

HB5070



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5070

Introduced 2/8/2024, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-601
705 ILCS 405/5-602 new

Amends the Juvenile Court Act of 1987. Provides that if the minor has multiple delinquency petitions filed against him or her, remaining petitions pending against the minor respondent shall be adjudicated within 120 (rather than 160) days from the date on which a finding relative to the first petition prosecuted is rendered. Restructures the provisions concerning alleged delinquent minors and pretrial detention of alleged delinquent minors.

LRB103 37039 RLC 67154 b

A BILL FOR

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 5-601 and by adding Section 5-602 as follows:

6 (705 ILCS 405/5-601)

7 Sec. 5-601. Trial.

8 (1) When a petition has been filed alleging that the minor
9 is a delinquent, a trial must be held within 120 days of a
10 written demand for such hearing made by any party, except that
11 when the State, without success, has exercised due diligence
12 to obtain evidence material to the case and there are
13 reasonable grounds to believe that the evidence may be
14 obtained at a later date, the court may, upon motion by the
15 State, continue the trial for not more than 30 additional
16 days.

17 (2) If a minor respondent has multiple delinquency
18 petitions pending against the minor in the same county and
19 simultaneously demands a trial upon more than one delinquency
20 petition pending against the minor in the same county, the
21 minor shall receive a trial or have a finding, after waiver of
22 trial, upon at least one such petition before expiration
23 relative to any of the pending petitions of the period

1 described by this Section. All remaining petitions thus
2 pending against the minor respondent shall be adjudicated
3 within 120 ~~160~~ days from the date on which a finding relative
4 to the first petition prosecuted is rendered under Section
5 5-620 of this Article, or, if the trial upon the first petition
6 is terminated without a finding and there is no subsequent
7 trial, or adjudication after waiver of trial, on the first
8 petition within a reasonable time, the minor shall receive a
9 trial upon all of the remaining petitions within 120 ~~160~~ days
10 from the date on which the trial, or finding after waiver of
11 trial, on the first petition is concluded. If either such
12 period of 120 ~~160~~ days expires without the commencement of
13 trial, or adjudication after waiver of trial, of any of the
14 remaining pending petitions, the petition or petitions shall
15 be dismissed and barred for want of prosecution unless the
16 delay is occasioned by any of the reasons described in this
17 Section.

18 (3) When no such trial is held within the time required by
19 subsections (1) and (2) of this Section, the court shall, upon
20 motion by any party, dismiss the petition with prejudice.

21 (3.5) The period in which a trial shall be held as
22 prescribed by this Section is tolled by: (i) delay occasioned
23 by the minor; (ii) a continuance allowed pursuant to Section
24 114-4 of the Code of Criminal Procedure of 1963 after the
25 court's determination of the minor's incapacity for trial;
26 (iii) an interlocutory appeal; (iv) an examination of fitness

1 ordered pursuant to Section 104-13 of the Code of Criminal
2 Procedure of 1963; (v) a fitness hearing; or (vi) an
3 adjudication of unfitness for trial. Any such delay shall
4 temporarily suspend, for the time of the delay, the period
5 within which a trial must be held as prescribed by this
6 Section. On the day of expiration of the delays the period
7 shall continue at the point at which the time was suspended.

8 (4) (Blank). ~~Without affecting the applicability of the~~
9 ~~tolling and multiple prosecution provisions of subsections (8)~~
10 ~~and (2) of this Section when a petition has been filed alleging~~
11 ~~that the minor is a delinquent and the minor is in detention or~~
12 ~~shelter care, the trial shall be held within 30 calendar days~~
13 ~~after the date of the order directing detention or shelter~~
14 ~~care, or the earliest possible date in compliance with the~~
15 ~~provisions of Section 5-525 as to the custodial parent,~~
16 ~~guardian or legal custodian, but no later than 45 calendar~~
17 ~~days from the date of the order of the court directing~~
18 ~~detention or shelter care. When the petition alleges the minor~~
19 ~~has committed an offense involving a controlled substance as~~
20 ~~defined in the Illinois Controlled Substances Act or~~
21 ~~methamphetamine as defined in the Methamphetamine Control and~~
22 ~~Community Protection Act, the court may, upon motion of the~~
23 ~~State, continue the trial for receipt of a confirmatory~~
24 ~~laboratory report for up to 45 days after the date of the order~~
25 ~~directing detention or shelter care. When the petition alleges~~
26 ~~the minor committed an offense that involves the death of,~~

1 ~~great bodily harm to or sexual assault or aggravated criminal~~
2 ~~sexual abuse on a victim, the court may, upon motion of the~~
3 ~~State, continue the trial for not more than 70 calendar days~~
4 ~~after the date of the order directing detention or shelter~~
5 ~~care.~~

6 ~~Any failure to comply with the time limits of this Section~~
7 ~~shall require the immediate release of the minor from~~
8 ~~detention, and the time limits set forth in subsections (1)~~
9 ~~and (2) shall apply.~~

10 (4.5) Agreeing to a continuance for trial or status based
11 on the failure of the State to complete discovery shall not be
12 considered a delay occasioned by the minor for purposes of
13 subsection (3.5). Further, demanding trial under subsections
14 (1) or (2) does not relieve the State of its ongoing duty to
15 tender discovery.

16 (5) (Blank). ~~If the court determines that the State,~~
17 ~~without success, has exercised due diligence to obtain the~~
18 ~~results of DNA testing that is material to the case, and that~~
19 ~~there are reasonable grounds to believe that the results may~~
20 ~~be obtained at a later date, the court may continue the cause~~
21 ~~on application of the State for not more than 120 additional~~
22 ~~days. The court may also extend the period of detention of the~~
23 ~~minor for not more than 120 additional days.~~

24 (6) (Blank). ~~If the State's Attorney makes a written~~
25 ~~request that a proceeding be designated an extended juvenile~~
26 ~~jurisdiction prosecution, and the minor is in detention, the~~

1 ~~period the minor can be held in detention pursuant to~~
2 ~~subsection (4), shall be extended an additional 30 days after~~
3 ~~the court determines whether the proceeding will be designated~~
4 ~~an extended juvenile jurisdiction prosecution or the State's~~
5 ~~Attorney withdraws the request for extended juvenile~~
6 ~~jurisdiction prosecution.~~

7 (7) (Blank). ~~When the State's Attorney files a motion for~~
8 ~~waiver of jurisdiction pursuant to Section 5-805, and the~~
9 ~~minor is in detention, the period the minor can be held in~~
10 ~~detention pursuant to subsection (4), shall be extended an~~
11 ~~additional 30 days if the court denies motion for waiver of~~
12 ~~jurisdiction or the State's Attorney withdraws the motion for~~
13 ~~waiver of jurisdiction.~~

14 (8) (Blank). ~~The period in which a trial shall be held as~~
15 ~~prescribed by subsections (1), (2), (3), (4), (5), (6), or (7)~~
16 ~~of this Section is tolled by: (i) delay occasioned by the~~
17 ~~minor; (ii) a continuance allowed pursuant to Section 114-4 of~~
18 ~~the Code of Criminal Procedure of 1963 after the court's~~
19 ~~determination of the minor's incapacity for trial; (iii) an~~
20 ~~interlocutory appeal; (iv) an examination of fitness ordered~~
21 ~~pursuant to Section 104-13 of the Code of Criminal Procedure~~
22 ~~of 1963; (v) a fitness hearing; or (vi) an adjudication of~~
23 ~~unfitness for trial. Any such delay shall temporarily suspend,~~
24 ~~for the time of the delay, the period within which a trial must~~
25 ~~be held as prescribed by subsections (1), (2), (4), (5), and~~
26 ~~(6) of this Section. On the day of expiration of the delays the~~

1 ~~period shall continue at the point at which the time was~~
2 ~~suspended.~~

3 (9) (Blank). ~~Nothing in this Section prevents the minor or~~
4 ~~the minor's parents, guardian or legal custodian from~~
5 ~~exercising their respective rights to waive the time limits~~
6 ~~set forth in this Section.~~

7 (Source: P.A. 103-22, eff. 8-8-23; revised 9-20-23.)

8 (705 ILCS 405/5-602 new)

9 Sec. 5-602. Pretrial detention.

10 (1) When a petition has been filed alleging that the minor
11 is a delinquent and the minor is in detention or shelter care,
12 the trial shall be held within 30 calendar days after the date
13 of the order directing detention or shelter care, or the
14 earliest possible date in compliance with the provisions of
15 Section 5-525 as to the custodial parent, guardian, or legal
16 custodian, but no later than 45 calendar days from the date of
17 the order of the court directing detention or shelter care.
18 This time includes any time a minor spends in custody on a
19 release upon request to Department of Children and Family
20 Services status. When the petition alleges the minor committed
21 an offense that involves the death of or great bodily harm to a
22 victim, the court may, upon motion of the State under Section
23 5-603, continue the trial for not more than 70 calendar days
24 after the date of the order directing detention or shelter
25 care.

1 (2) Any failure to comply with the time limits of this
2 Section shall require the immediate release of the minor from
3 detention and the time limits set forth in subsections (1) and
4 (2) of Section 5-601 shall apply.

5 (3) As the speedy trial provisions outlined in Section
6 5-601 and this Section are distinctly separate statute
7 Sections, a minor need not demand trial for this Section to
8 apply.

9 (4) Notwithstanding the provisions of subsection (2) of
10 Section 5-601, the detention provisions of this Section govern
11 a minor who has multiple delinquency petitions filed against
12 him or her. A minor shall not be held longer than the times
13 described in this Section while awaiting trial. If immediate
14 and urgent necessity has been found pursuant to Section 5-501
15 ordering a minor to be held, the hold shall be on all pending
16 cases.

17 (5) If the State's Attorney makes a written request that a
18 proceeding be designated an extended juvenile jurisdiction
19 prosecution, and the minor is in detention, the period the
20 minor may be held in detention may be extended an additional 30
21 days. A pending extended juvenile jurisdiction petition shall
22 not be a basis for detention past the prescribed time periods
23 in this Section.

24 (6) When the State's Attorney files a motion for waiver of
25 jurisdiction pursuant to Section 5-805, and the minor is in
26 detention, the period the minor may be held in detention may be

1 extended an additional 30 days. A pending transfer petition
2 shall not be a basis for detention past the prescribed time
3 periods in this Section.

4 (7) The period in which a trial shall be held as prescribed
5 by this Section is tolled by: (i) delay occasioned by the
6 minor; (ii) a continuance allowed pursuant to Section 114-4 of
7 the Code of Criminal Procedure of 1963 after the court's
8 determination of the minor's incapacity for trial; (iii) an
9 interlocutory appeal; (iv) an examination of fitness ordered
10 pursuant to Section 104-13 of the Code of Criminal Procedure
11 of 1963; (v) a fitness hearing; or (vi) an adjudication of
12 unfitness for trial. Any such delay shall temporarily suspend,
13 for the time of the delay, the period within which a trial must
14 be held as prescribed by this Section.

15 (8) Agreeing to a continuance for trial or status based on
16 the failure of the State to complete discovery, shall not be
17 considered a delay occasioned by the minor for purposes of
18 this Section. Time needed to prepare a defense to a State
19 motion such as an extended juvenile jurisdiction petition in
20 subsection (5) or a transfer petition in subsection (6) shall
21 not be considered a delay occasioned by the minor.