



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5020

Introduced 2/10/2026, by Rep. Dave Vella

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-810

Amends the Juvenile Court Act of 1987. Provides that the State's Attorney may file 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 the petition alleges the commission by a minor 15 (rather than 13) years of age or older of any offense that would be a felony if committed by an adult. Provides that, upon filing of a petition, 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. Provides that, if probable cause is found, the judge may enter an order designating the proceeding as an extended jurisdiction juvenile proceeding if the judge makes a finding based on clear and convincing evidence that sentencing under the Unified Code of Corrections may be appropriate for the minor based on an evaluation of certain factors. Provides that the judge shall consider: (1) the minor's age, impetuosity, and level of maturity 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; and (2) the history of the minor, including 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. Makes other changes.

LRB104 19811 RLC 33261 b

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 Juvenile Court Act of 1987 is amended by
5 changing Section 5-810 as follows:

6 (705 ILCS 405/5-810)

7 Sec. 5-810. Extended jurisdiction juvenile prosecutions.

8 (1) (a) The ~~If the~~ State's Attorney may file ~~files~~ a
9 written petition, at any time prior to commencement of the
10 minor's trial, to designate the proceeding as an extended
11 jurisdiction juvenile prosecution when ~~and~~ the petition
12 alleges the commission by a minor 15 ~~13~~ years of age or older
13 of any offense which would be a felony if committed by an
14 adult, ~~and, if the juvenile judge assigned to hear and~~
15 ~~determine petitions to designate the proceeding as an extended~~
16 ~~jurisdiction juvenile prosecution determines that there is~~
17 ~~probable cause to believe that the allegations in the petition~~
18 ~~and motion are true, there is a rebuttable presumption that~~
19 ~~the proceeding shall be designated as an extended jurisdiction~~
20 ~~juvenile proceeding.~~

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

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

8 (i) the minor's age, impetuosity, and level of
9 maturity at the time of the offense, including the ability
10 to consider risks and consequences of behavior, and any
11 presence of cognitive or developmental disability, or
12 both, including if a comprehensive mental health
13 evaluation of the minor was conducted by a qualified
14 mental health professional, the outcome of the evaluation
15 ~~age of the minor;~~

16 (ii) the history of the minor, including:

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

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

26 ~~(C) any mental health, physical and/or educational~~

1 ~~history of the minor, and~~

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

4 (iii) the circumstances of the offense, including:

5 (A) the seriousness of the offense; 7

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

8 (C) (blank); ~~whether there is evidence the offense~~
9 ~~was committed in an aggressive and premeditated~~
10 ~~manner;~~

11 (D) (blank); ~~whether there is evidence the offense~~
12 ~~caused serious bodily harm;~~

13 (E) (blank); ~~whether there is evidence the minor~~
14 ~~possessed a deadly weapon;~~

15 (F) whether there is evidence the minor was
16 subjected to outside pressure, including peer
17 pressure, familial pressure, or negative influences; 7
18 and

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

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

1 evidence of rehabilitation, or both.

2 ~~(v) whether the security of the public requires~~
3 ~~sentencing under Chapter V of the Unified Code of~~
4 ~~Corrections;~~

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

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

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

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

17 (2) Procedures for extended jurisdiction juvenile
18 prosecutions. The State's Attorney may file a written motion
19 for a proceeding to be designated as an extended juvenile
20 jurisdiction prior to commencement of trial. Notice of the
21 motion shall be in compliance with Section 5-530. When the
22 State's Attorney files a written motion that a proceeding be
23 designated an extended jurisdiction juvenile prosecution, the
24 court shall commence a hearing within 30 days of the filing of
25 the motion for designation, unless good cause is shown by the
26 prosecution or the minor as to why the hearing could not be

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

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

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

24 (i) one or more juvenile sentences under Section
25 5-710; or ~~and~~

26 (ii) one or more juvenile sentences under Section

1 5-710 and an adult criminal sentence in accordance with
2 the provisions of Section 5-4.5-105 of the Unified Code of
3 Corrections, the execution of which shall be stayed on the
4 condition that the offender not violate the provisions of
5 the juvenile sentence.

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

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

21 (6) When it appears that a minor adjudicated delinquent
22 ~~convicted~~ in an extended jurisdiction juvenile prosecution
23 ~~under subsection (1) has violated the conditions of the~~
24 ~~minor's sentence, or~~ is alleged to have committed a new
25 offense that would be a forcible felony if committed by an
26 adult, and an adult sentence was imposed under paragraph (ii)

1 of subsection (4), the State's Attorney may file a petition to
2 revoke the stay. The State's Attorney must notify the minor,
3 minor's counsel, and the minor's parents or guardians of the
4 ~~upon the filing of a petition to revoke the stay, after which~~
5 ~~the court may, without notice,~~ issue a warrant for the arrest
6 of the minor. After a hearing, if the court finds beyond a
7 reasonable doubt ~~by a preponderance of the evidence~~ that the
8 minor committed a new offense that would be a forcible felony
9 if committed by an adult, the court may ~~shall~~ order execution
10 of the previously imposed adult criminal sentence. ~~After a~~
11 ~~hearing, if the court finds by a preponderance of the evidence~~
12 ~~that the minor committed a violation of the minor's sentence~~
13 ~~other than by a new offense, the court may order execution of~~
14 ~~the previously imposed adult criminal sentence~~ or may continue
15 the minor on the existing juvenile sentence with or without
16 modifying or enlarging the conditions. Upon revocation of the
17 stay of the adult criminal sentence and imposition of that
18 sentence, the minor's extended jurisdiction juvenile status
19 shall be terminated. The on-going jurisdiction over the
20 minor's case shall be assumed by the adult criminal court and
21 juvenile court jurisdiction shall be terminated and a report
22 of the imposition of the adult sentence shall be sent to the
23 Illinois State Police.

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

26 (8) Nothing in this Section precludes the State from

1 filing a motion for transfer under Section 5-805.
2 (Source: P.A. 103-22, eff. 8-8-23; 103-191, eff. 1-1-24;
3 103-605, eff. 7-1-24.)