

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

6 (20 ILCS 505/17a-9) (from Ch. 23, par. 5017a-9)

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

8 (a) There is hereby created the Illinois Juvenile Justice
9 Commission which shall consist of 25 persons appointed by the
10 Governor. The Chairperson of the Commission shall be appointed
11 by the Governor. Of the initial appointees, 8 shall serve a
12 one-year term, 8 shall serve a two-year term and 9 shall serve
13 a three-year term. Thereafter, each successor shall serve a
14 three-year term. Vacancies shall be filled in the same manner
15 as original appointments. Once appointed, members shall serve
16 until their successors are appointed and qualified. Members
17 shall serve without compensation, except they shall be
18 reimbursed for their actual expenses in the performance of
19 their duties. The Commission shall carry out the rights,
20 powers and duties established in subparagraph (3) of paragraph
21 (a) of Section 223 of the Federal "Juvenile Justice and
22 Delinquency Prevention Act of 1974", as now or hereafter
23 amended. The Commission shall determine the priorities for

1 expenditure of funds made available to the State by the
2 Federal Government pursuant to that Act. The Commission shall
3 have the following powers and duties:

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

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

10 (3) Annual submission of recommendations to the
11 Governor and the General Assembly concerning matters
12 relative to its function;

13 (4) Responsibility for the review of funds allocated
14 to Illinois under the "Juvenile Justice and Delinquency
15 Prevention Act of 1974" to ensure compliance with all
16 relevant federal laws and regulations;

17 (5) Function as the advisory committee for the State
18 Youth and Community Services Program as authorized under
19 Section 17 of this Act, and in that capacity be authorized
20 and empowered to assist and advise the Secretary of Human
21 Services on matters related to juvenile justice and
22 delinquency prevention programs and services; ~~and~~

23 (5.5) Study and make recommendations to the General
24 Assembly regarding the availability of youth services to
25 reduce the use of detention and prevent deeper criminal
26 involvement and regarding the impact and advisability of

1 raising the minimum age of detention to 14, and develop a
2 process to assist in the implementation of the provisions
3 of this amendatory Act of the 104th General Assembly; and

4 (6) Study the impact of, develop timelines, and
5 propose a funding structure to accommodate the expansion
6 of the jurisdiction of the Illinois Juvenile Court to
7 include youth age 17 under the jurisdiction of the
8 Juvenile Court Act of 1987. The Commission shall submit a
9 report by December 31, 2011 to the General Assembly with
10 recommendations on extending juvenile court jurisdiction
11 to youth age 17 charged with felony offenses.

12 (b) On the effective date of this amendatory Act of the
13 96th General Assembly, the Illinois Juvenile Jurisdiction Task
14 Force created by Public Act 95-1031 is abolished and its
15 duties are transferred to the Illinois Juvenile Justice
16 Commission as provided in paragraph (6) of subsection (a) of
17 this Section.

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

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

21 (705 ILCS 405/5-410)

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

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

1 Any minor arrested or taken into custody pursuant to this Act
2 who requires care away from the minor's home but who does not
3 require physical restriction shall be given temporary care in
4 a foster family home or other shelter facility designated by
5 the court.

6 (2) (a-1) On or after July 1, 2026 and before July 1, 2027,
7 any minor 12 years of age or older arrested pursuant to this
8 Act where there is probable cause to believe that the minor is
9 a delinquent minor and that secure custody is a matter of
10 immediate and urgent necessity, in light of a serious threat
11 to the physical safety of a person or persons in the community
12 or in order to secure the presence of the minor at the next
13 hearing, as evidenced by a demonstrable record of willful
14 failure to appear at a scheduled court hearing within the past
15 12 months, may be kept or detained in an authorized detention
16 facility. On or after July 1, 2027, minors age 12 years of age
17 and under 13 years of age and charged with first degree murder,
18 aggravated criminal sexual assault, aggravated battery in
19 which a firearm was used in the offense, or aggravated
20 vehicular hijacking, may be kept or detained in an authorized
21 detention facility. On and after July 1, 2026, any minor 13
22 years of age or older arrested pursuant to this Act where there
23 is probable cause to believe that the minor is a delinquent
24 minor and that secure custody is a matter of immediate and
25 urgent necessity in light of a serious threat to the physical
26 safety of a person or persons in the community, or to secure

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

20 (a-2) Probation and court services shall document and
21 share on a monthly basis with the Illinois Juvenile Justice
22 Commission each instance where alternatives to detention
23 failed or were lacking, including the basis for detention, the
24 providers who were contacted, and the reason alternatives were
25 rejected, lacking or denied.

26 (a-3) Instead of detention, minors under the age of 13 who

1 are in conflict with the law may be held accountable through a
2 petition under Article 3, Minors Requiring Authoritative
3 Intervention, or may be held accountable through a community
4 mediation program as set forth in Section 5-310.

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

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

21 (b-4) The consultation required by paragraph (b-5) shall
22 not be applicable if the probation officer or detention
23 officer (or other public officer designated by the court in a
24 county having 3,000,000 or more inhabitants) utilizes a
25 scorable detention screening instrument, which has been
26 developed with input by the State's Attorney, to determine

1 whether a minor should be detained; however, paragraph (b-5)
2 shall still be applicable where no such screening instrument
3 is used or where the probation officer, detention officer (or
4 other public officer designated by the court in a county
5 having 3,000,000 or more inhabitants) deviates from the
6 screening instrument.

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

26 (c) Except as otherwise provided in paragraph (a), (d), or

1 (e), no minor shall be detained in a county jail or municipal
2 lockup for more than 12 hours, unless the offense is a crime of
3 violence in which case the minor may be detained up to 24
4 hours. For the purpose of this paragraph, "crime of violence"
5 has the meaning ascribed to it in Section 1-10 of the Substance
6 Use Disorder Act.

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

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

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

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

24 (v) Violation of the time limit on detention in a
25 county jail or municipal lockup shall not, in and of
26 itself, render inadmissible evidence obtained as a result

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

11 (A) the age of the person;

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

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

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

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

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

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

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

20 (e) When a minor who is at least 15 years of age is
21 prosecuted under the criminal laws of this State, the court
22 may enter an order directing that the juvenile be confined in
23 the county jail. However, any juvenile confined in the county
24 jail under this provision shall be separated from adults who
25 are confined in the county jail in such a manner that there
26 will be no contact by sight, sound, or otherwise between the

1 juvenile and adult prisoners.

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

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

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

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

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

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