



Rep. Dave Vella

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10400HB5020ham001

LRB104 19811 RLC 36667 a

1 AMENDMENT TO HOUSE BILL 5020

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5020 by replacing  
3 everything after the enacting clause with the following:

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 13 years of age or older of  
13 any offense which would be a felony if committed by an adult,  
14 ~~and, if the juvenile judge assigned to hear and determine~~  
15 ~~petitions to designate the proceeding as an extended~~  
16 ~~jurisdiction juvenile prosecution determines that there is~~

1 ~~probable cause to believe that the allegations in the petition~~  
2 ~~and motion are true, there is a rebuttable presumption that~~  
3 ~~the proceeding shall be designated as an extended jurisdiction~~  
4 ~~juvenile proceeding.~~

5 (b) Upon filing of a petition, the ~~The~~ judge shall conduct  
6 a hearing at which he or she shall first determine whether  
7 there is probable cause to believe that the allegations in the  
8 petition and motion are true. If probable cause is found, the  
9 judge shall enter an order designating the proceeding as an  
10 extended jurisdiction juvenile proceeding if ~~unless~~ the judge  
11 makes a finding based on clear and convincing evidence that  
12 sentencing under Chapter V of the Unified Code of Corrections  
13 may ~~would not~~ be appropriate for the minor based on an  
14 evaluation of the following factors:

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

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

23 (A) any previous delinquent or criminal history of  
24 the minor; ~~τ~~

25 (B) the minor's family, home environment,  
26 educational and social background, including any

1 history of parental neglect, domestic or sexual  
2 violence, sexual exploitation, physical abuse, or  
3 other childhood trauma including adverse childhood  
4 experiences; any previous abuse or neglect history of  
5 the minor,

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

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

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

11 (A) the seriousness of the offense,      

12 (B) (blank), ~~whether the minor is charged through~~  
13 ~~accountability,~~

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

16 (D) whether there is evidence the offense caused  
17 serious bodily harm,

18 (E) whether there is evidence the minor possessed  
19 a deadly weapon,

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

24 (G) the minor's degree of participation and  
25 specific role in the offense, including the level of  
26 planning by the minor before the offense and whether

1           the minor is charged through accountability;

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

7           ~~(v) whether the security of the public requires~~  
8 ~~sentencing under Chapter V of the Unified Code of~~  
9 ~~Corrections;~~

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

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

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

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

22           (2) Procedures for extended jurisdiction juvenile  
23 prosecutions. The State's Attorney may file a written motion  
24 for a proceeding to be designated as an extended juvenile  
25 jurisdiction prior to commencement of trial. Notice of the  
26 motion shall be in compliance with Section 5-530. When the

1 State's Attorney files a written motion that a proceeding be  
2 designated an extended jurisdiction juvenile prosecution, the  
3 court shall commence a hearing within 30 days of the filing of  
4 the motion for designation, unless good cause is shown by the  
5 prosecution or the minor as to why the hearing could not be  
6 held within this time period. If the court finds good cause has  
7 been demonstrated, then the hearing shall be held within 60  
8 days of the filing of the motion. The minor may waive these  
9 timelines ~~The hearings shall be open to the public unless the~~  
10 ~~judge finds that the hearing should be closed for the~~  
11 ~~protection of any party, victim or witness. If the Juvenile~~  
12 ~~Judge assigned to hear and determine a motion to designate an~~  
13 ~~extended jurisdiction juvenile prosecution determines that~~  
14 ~~there is probable cause to believe that the allegations in the~~  
15 ~~petition and motion are true the court shall grant the motion~~  
16 ~~for designation.~~ Information used by the court in its findings  
17 or stated in or offered in connection with this Section may be  
18 by way of proffer based on reliable information offered by the  
19 State or the minor. All evidence shall be admissible if it is  
20 relevant and reliable regardless of whether it would be  
21 admissible under the rules of evidence.

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

25 (4) Sentencing. If an extended jurisdiction juvenile  
26 prosecution under subsection (1) results in a guilty plea, a

1 verdict of guilty, or a finding of guilt, the court shall  
2 impose the following:

3 (i) one or more juvenile sentences under Section  
4 5-710; and

5 (ii) an adult criminal sentence in accordance with the  
6 provisions of Section 5-4.5-105 of the Unified Code of  
7 Corrections, the execution of which shall be stayed on the  
8 condition that the minor ~~offender~~ not violate the  
9 provisions of the juvenile sentence.

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

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

25 (6) When it appears that a minor adjudicated delinquent  
26 ~~convicted~~ in an extended jurisdiction juvenile prosecution

1 ~~under subsection (1) has violated the conditions of the~~  
2 ~~minor's sentence, or~~ is alleged to have committed a new  
3 offense that would be a forcible felony if committed by an  
4 adult, or a felony offense involving the use or unlawful  
5 possession of a firearm, the State's Attorney may file a  
6 petition to revoke the stay. The State's Attorney must notify  
7 the minor, minor's counsel, and the minor's parents or  
8 guardians of the ~~upon the filing of a~~ petition to revoke the  
9 stay, after which the court may, ~~without notice,~~ issue a  
10 warrant for the arrest of the minor. After a hearing, if the  
11 court finds by clear and convincing evidence ~~a preponderance~~  
12 ~~of the evidence~~ that the minor committed a new qualifying  
13 offense, there is a rebuttable presumption that the court  
14 shall order execution of the previously imposed adult criminal  
15 sentence unless the new offense is a non-violent forcible  
16 felony or a Class 4 felony unlawful possession of a weapon  
17 offense and the defendant is 18 years of age or older. If the  
18 court declines to order execution of the previously imposed  
19 adult criminal sentence, the court may continue the minor on  
20 the existing juvenile sentence with or without modifying or  
21 enlarging the conditions. After a hearing, if the court finds  
22 by clear and convincing evidence ~~a preponderance of the~~  
23 ~~evidence~~ that the minor committed a violation of the minor's  
24 sentence other than by a new offense, the court may ~~order~~  
25 ~~execution of the previously imposed adult criminal sentence or~~  
26 ~~may~~ continue the minor on the existing juvenile sentence with

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

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

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

13 (Source: P.A. 103-22, eff. 8-8-23; 103-191, eff. 1-1-24;  
14 103-605, eff. 7-1-24.)".