shall determine the proper

disposition best serving the interests of the minor and the public. All evidence helpful in determining these questions, including oral and written reports, may be admitted and may be relied upon to the extent of its probative value, even though not competent for the purposes of the trial. A crime victim shall be allowed to present an oral or written statement, as guaranteed by Article I, Section 8.1 of the Illinois Constitution and as provided in Section 6 of the Rights of Crime Victims and Witnesses Act, in any case in which: (a) a juvenile has been adjudicated delinquent for a violent crime after a bench or jury trial; or (b) the petition alleged the commission of a violent crime and the juvenile has been adjudicated delinquent under a plea agreement of a crime that is not a violent crime. The court shall allow a victim to make an oral statement if the victim is present in the courtroom and requests to make an oral statement. An oral statement includes the victim or a representative of the victim reading the written statement. The court may allow persons impacted by the crime who are not victims under subsection (a) of Section 3 of the Rights of Crime Victims and Witnesses Act to present an oral or written statement. A victim and any person making an oral statement shall not be put under oath or subject to cross-examination. A record of a prior continuance under supervision under Section 5-615, whether successfully completed or not, is admissible at the sentencing hearing. No order of commitment to the Department of Juvenile Justice

shall be entered against a minor before a written report of social investigation, which has been completed within the previous 60 days, is presented to and considered by the court.

(2) Once a party has been served in compliance with Section 5-525, no further service or notice must be given to that party prior to proceeding to a sentencing hearing. Before imposing sentence the court shall advise the State's Attorney and the parties who are present or their counsel of the factual contents and the conclusions of the reports prepared for the use of the court and considered by it, and afford fair opportunity, if requested, to controvert them. Factual contents, conclusions, documents and sources disclosed by the court under this paragraph shall not be further disclosed without the express approval of the court.

(3) (a) Prior to entering a sentence, the court may, where such services or processes are available, require the parties involved to consider participation in a restorative practice, such as a conference or circle as defined in Section 8-804.5 of the Code of Civil Procedure, to identify and repair harm to the extent possible, address trauma, reduce the likelihood of further harm, and strengthen community ties by focusing on the needs and obligations of all parties involved through a participatory process. Participation in the process shall be voluntary by all parties, and any resulting agreement shall contain only reasonable and proportionate obligations. The agreement shall be recommended to the court as an alternative

to sentencing under this Section.

(b) On its own motion or that of the State's Attorney, a parent, guardian, legal custodian, or counsel, the court may adjourn the hearing for a reasonable period to receive reports or other evidence and, in such event, shall make an appropriate order for detention of the minor or the minor's release from detention subject to supervision by the court during the period of the continuance. In the event the court shall order detention hereunder, the period of the continuance shall not exceed 30 court days. At the end of such time, the court shall release the minor from detention unless notice is served at least 3 days prior to the hearing on the continued date that the State will be seeking an extension of the period of detention, which notice shall state the reason for the request for the extension. The extension of detention may be for a maximum period of an additional 15 court days or a lesser number of days at the discretion of the court. However, at the expiration of the period of extension, the court shall release the minor from detention if a further continuance is granted. In scheduling investigations and hearings, the court shall give priority to proceedings in which a minor is in detention or has otherwise been removed from the minor's home before a sentencing order has been made.

(4) When commitment to the Department of Juvenile Justice is ordered, the court shall state the basis for selecting the particular disposition, and the court shall prepare such a

statement for inclusion in the record.

(5) Before a sentencing order is entered by the court under Section 5-710 for a minor adjudged delinquent for a violation of paragraph (3.5) of subsection (a) of Section 26-1 of the Criminal Code of 2012, in which the minor made a threat of violence, death, or bodily harm against a person, school, school function, or school event, the court may order a mental health evaluation of the minor by a physician, clinical psychologist, or qualified examiner, whether employed by the State, by any public or private mental health facility or part of the facility, or by any public or private medical facility or part of the facility. A statement made by a minor during the course of a mental health evaluation conducted under this subsection (5) is not admissible on the issue of delinquency during the course of an adjudicatory hearing held under this Act. Neither the physician, clinical psychologist, or qualified examiner, or the employer of the physician, clinical psychologist, or qualified examiner, shall be held criminally, civilly, or professionally liable for performing a mental health examination under this subsection (5), except for willful or wanton misconduct. In this subsection (5), "qualified examiner" has the meaning provided in Section 1-122 of the Mental Health and Developmental Disabilities Code. (Source: P.A. 103-22, eff. 8-8-23; 103-605, eff. 7-1-24.)