



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB1609

Introduced 2/26/2021, by Sen. Bill Cunningham

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-408 new

Amends the Juvenile Court Act of 1987. Provides that if a law enforcement officer detains a minor for an act that if committed by an adult would constitute vehicular hijacking, aggravated vehicular hijacking, or possession of a stolen motor vehicle, the officer shall deliver the minor to the nearest juvenile officer. Provides that the juvenile officer shall deliver the minor to the court or other place designated by rule or order. Provides that the minor shall be brought before a judicial officer within 40 hours, exclusive of Saturdays, Sundays, and court-designated holidays for a detention hearing to determine whether he or she shall be further held in custody. Makes other changes.

LRB102 13612 KMF 18962 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 adding Section 5-408 as follows:

6 (705 ILCS 405/5-408 new)

7 Sec. 5-408. Processing of juvenile detained for certain  
8 offenses.

9 (a) If a law enforcement officer detains a minor for an act  
10 that if committed by an adult would constitute vehicular  
11 hijacking, aggravated vehicular hijacking, or possession of a  
12 stolen motor vehicle, the officer shall deliver the minor to  
13 the nearest juvenile officer, as provided under subsection (2)  
14 of Section 5-405 of this Act. The juvenile officer shall  
15 deliver the minor without unnecessary delay to the court or to  
16 the place designated by rule or order of court for the  
17 reception of minors. In no event shall the minor be eligible  
18 for any other disposition by the juvenile police officer,  
19 notwithstanding the provisions of subsection (3) of Section  
20 5-405 of this Act.

21 (b) Minors shall be brought before a judicial officer  
22 within 40 hours, exclusive of Saturdays, Sundays, and  
23 court-designated holidays, for a detention hearing to

1 determine whether he or she shall be further held in custody.  
2 If the court finds that there is probable cause to believe that  
3 the minor is a delinquent minor by virtue of his or her  
4 violation of Section 18-3 or 18-4 of the Criminal Code of 1961  
5 or the Criminal Code of 2012 or item (1) of subsection (a) of  
6 Section 4-103 of the Illinois Vehicle Code, that finding shall  
7 create a presumption that immediate and urgent necessity  
8 exists under subsection (2) of Section 5-501 of this Act. Once  
9 the presumption of immediate and urgent necessity has been  
10 raised, the burden of demonstrating the lack of immediate and  
11 urgent necessity shall be on any party that is opposing  
12 detention for the minor. Should the court order detention  
13 under this Section, the minor shall be detained, pending the  
14 results of a court-ordered psychological evaluation to  
15 determine if the minor is a risk to himself, herself, or  
16 others. Upon receipt of the psychological evaluation, the  
17 court shall review the determination regarding the existence  
18 of urgent and immediate necessity. The court shall consider  
19 the psychological evaluation in conjunction with the other  
20 factors identified in subsection (2) of Section 5-501 of this  
21 Act in order to make a de novo determination regarding whether  
22 it is a matter of immediate and urgent necessity for the  
23 protection of the minor or of the person or property of another  
24 that the minor be detained or placed in a shelter care  
25 facility. In addition to the pre-trial conditions found in  
26 Section 5-505 of this Act, the court may order the minor to

1 receive counseling and any other services recommended by the  
2 psychological evaluation as a condition for release of the  
3 minor.

4 (c) Psychological evaluations ordered under subsection (b)  
5 of this Section and statements made by the minor during the  
6 course of these evaluations, shall not be admissible on the  
7 issue of delinquency during the course of any adjudicatory  
8 hearing held under this Act.