

1 AN ACT concerning juveniles.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Children and Family Services Act is amended  
5 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  
17 shall serve without compensation, except they shall be  
18 reimbursed for their actual expenses in the performance of  
19 their duties. The Commission shall carry out the rights,  
20 powers and duties established in subparagraph (3) of paragraph  
21 (a) of Section 223 of the Federal "Juvenile Justice and  
22 Delinquency Prevention Act of 1974", as now or hereafter  
23 amended. The Commission shall determine the priorities for

1 expenditure of funds made available to the State by the  
2 Federal Government pursuant to that Act. The Commission shall  
3 have the following powers and duties:

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

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

10 (3) Annual submission of recommendations to the  
11 Governor and the General Assembly concerning matters  
12 relative to its function, including recommendations  
13 regarding the inclusion of emerging adults into a  
14 developmentally appropriate justice system, reducing  
15 recidivism, and preventing deeper criminal involvement;

16 (4) Responsibility for the review of funds allocated  
17 to Illinois under the "Juvenile Justice and Delinquency  
18 Prevention Act of 1974" to ensure compliance with all  
19 relevant federal laws and regulations;

20 (5) Function as the advisory committee for the State  
21 Youth and Community Services Program as authorized under  
22 Section 17 of this Act, and in that capacity be authorized  
23 and empowered to assist and advise the Secretary of Human  
24 Services on matters related to juvenile justice and  
25 delinquency prevention programs and services; and

26 (6) Study the impact of, develop timelines, and

1 propose a funding structure to accommodate the expansion  
2 of the jurisdiction of the Illinois Juvenile Court to  
3 include youth age 17 under the jurisdiction of the  
4 Juvenile Court Act of 1987. The Commission shall submit a  
5 report by December 31, 2011 to the General Assembly with  
6 recommendations on extending juvenile court jurisdiction  
7 to youth age 17 charged with felony offenses.

8 (b) On the effective date of this amendatory Act of the  
9 96th General Assembly, the Illinois Juvenile Jurisdiction Task  
10 Force created by Public Act 95-1031 is abolished and its  
11 duties are transferred to the Illinois Juvenile Justice  
12 Commission as provided in paragraph (6) of subsection (a) of  
13 this Section.

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

15 Section 10. The Juvenile Court Act of 1987 is amended by  
16 changing Section 5-105 as follows:

17 (705 ILCS 405/5-105)

18 Sec. 5-105. Definitions. As used in this Article:

19 (1) "Aftercare release" means the conditional and  
20 revocable release of an adjudicated delinquent juvenile  
21 committed to the Department of Juvenile Justice under the  
22 supervision of the Department of Juvenile Justice.

23 (1.5) "Court" means the circuit court in a session or  
24 division assigned to hear proceedings under this Act, and

1 includes the term Juvenile Court.

2 (2) "Community service" means uncompensated labor for  
3 a community service agency as hereinafter defined.

4 (2.5) "Community service agency" means a  
5 not-for-profit organization, community organization,  
6 church, charitable organization, individual, public  
7 office, or other public body whose purpose is to enhance  
8 the physical or mental health of a delinquent minor or to  
9 rehabilitate the minor, or to improve the environmental  
10 quality or social welfare of the community which agrees to  
11 accept community service from juvenile delinquents and to  
12 report on the progress of the community service to the  
13 State's Attorney pursuant to an agreement or to the court  
14 or to any agency designated by the court or to the  
15 authorized diversion program that has referred the  
16 delinquent minor for community service.

17 (3) "Delinquent minor" means any minor who prior to  
18 his or her 18th birthday has violated or attempted to  
19 violate, regardless of where the act occurred, any  
20 federal, State, county or municipal law or ordinance. On  
21 and after January 1, 2023, "delinquent minor" includes a  
22 minor who prior to his or her 19th birthday has violated or  
23 attempted to violate, regardless of where the act  
24 occurred, a federal law or State law, or county or  
25 municipal ordinance, and the law or ordinance is  
26 classified as a misdemeanor offense. The changes made by

1 this amendatory Act of the 102nd General Assembly apply to  
2 violations or attempted violations committed on or after  
3 January 1, 2023.

4 (4) "Department" means the Department of Human  
5 Services unless specifically referenced as another  
6 department.

7 (5) "Detention" means the temporary care of a minor  
8 who is alleged to be or has been adjudicated delinquent  
9 and who requires secure custody for the minor's own  
10 protection or the community's protection in a facility  
11 designed to physically restrict the minor's movements,  
12 pending disposition by the court or execution of an order  
13 of the court for placement or commitment. Design features  
14 that physically restrict movement include, but are not  
15 limited to, locked rooms and the secure handcuffing of a  
16 minor to a rail or other stationary object. In addition,  
17 "detention" includes the court ordered care of an alleged  
18 or adjudicated delinquent minor who requires secure  
19 custody pursuant to Section 5-125 of this Act.

20 (6) "Diversion" means the referral of a juvenile,  
21 without court intervention, into a program that provides  
22 services designed to educate the juvenile and develop a  
23 productive and responsible approach to living in the  
24 community.

25 (7) "Juvenile detention home" means a public facility  
26 with specially trained staff that conforms to the county

1 juvenile detention standards adopted by the Department of  
2 Juvenile Justice.

3 (8) "Juvenile justice continuum" means a set of  
4 delinquency prevention programs and services designed for  
5 the purpose of preventing or reducing delinquent acts,  
6 including criminal activity by youth gangs, as well as  
7 intervention, rehabilitation, and prevention services  
8 targeted at minors who have committed delinquent acts, and  
9 minors who have previously been committed to residential  
10 treatment programs for delinquents. The term includes  
11 children-in-need-of-services and  
12 families-in-need-of-services programs; aftercare and  
13 reentry services; substance abuse and mental health  
14 programs; community service programs; community service  
15 work programs; and alternative-dispute resolution programs  
16 serving youth-at-risk of delinquency and their families,  
17 whether offered or delivered by State or local  
18 governmental entities, public or private for-profit or  
19 not-for-profit organizations, or religious or charitable  
20 organizations. This term would also encompass any program  
21 or service consistent with the purpose of those programs  
22 and services enumerated in this subsection.

23 (9) "Juvenile police officer" means a sworn police  
24 officer who has completed a Basic Recruit Training Course,  
25 has been assigned to the position of juvenile police  
26 officer by his or her chief law enforcement officer and

1 has completed the necessary juvenile officers training as  
2 prescribed by the Illinois Law Enforcement Training  
3 Standards Board, or in the case of a State police officer,  
4 juvenile officer training approved by the Director of  
5 State Police.

6 (10) "Minor" means a person under the age of 21 years  
7 subject to this Act.

8 (11) "Non-secure custody" means confinement where the  
9 minor is not physically restricted by being placed in a  
10 locked cell or room, by being handcuffed to a rail or other  
11 stationary object, or by other means. Non-secure custody  
12 may include, but is not limited to, electronic monitoring,  
13 foster home placement, home confinement, group home  
14 placement, or physical restriction of movement or activity  
15 solely through facility staff.

16 (12) "Public or community service" means uncompensated  
17 labor for a not-for-profit organization or public body  
18 whose purpose is to enhance physical or mental stability  
19 of the offender, environmental quality or the social  
20 welfare and which agrees to accept public or community  
21 service from offenders and to report on the progress of  
22 the offender and the public or community service to the  
23 court or to the authorized diversion program that has  
24 referred the offender for public or community service.  
25 "Public or community service" does not include blood  
26 donation or assignment to labor at a blood bank. For the

1 purposes of this Act, "blood bank" has the meaning  
2 ascribed to the term in Section 2-124 of the Illinois  
3 Clinical Laboratory and Blood Bank Act.

4 (13) "Sentencing hearing" means a hearing to determine  
5 whether a minor should be adjudged a ward of the court, and  
6 to determine what sentence should be imposed on the minor.  
7 It is the intent of the General Assembly that the term  
8 "sentencing hearing" replace the term "dispositional  
9 hearing" and be synonymous with that definition as it was  
10 used in the Juvenile Court Act of 1987.

11 (14) "Shelter" means the temporary care of a minor in  
12 physically unrestricting facilities pending court  
13 disposition or execution of court order for placement.

14 (15) "Site" means a not-for-profit organization,  
15 public body, church, charitable organization, or  
16 individual agreeing to accept community service from  
17 offenders and to report on the progress of ordered or  
18 required public or community service to the court or to  
19 the authorized diversion program that has referred the  
20 offender for public or community service.

21 (16) "Station adjustment" means the informal or formal  
22 handling of an alleged offender by a juvenile police  
23 officer.

24 (17) "Trial" means a hearing to determine whether the  
25 allegations of a petition under Section 5-520 that a minor  
26 is delinquent are proved beyond a reasonable doubt. It is



1           the intent of the General Assembly that the term "trial"  
2           replace the term "adjudicatory hearing" and be synonymous  
3           with that definition as it was used in the Juvenile Court  
4           Act of 1987.

5           The changes made to this Section by Public Act 98-61 apply  
6           to violations or attempted violations committed on or after  
7           January 1, 2014 (the effective date of Public Act 98-61).

8           (Source: P.A. 98-61, eff. 1-1-14; 98-558, eff. 1-1-14; 98-685,  
9           eff. 1-1-15; 98-756, eff. 7-16-14; 98-824, eff. 1-1-15; 99-78,  
10          eff. 7-20-15.)