

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 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~~
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 shall 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 at the time of the offense,
9 including the ability to consider risks and consequences
10 of behavior, and any presence of cognitive or
11 developmental disability, or both, including if a
12 comprehensive mental health evaluation of the minor was
13 conducted by a qualified mental health professional, the
14 outcome of the evaluation ~~age of the minor;~~

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

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

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

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

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

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

4 (A) the seriousness of the offense;

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

7 (C) whether there is evidence the offense was
8 committed in an aggressive and premeditated manner;

9 (D) whether there is evidence the offense caused
10 serious bodily harm;

11 (E) whether there is evidence the minor possessed
12 a deadly weapon;

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

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

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

26 ~~(v) whether the security of the public requires~~

1 ~~sentencing under Chapter V of the Unified Code of~~
2 ~~Corrections:~~

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

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

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

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

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

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

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

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

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

25 (ii) an adult criminal sentence in accordance with the
26 provisions of Section 5-4.5-105 of the Unified Code of

1 Corrections, the execution of which shall be stayed on the
2 condition that the minor ~~offender~~ not violate the
3 provisions of the juvenile sentence.

4 Any sentencing hearing under this Section shall be open to the
5 public.

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

19 (6) When it appears that a minor adjudicated delinquent
20 ~~convicted~~ in an extended jurisdiction juvenile prosecution
21 ~~under subsection (1) has violated the conditions of the~~
22 ~~minor's sentence, or~~ is alleged to have committed a new
23 offense that would be a forcible felony if committed by an
24 adult, the felony offense of aggravated fleeing or attempting
25 to elude a peace officer, or a felony offense involving the use
26 or unlawful possession of a firearm, the State's Attorney may

1 file a petition to revoke the stay. The State's Attorney must
2 notify the minor, the minor's counsel, and the minor's parents
3 or guardians of the ~~upon the filing of a petition to revoke the~~
4 stay, after which the court may, ~~without notice,~~ issue a
5 warrant for the arrest of the minor. After a hearing, if the
6 court finds by clear and convincing evidence ~~a preponderance~~
7 ~~of the evidence~~ that the minor committed a new qualifying
8 offense, there is a rebuttable presumption that the court
9 shall order execution of the previously imposed adult criminal
10 sentence if the new offense is a forcible felony as defined in
11 paragraph (1.5) of subsection (a) of Section 110-6.1 of the
12 Code of Criminal Procedure of 1963 or a Class 3 or higher
13 felony offense involving use or unlawful possession of a
14 firearm. For all other qualifying offenses, the court may
15 order execution of the previously imposed adult criminal
16 sentence if, after a hearing, the court has found by clear and
17 convincing evidence the minor committed the offense. 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.)