

1 AMENDMENT TO HOUSE BILL 553

2 AMENDMENT NO. _____. Amend House Bill 553 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 5-810 as follows:

6 (705 ILCS 405/5-810)

7 Sec. 5-810. Extended jurisdiction juvenile prosecutions.

8 (1) (a) If the State's Attorney files a petition, at
9 any time prior to commencement of the minor's trial, to
10 designate the proceeding as an extended jurisdiction juvenile
11 prosecution and the petition alleges the commission by a
12 minor 13 years of age or older of any offense which would be
13 a felony if committed by an adult, and, if the juvenile judge
14 assigned to hear and determine petitions to designate the
15 proceeding as an extended jurisdiction juvenile prosecution
16 determines that there is probable cause to believe that the
17 allegations in the petition and motion are true, there is a
18 rebuttable presumption that the proceeding shall be
19 designated as an extended jurisdiction juvenile proceeding.

20 (b) The judge shall enter an order designating the
21 proceeding as an extended jurisdiction juvenile proceeding
22 unless the judge makes a finding based on clear and

1 convincing evidence that sentencing under the Chapter V of
2 the Unified Code of Corrections would not be appropriate for
3 the minor based on an evaluation of the following factors:

4 (i) The seriousness of the alleged offense;

5 (ii) The minor's history of delinquency;

6 (iii) The age of the minor;

7 (iv) The culpability of the minor in committing the
8 alleged offense;

9 (v) Whether the offense was committed in an
10 aggressive or premeditated manner;

11 (vi) Whether the minor used or possessed a deadly
12 weapon when committing the alleged offense.

13 In considering these factors, the court shall give
14 greater weight to the seriousness of the alleged offense and
15 the minor's prior record of delinquency than to other factors
16 listed in this subsection.

17 (2) Procedures for extended jurisdiction juvenile
18 prosecutions. (a) The State's Attorney may file a written
19 motion for a proceeding to be designated as an extended
20 juvenile jurisdiction prior to commencement of trial. Notice
21 of the motion shall be in compliance with Section 5-530.
22 When the State's Attorney files a written motion that a
23 proceeding be designated an extended jurisdiction juvenile
24 prosecution, the court shall commence a hearing within 30
25 days of the filing of the motion for designation, unless good
26 cause is shown by the prosecution or the minor as to why the
27 hearing could not be held within this time period. If the
28 court finds good cause has been demonstrated, then the
29 hearing shall be held within 60 days of the filing of the
30 motion. The hearings shall be open to the public unless the
31 judge finds that the hearing should be closed for the
32 protection of any party, victim or witness. If the Juvenile
33 Judge assigned to hear and determine a motion to designate an
34 extended jurisdiction juvenile prosecution determines that

1 there is probable cause to believe that the allegations in
2 the petition and motion are true the court shall grant the
3 motion for designation. Information used by the court in its
4 findings or stated in or offered in connection with this
5 Section may be by way of proffer based on reliable
6 information offered by the State or the minor. All evidence
7 shall be admissible if it is relevant and reliable regardless
8 of whether it would be admissible under the rules of
9 evidence.

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

14 (4) Sentencing. If an extended jurisdiction juvenile
15 prosecution under subsections (1) results in a guilty plea, a
16 verdict of guilty, or a finding of guilt, the court shall
17 impose the following:

18 (i) one or more juvenile sentences under Section
19 5-710; and

20 (ii) an adult criminal sentence in accordance with
21 the provisions of Chapter V of the Unified Code of
22 Corrections, the execution of which shall be stayed on
23 the condition that the offender not violate the
24 provisions of the juvenile sentence.

25 Any sentencing hearing under this Section shall be open to
26 the public.

27 (5) If, after an extended jurisdiction juvenile
28 prosecution trial, a minor is convicted of a lesser-included
29 offense or of an offense that the State's Attorney did not
30 designate as an extended jurisdiction juvenile prosecution,
31 the State's Attorney may file a written motion, within 10
32 days of the finding of guilt, that the minor be sentenced as
33 an extended jurisdiction juvenile prosecution offender. The
34 court shall rule on this motion using the factors found in

1 paragraph (1) (b) of this Section 5-805. If the court denies
2 the State's Attorney's motion for sentencing under the
3 extended jurisdiction juvenile prosecution provision, the
4 court shall proceed to sentence the minor under Section
5 5-710.

6 (6) When it appears that a minor convicted in an
7 extended jurisdiction juvenile prosecution under subsection
8 (1) has violated the conditions of his or her sentence, or is
9 alleged to have committed a new offense upon the filing of a
10 petition to revoke the stay, the court may, without notice,
11 issue a warrant for the arrest of the minor. After a hearing,
12 if the court finds by a preponderance of the evidence that
13 the minor committed a new offense, the court shall order
14 execution of the previously imposed adult criminal sentence.
15 After a hearing, if the court finds by a preponderance of the
16 evidence that the minor committed a violation of his or her
17 sentence other than by a new offense, the court may order
18 execution of the previously imposed adult criminal sentence
19 or may continue him or her on the existing juvenile sentence
20 with or without modifying or enlarging the conditions. Upon
21 revocation of the stay of the adult criminal sentence and
22 imposition of that sentence, the minor's extended
23 jurisdiction juvenile status shall be terminated. The
24 on-going jurisdiction over the minor's case shall be assumed
25 by the adult criminal court and juvenile court jurisdiction
26 shall be terminated and a report of the imposition of the
27 adult sentence shall be sent to the Department of State
28 Police.

29 (7) Upon successful completion of the juvenile sentence
30 the court shall vacate the adult criminal sentence.

31 (8) Nothing in this Section precludes the State from
32 filing a motion for transfer under Section 5-805.

33 (Source: P.A. 90-590, eff. 1-1-99.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".