SENATE JOINT RESOLUTION 53

(As amended by Senate Amendment No. 1)

WHEREAS, The adoption of balanced and restorative justice in the Juvenile Court Act of 1987 also imposes on the juvenile court system an obligation to provide competency-building services to youths while under the jurisdiction of the court; and

WHEREAS, The adoption of Redeploy Illinois has the potential to provide funding for competency-building services in counties throughout the State, thereby reducing the State's costly practice of relying on incarceration; and

WHEREAS, Recent national studies question whether juveniles are developmentally competent to make the legal decisions necessary in adult criminal court proceedings; and

WHEREAS, One recent study of nearly 1,000 juveniles concluded that approximately one-third of 11 through 13 year olds and approximately one-fifth of 14 through 15 year olds were as impaired in capacities that affect their competence to stand trial as are seriously mentally ill adults who would likely be considered incompetent; and

WHEREAS, In addition, studies indicate that immaturity may affect the performance of youths as defendants in ways that extend beyond the elements of understanding and reasoning that are explicitly relevant under the law, since, compared to young adults, adolescents are more likely to comply with authority figures, less likely to recognize the risks inherent in the various choices they face, and less likely to consider the long-term consequences of their legal decisions; and

WHEREAS, Numerous national, legal, and medical

1   organizations (including the American Bar Association, the
2   National Council of Juvenile and Family Court Judges, the
3   American Academy of Pediatricians, and the Association of
4   Adolescent Psychiatrists) oppose the trial of youths in adult
5   criminal court unless the decision has been made on an
6   individual basis following a court hearing with adequate
7   consideration of all relevant issues and with full due process
8   protections; and

9   WHEREAS, Courts have consistently warned that fundamental
10 due process protections are necessary to ensure that the
11 critical decision to try a minor as an adult is made on an
12 individual basis, taking into account all relevant factors
13 including the circumstances of the offense, the age of the
14 minor, the competency of the minor, the educational and
15 emotional capacity of the minor, the background of the minor
16 including physical, developmental, and mental capacity, and
17 the resources of the juvenile court; therefore, be it

18   RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL
19 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
20 CONCURRING HEREIN, that there is created a Task Force on Trial
21 of Juveniles in Adult Court, comprised of Members of the
22 General Assembly, representatives of the Governor, the
23 Director of Corrections or his or her designee, and concerned
24 members of the public, to study and make recommendations for
25 improvements in transfer laws stating when juveniles shall be
26 tried as adults; and be it further

27   RESOLVED, That two members who are elected Members of the
28 House of Representatives and two members who are elected
29 Members of the Senate be appointed, one each by the Speaker of
30 the House of Representatives, the Minority Leader of the House
31 of Representatives, the President of the Senate, and the
32 Minority Leader of the Senate; and be it further

1   RESOLVED, That the Speaker of the House of Representatives
2 and the President of the Senate or their designees shall serve
3 as co-chairs; and be it further

4   RESOLVED, That at least one member be appointed by the
5 Governor; and be it further

6   RESOLVED, That the Task Force shall meet at least 4 times
7 while the General Assembly is in recess and report any findings
8 and recommendations to the General Assembly by December 31,
9 2004.