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SENATE JOINT RESOLUTION

2 WHEREAS, The adoption of balanced and restorative justice
3 in the Juvenile Court Act of 1987 also imposes on the juvenile
4 court system an obligation to provide competency-building
5 services to youths while under the jurisdiction of the court;
6 and

7 WHEREAS, The adoption of Redeploy Illinois has the
8 potential to provide funding for competency-building services
9 in counties throughout the State, thereby reducing the State's
10 costly practice of relying on incarceration; and

11 WHEREAS, Recent national studies question whether
12 juveniles are developmentally competent to make the legal
13 decisions necessary in adult criminal court proceedings; and

14 WHEREAS, One recent study of nearly 1,000 juveniles
15 concluded that approximately one-third of 11 through 13 year
16 olds and approximately one-fifth of 14 through 15 year olds
17 were as impaired in capacities that affect their competence to
18 stand trial as are seriously mentally ill adults who would
19 likely be considered incompetent; and

20 WHEREAS, In addition, studies indicate that immaturity may
21 affect the performance of youths as defendants in ways that
22 extend beyond the elements of understanding and reasoning that
23 are explicitly relevant under the law, since, compared to young
24 adults, adolescents are more likely to comply with authority
25 figures, less likely to recognize the risks inherent in the
26 various choices they face, and less likely to consider the
27 long-term consequences of their legal decisions; and

28 WHEREAS, Numerous national, legal, and medical
29 organizations (including the American Bar Association, the
30 National Council of Juvenile and Family Court Judges, the

1 American Academy of Pediatricians, and the Association of
2 Adolescent Psychiatrists) oppose the trial of youths in adult
3 criminal court unless the decision has been made on an
4 individual basis following a court hearing with adequate
5 consideration of all relevant issues and with full due process
6 protections; and

7 WHEREAS, Courts have consistently warned that fundamental
8 due process protections are necessary to ensure that the
9 critical decision to try a minor as an adult is made on an
10 individual basis, taking into account all relevant factors
11 including the circumstances of the offense, the age of the
12 minor, the competency of the minor, the educational and
13 emotional capacity of the minor, the background of the minor
14 including physical, developmental, and mental capacity, and
15 the resources of the juvenile court; therefore, be it

16 RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL
17 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
18 CONCURRING HEREIN, that there is created a Task Force on Trial
19 of Juveniles in Adult Court, comprised of members of the
20 General Assembly, representatives of the Governor, and
21 concerned members of the public, to study and make
22 recommendations for improvements in transfer laws stating when
23 juveniles shall be tried as adults; and be it further

24 RESOLVED, That two members who are elected members of the
25 House of Representatives and two members who are elected
26 members of the Senate be appointed, one each by the Speaker of
27 the House of Representatives, the Minority Leader of the House
28 of Representatives, the President of the Senate, and the
29 Minority Leader of the Senate; and be it further

30 RESOLVED, That the Speaker of the House of Representatives
31 and the President of the Senate or their designees shall serve
32 as co-chairs; and be it further

1 RESOLVED, That at least one member be appointed by the
2 Governor; and be it further

3 RESOLVED, That the Task Force shall meet at least 4 times
4 while the General Assembly is in recess and report any findings
5 and recommendations to the General Assembly by December 31,
6 2004.