



Sen. Robert Peters

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10400SB1784sam001

LRB104 09193 RLC 23093 a

1 AMENDMENT TO SENATE BILL 1784

2 AMENDMENT NO. _____. Amend Senate Bill 1784 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 5-410 as follows:

6 (705 ILCS 405/5-410)

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

8 (1) Any minor arrested or taken into custody pursuant to
9 this Act who requires care away from the minor's home but who
10 does not require physical restriction shall be given temporary
11 care in a foster family home or other shelter facility
12 designated by the court.

13 (2) (a) Except for the restrictions in paragraph (a-1), any
14 ~~Any~~ minor 10 years of age or older arrested pursuant to this
15 Act where there is probable cause to believe that the minor is
16 a delinquent minor and that (i) secure custody is a matter of

1 immediate and urgent necessity for the protection of the minor
2 or of the person or property of another, (ii) the minor is
3 likely to flee the jurisdiction of the court, or (iii) the
4 minor was taken into custody under a warrant, may be kept or
5 detained in an authorized detention facility. A minor under 13
6 years of age shall not be admitted, kept, or detained in a
7 detention facility unless a local youth service provider,
8 including a provider through the Comprehensive Community Based
9 Youth Services network, has been contacted and has not been
10 able to accept the minor. ~~No minor under 12 years of age shall
11 be detained in a county jail or a municipal lockup for more
12 than 6 hours.~~

13 (a-1) No minor shall be detained unless the minor could be
14 subject to commitment to the Department of Juvenile Justice
15 upon a finding of guilt. Minors may only be detained in an
16 authorized detention facility that meets the minimum standards
17 for detention pursuant to subsection (b) of Section 3-15-2 of
18 the Unified Code of Corrections.

19 (a-5) For a minor arrested or taken into custody for
20 vehicular hijacking or aggravated vehicular hijacking, a
21 previous finding of delinquency for vehicular hijacking or
22 aggravated vehicular hijacking shall be given greater weight
23 in determining whether secured custody of a minor is a matter
24 of immediate and urgent necessity for the protection of the
25 minor or of the person or property of another.

26 (b) The written authorization of the probation officer or

1 detention officer (or other public officer designated by the
2 court in a county having 3,000,000 or more inhabitants)
3 constitutes authority for the superintendent of any juvenile
4 detention home to detain and keep a minor for up to 40 hours,
5 excluding Saturdays, Sundays, and court-designated holidays.
6 These records shall be available to the same persons and
7 pursuant to the same conditions as are law enforcement records
8 as provided in Section 5-905.

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

21 (b-5) Subject to the provisions of paragraph (b-4), if a
22 probation officer or detention officer (or other public
23 officer designated by the court in a county having 3,000,000
24 or more inhabitants) does not intend to detain a minor for an
25 offense which constitutes one of the following offenses, the
26 probation officer or detention officer (or other public

1 officer designated by the court in a county having 3,000,000
2 or more inhabitants) shall consult with the State's Attorney's
3 Office prior to the release of the minor: first degree murder,
4 second degree murder, involuntary manslaughter, criminal
5 sexual assault, aggravated criminal sexual assault, aggravated
6 battery with a firearm as described in Section 12-4.2 or
7 subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section
8 12-3.05, aggravated or heinous battery involving permanent
9 disability or disfigurement or great bodily harm, robbery,
10 aggravated robbery, armed robbery, vehicular hijacking,
11 aggravated vehicular hijacking, vehicular invasion, arson,
12 aggravated arson, kidnapping, aggravated kidnapping, home
13 invasion, burglary, or residential burglary.

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

21 (i) The period of detention is deemed to have begun
22 once the minor has been placed in a locked room or cell or
23 handcuffed to a stationary object in a building housing a
24 county jail or municipal lockup. Time spent transporting a
25 minor is not considered to be time in detention or secure
26 custody.

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

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

8 (iv) A log shall be kept which shows the offense which
9 is the basis for the detention, the reasons and
10 circumstances for the decision to detain, and the length
11 of time the minor was in detention.

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

25 (A) the age of the person;

26 (B) any previous delinquent or criminal history of

1 the person;

2 (C) any previous abuse or neglect history of the
3 person; and

4 (D) any mental health or educational history of
5 the person, or both.

6 (d) (i) If a minor 12 years of age or older is confined in a
7 county jail in a county with a population below 3,000,000
8 inhabitants, then the minor's confinement shall be implemented
9 in such a manner that there will be no contact by sight, sound,
10 or otherwise between the minor and adult prisoners. Minors 12
11 years of age or older must be kept separate from confined
12 adults and may not at any time be kept in the same cell, room,
13 or yard with confined adults. This paragraph (d) (i) shall only
14 apply to confinement pending an adjudicatory hearing and shall
15 not exceed 40 hours, excluding Saturdays, Sundays, and
16 court-designated holidays. To accept or hold minors during
17 this time period, county jails shall comply with all
18 monitoring standards adopted by the Department of Corrections
19 and training standards approved by the Illinois Law
20 Enforcement Training Standards Board.

21 (ii) To accept or hold minors, 12 years of age or older,
22 after the time period prescribed in paragraph (d) (i) of this
23 subsection (2) of this Section but not exceeding 7 days
24 including Saturdays, Sundays, and holidays pending an
25 adjudicatory hearing, county jails shall comply with all
26 temporary detention standards adopted by the Department of

1 Corrections and training standards approved by the Illinois
2 Law Enforcement Training Standards Board.

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

8 (e) When a minor who is at least 15 years of age is
9 prosecuted under the criminal laws of this State, the court
10 may enter an order directing that the juvenile be confined in
11 the county jail. However, any juvenile confined in the county
12 jail under this provision shall be separated from adults who
13 are confined in the county jail in such a manner that there
14 will be no contact by sight, sound, or otherwise between the
15 juvenile and adult prisoners.

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

22 (g) For purposes of processing a minor, the minor may be
23 taken to a county jail or municipal lockup under the direct and
24 constant supervision of a law enforcement officer or
25 correctional officer. During such time as is necessary to
26 process the minor, and while supervised by a law enforcement

1 officer or correctional officer, the sight and sound
2 separation provisions shall not apply.

3 (3) If the probation officer or State's Attorney (or such
4 other public officer designated by the court in a county
5 having 3,000,000 or more inhabitants) determines that the
6 minor may be a delinquent minor as described in subsection (3)
7 of Section 5-105, and should be retained in custody but does
8 not require physical restriction, the minor may be placed in
9 non-secure custody for up to 40 hours pending a detention
10 hearing.

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

15 (5) The changes made to this Section by Public Act 98-61
16 apply to a minor who has been arrested or taken into custody on
17 or after January 1, 2014 (the effective date of Public Act
18 98-61).

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