



Sen. Robert Peters

**Filed: 10/28/2025**

10400HB3492sam001

LRB104 02938 RLC 29405 a

1 AMENDMENT TO HOUSE BILL 3492

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3492 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is  
5 amended 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

1 shall serve without compensation, except they shall be  
2 reimbursed for their actual expenses in the performance of  
3 their duties. The Commission shall carry out the rights,  
4 powers and duties established in subparagraph (3) of paragraph  
5 (a) of Section 223 of the Federal "Juvenile Justice and  
6 Delinquency Prevention Act of 1974", as now or hereafter  
7 amended. The Commission shall determine the priorities for  
8 expenditure of funds made available to the State by the  
9 Federal Government pursuant to that Act. The Commission shall  
10 have the following powers and duties:

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

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

17 (3) Annual submission of recommendations to the  
18 Governor and the General Assembly concerning matters  
19 relative to its function;

20 (4) Responsibility for the review of funds allocated  
21 to Illinois under the "Juvenile Justice and Delinquency  
22 Prevention Act of 1974" to ensure compliance with all  
23 relevant federal laws and regulations;

24 (5) Function as the advisory committee for the State  
25 Youth and Community Services Program as authorized under  
26 Section 17 of this Act, and in that capacity be authorized

1 and empowered to assist and advise the Secretary of Human  
2 Services on matters related to juvenile justice and  
3 delinquency prevention programs and services; ~~and~~

4 (5.5) Study and make recommendations to the General  
5 Assembly regarding the availability of youth services to  
6 reduce the use of detention and prevent deeper criminal  
7 involvement and regarding the impact and advisability of  
8 raising the minimum age of detention to 14, and develop a  
9 process to assist in the implementation of the provisions  
10 of this amendatory Act of the 104th General Assembly; and

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

19 (b) On the effective date of this amendatory Act of the  
20 96th General Assembly, the Illinois Juvenile Jurisdiction Task  
21 Force created by Public Act 95-1031 is abolished and its  
22 duties are transferred to the Illinois Juvenile Justice  
23 Commission as provided in paragraph (6) of subsection (a) of  
24 this Section.

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

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

3 (705 ILCS 405/5-410)

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

5 (1) Placement of a minor away from his or her home must be  
6 a last resort and the least restrictive alternative available.  
7 Any minor arrested or taken into custody pursuant to this Act  
8 who requires care away from the minor's home but who does not  
9 require physical restriction shall be given temporary care in  
10 a foster family home or other shelter facility designated by  
11 the court.

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

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

1       (a-2) Probation and court services shall document and  
2 share on a monthly basis with the Illinois Juvenile Justice  
3 Commission each instance where alternatives to detention  
4 failed or were lacking, including the basis for detention, the  
5 providers who were contacted, and the reason alternatives were  
6 rejected, lacking or denied.

7       (a-3) Instead of detention, minors under the age of 13 who  
8 are in conflict with the law may be held accountable through a  
9 community mediation program as set forth in Section 5-310 or  
10 through other court-ordered intervention services.

11       (a-5) For a minor arrested or taken into custody for  
12 vehicular hijacking or aggravated vehicular hijacking, a  
13 previous finding of delinquency for vehicular hijacking or  
14 aggravated vehicular hijacking shall be given greater weight  
15 in determining whether secured custody of a minor is a matter  
16 of immediate and urgent necessity for the protection of the  
17 minor or of the person or property of another.

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

1 (b-4) The consultation required by paragraph (b-5) shall  
2 not be applicable if the probation officer or detention  
3 officer (or other public officer designated by the court in a  
4 county having 3,000,000 or more inhabitants) utilizes a  
5 scorable detention screening instrument, which has been  
6 developed with input by the State's Attorney, to determine  
7 whether a minor should be detained; however, paragraph (b-5)  
8 shall still be applicable where no such screening instrument  
9 is used or where the probation officer, detention officer (or  
10 other public officer designated by the court in a county  
11 having 3,000,000 or more inhabitants) deviates from the  
12 screening instrument.

13 (b-5) Subject to the provisions of paragraph (b-4), if a  
14 probation officer or detention officer (or other public  
15 officer designated by the court in a county having 3,000,000  
16 or more inhabitants) does not intend to detain a minor for an  
17 offense which constitutes one of the following offenses, the  
18 probation officer or detention officer (or other public  
19 officer designated by the court in a county having 3,000,000  
20 or more inhabitants) shall consult with the State's Attorney's  
21 Office prior to the release of the minor: first degree murder,  
22 second degree murder, involuntary manslaughter, criminal  
23 sexual assault, aggravated criminal sexual assault, aggravated  
24 battery with a firearm as described in Section 12-4.2 or  
25 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section  
26 12-3.05, aggravated or heinous battery involving permanent

1 disability or disfigurement or great bodily harm, robbery,  
2 aggravated robbery, armed robbery, vehicular hijacking,  
3 aggravated vehicular hijacking, vehicular invasion, arson,  
4 aggravated arson, kidnapping, aggravated kidnapping, home  
5 invasion, burglary, or residential burglary.

6 (c) Except as otherwise provided in paragraph (a), (d), or  
7 (e), no minor shall be detained in a county jail or municipal  
8 lockup for more than 12 hours, unless the offense is a crime of  
9 violence in which case the minor may be detained up to 24  
10 hours. For the purpose of this paragraph, "crime of violence"  
11 has the meaning ascribed to it in Section 1-10 of the Substance  
12 Use Disorder Act.

13 (i) The period of detention is deemed to have begun  
14 once the minor has been placed in a locked room or cell or  
15 handcuffed to a stationary object in a building housing a  
16 county jail or municipal lockup. Time spent transporting a  
17 minor is not considered to be time in detention or secure  
18 custody.

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

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

26 (iv) A log shall be kept which shows the offense which

1 is the basis for the detention, the reasons and  
2 circumstances for the decision to detain, and the length  
3 of time the minor was in detention.

4 (v) Violation of the time limit on detention in a  
5 county jail or municipal lockup shall not, in and of  
6 itself, render inadmissible evidence obtained as a result  
7 of the violation of this time limit. Minors under 18 years  
8 of age shall be kept separate from confined adults and may  
9 not at any time be kept in the same cell, room, or yard  
10 with adults confined pursuant to criminal law. Persons 18  
11 years of age and older who have a petition of delinquency  
12 filed against them may be confined in an adult detention  
13 facility. In making a determination whether to confine a  
14 person 18 years of age or older who has a petition of  
15 delinquency filed against the person, these factors, among  
16 other matters, shall be considered:

17 (A) the age of the person;

18 (B) any previous delinquent or criminal history of  
19 the person;

20 (C) any previous abuse or neglect history of the  
21 person; and

22 (D) any mental health or educational history of  
23 the person, or both.

24 (d) (i) If a minor 12 years of age or older is confined in a  
25 county jail in a county with a population below 3,000,000  
26 inhabitants, then the minor's confinement shall be implemented

1 in such a manner that there will be no contact by sight, sound,  
2 or otherwise between the minor and adult prisoners. Minors 12  
3 years of age or older must be kept separate from confined  
4 adults and may not at any time be kept in the same cell, room,  
5 or yard with confined adults. This paragraph (d)(i) shall only  
6 apply to confinement pending an adjudicatory hearing and shall  
7 not exceed 40 hours, excluding Saturdays, Sundays, and  
8 court-designated holidays. To accept or hold minors during  
9 this time period, county jails shall comply with all  
10 monitoring standards adopted by the Department of Corrections  
11 and training standards approved by the Illinois Law  
12 Enforcement Training Standards Board.

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

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

26 (e) When a minor who is at least 15 years of age is

1 prosecuted under the criminal laws of this State, the court  
2 may enter an order directing that the juvenile be confined in  
3 the county jail. However, any juvenile confined in the county  
4 jail under this provision shall be separated from adults who  
5 are confined in the county jail in such a manner that there  
6 will be no contact by sight, sound, or otherwise between the  
7 juvenile and adult prisoners.

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

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

21 (3) If the probation officer or State's Attorney (or such  
22 other public officer designated by the court in a county  
23 having 3,000,000 or more inhabitants) determines that the  
24 minor may be a delinquent minor as described in subsection (3)  
25 of Section 5-105, and should be retained in custody but does  
26 not require physical restriction, the minor may be placed in

1 non-secure custody for up to 40 hours pending a detention  
2 hearing.

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

7 (5) The changes made to this Section by Public Act 98-61  
8 apply to a minor who has been arrested or taken into custody on  
9 or after January 1, 2014 (the effective date of Public Act  
10 98-61).

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

12 Section 15. The Unified Code of Corrections is amended by  
13 adding Sections 3-2.5-25 and 3-2.5-105 as follows:

14 (730 ILCS 5/3-2.5-25 new)

15 Sec. 3-2.5-25. Youth nonviolent crime resource program.

16 (a) The Department shall provide resources to persons  
17 under 18 years of age who have been adjudicated delinquent for  
18 a nonviolent crime. For the purpose of this Section, a  
19 nonviolent crime does not include the use or threat of force  
20 toward a person. The resources shall include:

21 (1) mentoring;

22 (2) access to educational resources in collaboration  
23 with the State Board of Education;

24 (3) employment training opportunities;

1           (4) behavioral health services, including trauma  
2           informed services;

3           (5) parent supports, including assistance applying for  
4           public health programs available through the Department of  
5           Human Services and other State agencies; and

6           (6) any other resources that the Department deems  
7           helpful to youth convicted of nonviolent crimes.

8           (b) The Department may provide services through existing  
9           or new service contracts with community agencies.

10          (c) The circuit courts and probation departments may refer  
11          youth to this program. The Department shall not provide any  
12          supervision of court-ordered conditions under this program.

13          (d) On or before July 1, 2028, the Department shall  
14          publicize on its website the program created under this  
15          Section and the process for referring eligible youth.

16          (e) The Department shall include the number of youth and  
17          families served and a summary of the types of services  
18          provided through this program in its annual report.

19           (730 ILCS 5/3-2.5-105 new)

20           Sec. 3-2.5-105. Child First Reform Task Force.

21           (a) The Child First Reform Task Force is created. The  
22           purpose of the Task Force is to review and study the current  
23           state of juvenile detention centers across the State. The Task  
24           Force shall consider the conditions and administration of  
25           individual juvenile detention centers, identify the resources

1 needed to consistently meet the minimum standards set by the  
2 Department of Juvenile Justice and the Administrative Office  
3 of the Illinois Courts, evaluate complaints arising out of  
4 juvenile detention centers, identify best practices to provide  
5 detention center care, propose community-based alternatives to  
6 juvenile detention, and advise on the creation of the Youth  
7 Advisory Agency with youth justice advisors and district youth  
8 advisory offices in each circuit court district. The Task  
9 Force shall also make recommendations for policy changes at  
10 the Department of Juvenile Justice to support child-first  
11 directives aligned with the policies and practices established  
12 in the Convention on the Rights of the Child that was adopted  
13 by the United Nations General Assembly on November 20, 1989,  
14 and became effective as an international treaty on September  
15 2, 1990.

16 (b) The Task Force shall consist of the following members:

17 (1) A member of the Senate appointed by the President  
18 of the Senate.

19 (2) A member of the Senate appointed by the Minority  
20 Leader of the Senate.

21 (3) A member of the House appointed by the Speaker of  
22 the House.

23 (4) A member of the House appointed by the Minority  
24 Leader of the House.

25 (5) A member appointed by the Director of Juvenile  
26 Justice.

1           (6) A member appointed by the Director of Human  
2           Rights.

3           (7) A member appointed by the Independent Juvenile  
4           Ombudsperson.

5           (8) A member appointed by the Independent Juvenile  
6           Ombudsperson who represents an organization that advocates  
7           for a community-based rehabilitation or systems impacted  
8           individuals.

9           (9) A member appointed by the Independent Juvenile  
10           Ombudsperson who represents an organization that advocates  
11           for juvenile justice reform.

12           (10) Two members appointed by the Illinois Juvenile  
13           Justice Commission.

14           (11) A member appointed by the Director of the  
15           Governor's Office of Management and Budget.

16           (12) One member appointed by the Lieutenant Governor  
17           who is a member of a county board of a county operating a  
18           county detention facility.

19           (13) One member appointed by the Lieutenant Governor  
20           who is a juvenile detention officer, probation officer, or  
21           other facility employee at a county detention facility who  
22           makes the determination on whether to detain a juvenile at  
23           the county detention facility.

24           (14) A member appointed by the Lieutenant Governor  
25           from the Justice, Equity, and Opportunity Initiative.

26           (15) Two members appointed by the Director of Juvenile

1       Justice who are over the age of 18 and who have served any  
2       amount of time in a county juvenile detention facility.

3       (16) A member appointed by the Director of the  
4       Illinois State Police.

5       (17) A member appointed by the Secretary of Human  
6       Services.

7       The Task Force may include 2 additional members appointed  
8       by the Illinois Supreme Court.

9       (c) Appointments to the Task Force shall be made within 90  
10       days after the effective date of this amendatory Act of the  
11       104th General Assembly. Members shall serve without  
12       compensation.

13       (d) The Task Force shall meet at the call of a co-chair at  
14       least quarterly to fulfill its duties. The members of the Task  
15       Force shall select 2 co-chairs from among themselves at their  
16       first meeting.

17       (e) The Task Force shall:

18       (1) engage community organizations, interested groups,  
19       and members of the public for the purpose of assessing:

20               (A) community-based alternatives to detention and  
21               the adoption and implementation of such alternatives;

22               (B) the needs of juveniles detained in county  
23               detention facilities;

24               (C) strategic planning for a transition away from  
25               juvenile detention facilities;

26               (D) the establishment of more accountability

1           between county facilities and the Department of  
2           Juvenile Justice, or if there would be a benefit for  
3           the State in operating detention centers for persons  
4           awaiting sentencing or court determination, in lieu of  
5           counties providing this service, when in extreme cases  
6           the county detention center is unable to pass minimum  
7           standards;

8           (E) evidence-based best practices regarding the  
9           delivery of services within detention centers,  
10          including healthcare and education;

11          (F) the integration of restorative practices into  
12          the juvenile detention system, focusing on healing,  
13          accountability, and community restoration;

14          (G) the implementation of child-first directives  
15          within the Department of Juvenile Justice and  
16          throughout the State;

17          (H) strategic planning for creating a Youth  
18          Advisory Agency with district youth advisory offices  
19          in each circuit court district;

20          (I) the implementation of youth justice advisors  
21          within the Youth Advisory Agency to guide juveniles  
22          through the juvenile justice process, including  
23          through interactions with law enforcement, the courts,  
24          and community-based alternatives to detention;

25          (J) how county juvenile detention facilities are  
26          currently funded;

1           (K) how to encourage the Illinois Supreme Court  
2           and relevant authorities to require, as a consistent  
3           part of continuing education, training on child-first  
4           directives, child rights, and the unique needs of  
5           minors in the justice system; and

6           (L) the establishment of training requirements by  
7           the Illinois Law Enforcement Training Standards Board  
8           for law enforcement on child-first directives, child  
9           rights, and the unique needs of minors in the justice  
10          system;

11          (2) review available research and data on the benefits  
12          of community-based alternatives to detention versus the  
13          benefits of juvenile detention;

14          (3) review Administrative Office of the Illinois  
15          Courts, Department of Juvenile Justice, and Independent  
16          Ombudsperson monitoring reports to identify specific  
17          instances of non-compliance arising out of county juvenile  
18          detention facilities and patterns of noncompliance  
19          Statewide; and

20          (4) make recommendations or suggestions for changes to  
21          the County Shelter Care and Detention Home Act and the  
22          Unified Code of Corrections, including changes and  
23          improvements to the juvenile detention system.

24          (f) On or before January 1, 2029, the Task Force shall  
25          publish a final report of its findings and non-binding  
26          recommendations. The report shall, at a minimum, detail

1 findings and recommendations related to the duties of the Task  
2 Force and the following:

3 (1) the process and standards used to determine  
4 whether a juvenile will be detained in a county facility;

5 (2) information and recommendations on detention  
6 facility standards, including how to ensure compliance  
7 with minimum standards, which facilities are chronically  
8 noncompliant and the reasons for noncompliance, including  
9 specific instances of noncompliance, and penalties for  
10 noncompliance;

11 (3) strategic planning suggestions to transition away  
12 from juvenile detention;

13 (4) how county juvenile detention facilities are  
14 currently funded;

15 (5) recommendations on whether to establish more  
16 accountability between county facilities and the  
17 Department of Juvenile Justice, or whether the operation  
18 of all detention centers should be transferred to the  
19 Department of Juvenile Justice;

20 (6) how to incorporate restorative practices into the  
21 juvenile justice system;

22 (7) implementing child-first directives throughout the  
23 State;

24 (8) strategic planning suggestions on creating a Youth  
25 Advisory Agency with youth justice advisors and district  
26 youth advisory offices in each circuit court district;

1           (9) recommendations on the duties of youth justice  
2           advisors and the role they will serve in assisting  
3           juveniles through the juvenile justice process, including  
4           through interactions with law enforcement, the courts, and  
5           community-based alternatives to detention, and  
6           recommendations on how many youth justice advisors to  
7           staff for each circuit court district;

8           (10) strategic planning suggestions to encourage the  
9           Illinois Supreme Court and relevant authorities to  
10           require, as a consistent part of continuing education,  
11           training on child-first directives, child rights, and the  
12           unique needs of minors in the justice system; and

13           (11) strategic planning to require the Illinois Law  
14           Enforcement Training Standards Board to establish training  
15           for law enforcement on child-first directives, child  
16           rights, and the unique needs of minors in the justice  
17           system.

18           The final report shall be submitted to the General  
19           Assembly, the Offices of the Governor and Lieutenant Governor,  
20           the Chief Judge of each circuit court operating a county  
21           detention facility, the county board of each county operating  
22           a county detention facility, and the Office of the Attorney  
23           General.

24           (g) The Department of Juvenile Justice shall provide  
25           administrative support for the Task Force.

26           (h) This Section is repealed on June 1, 2029.

1           Section 99. Effective date. This Section and Section  
2   3-2.5-105 of the Unified Code of Corrections take effect June  
3   1, 2026. Section 3-2.5-25 of the Unified Code of Corrections  
4   takes effect January 1, 2028."