



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB5619

by Rep. Robyn Gabel

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-415

Amends the Juvenile Court Act of 1987. Provides that an alleged juvenile delinquent must be brought before a judicial officer within 24 hours to determine further custody, and that an initial hearing shall be no later than the following morning when the juvenile arrived in placement, including weekends and holidays. The 24 hour period will not begin until the juvenile is released from the hospital or treatment center, if the juvenile is hospitalized or receiving treatment. If false information is given by the juvenile as to age, the 24 hour period will begin once it is determined that the juvenile is subject to this Act. The 24 hour period shall be paused to allow the juvenile's legal counsel time to prepare upon a motion filed with the court.

LRB099 18260 SLF 42630 b

FISCAL NOTE ACT  
MAY APPLY

JUDICIAL NOTE  
ACT MAY APPLY

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 5-415 as follows:

6 (705 ILCS 405/5-415)

7 Sec. 5-415. Setting of detention or shelter care hearing;  
8 release.

9 (1) Unless sooner released, a minor alleged to be a  
10 delinquent minor taken into temporary custody must be brought  
11 before a judicial officer within 24 ~~40~~ hours for a detention or  
12 shelter care hearing to determine whether he or she shall be  
13 further held in custody. The initial detention hearing shall be  
14 held no later than the morning following the juvenile's  
15 placement in detention, including weekends and holidays. If a  
16 minor alleged to be a delinquent minor taken into custody is  
17 hospitalized or is receiving treatment for a physical or mental  
18 condition, and is unable to be brought before a judicial  
19 officer for a detention or shelter care hearing, the 24 ~~40~~ hour  
20 period will not commence until the minor is released from the  
21 hospital or place of treatment. If the minor gives false  
22 information to law enforcement officials regarding the minor's  
23 identity or age, the 24 ~~40~~ hour period will not commence until

1 the court rules that the minor is subject to this Act and not  
2 subject to prosecution under the Criminal Code of 1961 or the  
3 Criminal Code of 2012. Any other delay attributable to a minor  
4 alleged to be a delinquent minor who is taken into temporary  
5 custody shall act to toll the 24 ~~40~~ hour time period. The 24 ~~40~~  
6 hour time period shall be tolled to allow counsel for the minor  
7 to prepare for the detention or shelter care hearing, upon a  
8 motion filed by such counsel and granted by the court. ~~In all~~  
9 ~~cases, the 40 hour time period is exclusive of Saturdays,~~  
10 ~~Sundays and court designated holidays.~~

11 (2) If the State's Attorney or probation officer (or other  
12 public officer designated by the court in a county having more  
13 than 3,000,000 inhabitants) determines that the minor should be  
14 retained in custody, he or she shall cause a petition to be  
15 filed as provided in Section 5-520 of this Article, and the  
16 clerk of the court shall set the matter for hearing on the  
17 detention or shelter care hearing calendar. Immediately upon  
18 the filing of a petition in the case of a minor retained in  
19 custody, the court shall cause counsel to be appointed to  
20 represent the minor. When a parent, legal guardian, custodian,  
21 or responsible relative is present and so requests, the  
22 detention or shelter care hearing shall be held immediately if  
23 the court is in session and the State is ready to proceed,  
24 otherwise at the earliest feasible time. In no event shall a  
25 detention or shelter care hearing be held until the minor has  
26 had adequate opportunity to consult with counsel. The probation

1 officer or such other public officer designated by the court in  
2 a county having more than 3,000,000 inhabitants shall notify  
3 the minor's parent, legal guardian, custodian, or responsible  
4 relative of the time and place of the hearing. The notice may  
5 be given orally.

6 (3) The minor must be released from custody at the  
7 expiration of the 40 hour period specified by this Section if  
8 not brought before a judicial officer within that period.

9 (4) After the initial 40 hour period has lapsed, the court  
10 may review the minor's custodial status at any time prior to  
11 the trial or sentencing hearing. If during this time period new  
12 or additional information becomes available concerning the  
13 minor's conduct, the court may conduct a hearing to determine  
14 whether the minor should be placed in a detention or shelter  
15 care facility. If the court finds that there is probable cause  
16 that the minor is a delinquent minor and that it is a matter of  
17 immediate and urgent necessity for the protection of the minor  
18 or of the person or property of another, or that he or she is  
19 likely to flee the jurisdiction of the court, the court may  
20 order that the minor be placed in detention or shelter care.

21 (Source: P.A. 97-1150, eff. 1-25-13.)