

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 Section 5-810 as follows:

(705 ILCS 405/5-810)

Sec. 5-810. Extended jurisdiction juvenile prosecutions.

(1)(a) The ~~If the~~ State's Attorney may file ~~files~~ a written petition, at any time prior to commencement of the minor's trial, to designate the proceeding as an extended jurisdiction juvenile prosecution when ~~and~~ the petition alleges the commission by a minor 13 years of age or older of any offense which would be a felony if committed by an adult, ~~and, if the juvenile judge assigned to hear and determine petitions to designate the proceeding as an extended jurisdiction juvenile prosecution determines that there is probable cause to believe that the allegations in the petition and motion are true, there is a rebuttable presumption that the proceeding shall be designated as an extended jurisdiction juvenile proceeding.~~

(b) Upon filing of a petition, the ~~The~~ judge shall conduct a hearing at which he or she shall first determine whether there is probable cause to believe that the allegations in the

petition and motion are true. If probable cause is found, the judge shall enter an order designating the proceeding as an extended jurisdiction juvenile proceeding if ~~unless~~ the judge makes a finding based on clear and convincing evidence that sentencing under Chapter V of the Unified Code of Corrections may ~~would not~~ be appropriate for the minor based on an evaluation of the following factors:

(i) the minor's age at the time of the offense, including the ability to consider risks and consequences of behavior, and any presence of cognitive or developmental disability, or both, including if a comprehensive mental health evaluation of the minor was conducted by a qualified mental health professional, the outcome of the evaluation ~~age of the minor;~~

(ii) the history of the minor, including:

(A) any previous delinquent or criminal history of the minor; ~~7~~

(B) the minor's family, home environment, educational and social background, including any history of parental neglect, domestic or sexual violence, sexual exploitation, physical abuse, or other childhood trauma including adverse childhood experiences; ~~any previous abuse or neglect history of the minor,~~

~~(C) any mental health, physical and/or educational history of the minor, and~~

~~(D) any involvement of the minor in the child welfare system;~~

(iii) the circumstances of the offense, including:

(A) the seriousness of the offense;

(B) (blank); ~~whether the minor is charged through accountability;~~

(C) whether there is evidence the offense was committed in an aggressive and premeditated manner;

(D) whether there is evidence the offense caused serious bodily harm;

(E) whether there is evidence the minor possessed a deadly weapon;

(F) whether there is evidence the minor was subjected to outside pressure, including peer pressure, familial pressure, or negative influences;
and

(G) the minor's degree of participation and specific role in the offense, including the level of planning by the minor before the offense and whether the minor is charged through accountability;

(iv) the advantages of treatment within the juvenile justice system including whether there are facilities or programs, or both, particularly available in the juvenile system, and the minor's potential for rehabilitation or evidence of rehabilitation, or both.

~~(v) whether the security of the public requires~~

~~sentencing under Chapter V of the Unified Code of Corrections:~~

~~(A) the minor's history of services, including the minor's willingness to participate meaningfully in available services;~~

~~(B) whether there is a reasonable likelihood that the minor can be rehabilitated before the expiration of the juvenile court's jurisdiction;~~

~~(C) the adequacy of the punishment or services.~~

The trial court shall specify on the record its consideration of these factors ~~In considering these factors, the court shall give greater weight to the seriousness of the alleged offense, and the minor's prior record of delinquency than to other factors listed in this subsection.~~

(2) Procedures for extended jurisdiction juvenile prosecutions. The State's Attorney may file a written motion for a proceeding to be designated as an extended jurisdiction juvenile prosecution ~~jurisdiction~~ prior to commencement of trial. Notice of the motion shall be in compliance with Section 5-530. When the State's Attorney files a written motion that a proceeding be designated an extended jurisdiction juvenile prosecution, the court shall commence a hearing within 30 days of the filing of the motion for designation, unless good cause is shown by the prosecution or the minor as to why the hearing could not be held within this time period. If the court finds good cause has been

demonstrated, then the hearing shall be held within 60 days of the filing of the motion. The minor may waive these timelines
~~The hearings shall be open to the public unless the judge finds that the hearing should be closed for the protection of any party, victim or witness. If the Juvenile Judge assigned to hear and determine a motion to designate an extended jurisdiction juvenile prosecution determines that there is probable cause to believe that the allegations in the petition and motion are true the court shall grant the motion for designation.~~ Information used by the court in its findings or stated in or offered in connection with this Section may be by way of proffer based on reliable information offered by the State or the minor. All evidence shall be admissible if it is relevant and reliable regardless of whether it would be admissible under the rules of evidence.

(3) Trial. A minor who is the subject of an extended jurisdiction juvenile prosecution has the right to trial by jury. Any trial under this Section shall be open to the public.

(4) Sentencing. If an extended jurisdiction juvenile prosecution under subsection (1) results in a guilty plea, a verdict of guilty, or a finding of guilt, the court shall impose the following:

(i) one or more juvenile sentences under Section 5-710; and

(ii) an adult criminal sentence in accordance with the provisions of Section 5-4.5-105 of the Unified Code of

Corrections, the execution of which shall be stayed on the condition that the minor ~~offender~~ not violate the provisions of the juvenile sentence.

Any sentencing hearing under this Section shall be open to the public.

(5) If, after an extended jurisdiction juvenile prosecution trial, a minor is convicted of a lesser-included offense or of an offense that the State's Attorney did not designate as an extended jurisdiction juvenile prosecution, the State's Attorney may file a written motion, within 10 days of the finding of guilt, that the minor be sentenced subject to ~~as an extended jurisdiction juvenile prosecution offender~~. The court shall rule on this motion using the factors found in paragraph (b) of subsection (1) and the procedures in subsection (2) ~~paragraph (1)(b) of Section 5-805~~. If the court denies the State's Attorney's motion for sentencing under the extended jurisdiction juvenile prosecution provision, the court shall proceed to sentence the minor under Section 5-710.

(6) When it appears that a minor adjudicated delinquent ~~convicted~~ in an extended jurisdiction juvenile prosecution ~~under subsection (1) has violated the conditions of the minor's sentence, or~~ is alleged to have committed a new offense that would be a forcible felony if committed by an adult, the felony offense of aggravated fleeing or attempting to elude a peace officer, or a felony offense involving the use or unlawful possession of a firearm, the State's Attorney may

file a petition to revoke the stay. The State's Attorney must notify the minor, the minor's counsel, and the minor's parents or guardians of the ~~upon the filing of a petition to revoke the stay, after which~~ the court may, ~~without notice,~~ issue a warrant for the arrest of the minor. After a hearing, if the court finds by clear and convincing evidence ~~a preponderance of the evidence~~ that the minor committed a new qualifying offense, there is a rebuttable presumption that the court shall order execution of the previously imposed adult criminal sentence if the new offense is a forcible felony as defined in paragraph (1.5) of subsection (a) of Section 110-6.1 of the Code of Criminal Procedure of 1963 or a Class 3 or higher felony offense involving use or unlawful possession of a firearm. For all other qualifying offenses, the court may order execution of the previously imposed adult criminal sentence if, after a hearing, the court has found by clear and convincing evidence the minor committed the offense. If the court declines to order execution of the previously imposed adult criminal sentence, the court may continue the minor on the existing juvenile sentence with or without modifying or enlarging the conditions. After a hearing, if the court finds by clear and convincing evidence ~~a preponderance of the evidence~~ that the minor committed a violation of the minor's sentence other than by a new offense, the court may ~~order execution of the previously imposed adult criminal sentence or~~ ~~may~~ continue the minor on the existing juvenile sentence with

or without modifying or enlarging the conditions. Upon revocation of the stay of the adult criminal sentence and imposition of that sentence, the minor's extended jurisdiction juvenile status shall be terminated. The on-going jurisdiction over the minor's case shall be assumed by the adult criminal court and juvenile court jurisdiction shall be terminated and a report of the imposition of the adult sentence shall be sent to the Illinois State Police.

(7) Upon successful completion of the juvenile sentence the court shall vacate the adult criminal sentence.

(8) Nothing in this Section precludes the State from filing a motion for transfer under Section 5-805.

(Source: P.A. 103-22, eff. 8-8-23; 103-191, eff. 1-1-24; 103-605, eff. 7-1-24.)