AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Children and Family Services Act is amended by changing Section 17a-9 as follows:

(20 ILCS 505/17a-9) (from Ch. 23, par. 5017a-9)

Sec. 17a-9. Illinois Juvenile Justice Commission.

(a) There is hereby created the Illinois Juvenile Justice Commission which shall consist of 25 persons appointed by the Governor. The Chairperson of the Commission shall be appointed by the Governor. Of the initial appointees, 8 shall serve a one-year term, 8 shall serve a two-year term and 9 shall serve a three-year term. Thereafter, each successor shall serve a three-year term. Vacancies shall be filled in the same manner as original appointments. Once appointed, members shall serve until their successors are appointed and qualified. Members shall serve without compensation, except they shall be reimbursed for their actual expenses in the performance of their duties. The Commission shall carry out the rights, powers and duties established in subparagraph (3) of paragraph (a) of Section 223 of the Federal "Juvenile Justice and Delinquency Prevention Act of 1974", as now or hereafter amended. The Commission shall determine the priorities for

expenditure of funds made available to the State by the Federal Government pursuant to that Act. The Commission shall have the following powers and duties:

(1) Development, review and final approval of the State's juvenile justice plan for funds under the Federal "Juvenile Justice and Delinquency Prevention Act of 1974";

(2) Review and approve or disapprove juvenile justice and delinquency prevention grant applications to the Department for federal funds under that Act;

(3) Annual submission of recommendations to the Governor and the General Assembly concerning matters relative to its function;

(4) Responsibility for the review of funds allocated to Illinois under the "Juvenile Justice and Delinquency Prevention Act of 1974" to ensure compliance with all relevant federal laws and regulations;

(5) Function as the advisory committee for the State Youth and Community Services Program as authorized under Section 17 of this Act, and in that capacity be authorized and empowered to assist and advise the Secretary of Human Services on matters related to juvenile justice and delinquency prevention programs and services; ~~and~~

(5.5) Study and make recommendations to the General Assembly regarding the availability of youth services to reduce the use of detention and prevent deeper criminal involvement and regarding the impact and advisability of

raising the minimum age of detention to 14, and develop a process to assist in the implementation of the provisions of this amendatory Act of the 104th General Assembly; and

(6) Study the impact of, develop timelines, and propose a funding structure to accommodate the expansion of the jurisdiction of the Illinois Juvenile Court to include youth age 17 under the jurisdiction of the Juvenile Court Act of 1987. The Commission shall submit a report by December 31, 2011 to the General Assembly with recommendations on extending juvenile court jurisdiction to youth age 17 charged with felony offenses.

(b) On the effective date of this amendatory Act of the 96th General Assembly, the Illinois Juvenile Jurisdiction Task Force created by Public Act 95-1031 is abolished and its duties are transferred to the Illinois Juvenile Justice Commission as provided in paragraph (6) of subsection (a) of this Section.

(Source: P.A. 96-1199, eff. 1-1-11.)

Section 10. The Juvenile Court Act of 1987 is amended by changing Section 5-410 as follows:

(705 ILCS 405/5-410)

Sec. 5-410. Non-secure custody or detention.

(1) Placement of a minor away from his or her home must be a last resort and the least restrictive alternative available.

Any minor arrested or taken into custody pursuant to this Act who requires care away from the minor's home but who does not require physical restriction shall be given temporary care in a foster family home or other shelter facility designated by the court.

(2)(a-1) On or after July 1, 2026 and before July 1, 2027, any minor 12 years of age or older arrested pursuant to this Act where there is probable cause to believe that the minor is a delinquent minor and that secure custody is a matter of immediate and urgent necessity, in light of a serious threat to the physical safety of a person or persons in the community or in order to secure the presence of the minor at the next hearing, as evidenced by a demonstrable record of willful failure to appear at a scheduled court hearing within the past 12 months, may be kept or detained in an authorized detention facility. On or after July 1, 2027, minors age 12 years of age and under 13 years of age and charged with first degree murder, aggravated criminal sexual assault, aggravated battery in which a firearm was used in the offense, or aggravated vehicular hijacking, may be kept or detained in an authorized detention facility and any minor 13 years of age or older arrested pursuant to this Act where there is probable cause to believe that the minor is a delinquent minor and that secure custody is a matter of immediate and urgent necessity in light of a serious threat to the physical safety of a person or persons in the community, or to secure the presence of the

minor at the next hearing as evidenced by a demonstrable record of willful failure to appear at a scheduled court hearing within the past 12 months may be kept or detained in an authorized detention facility. ~~(a) Any minor 10 years of age or older arrested pursuant to this Act where there is probable cause to believe that the minor is a delinquent minor and that (i) secure custody is a matter of immediate and urgent necessity for the protection of the minor or of the person or property of another, (ii) the minor is likely to flee the jurisdiction of the court, or (iii) the minor was taken into custody under a warrant, may be kept or detained in an authorized detention facility. A minor under 13 years of age shall not be admitted, kept, or detained in a detention facility unless a local youth service provider, including a provider through the Comprehensive Community Based Youth Services network, has been contacted and has not been able to accept the minor.~~ No minor under 13 ~~12~~ years of age shall be detained in a county jail or a municipal lockup for more than 6 hours.

(a-2) Probation and court services shall document and share on a monthly basis with the Illinois Juvenile Justice Commission each instance where alternatives to detention failed or were lacking, including the basis for detention, the providers who were contacted, and the reason alternatives were rejected, lacking or denied.

(a-3) Instead of detention, minors under the age of 13 who

are in conflict with the law may be held accountable through a community mediation program as set forth in Section 5-310 or through other court-ordered intervention services.

(a-5) For a minor arrested or taken into custody for vehicular hijacking or aggravated vehicular hijacking, a previous finding of delinquency for vehicular hijacking or aggravated vehicular hijacking shall be given greater weight in determining whether secured custody of a minor is a matter of immediate and urgent necessity for the protection of the minor or of the person or property of another.

(b) The written authorization of the probation officer or detention officer (or other public officer designated by the court in a county having 3,000,000 or more inhabitants) constitutes authority for the superintendent of any juvenile detention home to detain and keep a minor for up to 40 hours, excluding Saturdays, Sundays, and court-designated holidays. These records shall be available to the same persons and pursuant to the same conditions as are law enforcement records as provided in Section 5-905.

(b-4) The consultation required by paragraph (b-5) shall not be applicable if the probation officer or detention officer (or other public officer designated by the court in a county having 3,000,000 or more inhabitants) utilizes a scorable detention screening instrument, which has been developed with input by the State's Attorney, to determine whether a minor should be detained; however, paragraph (b-5)

shall still be applicable where no such screening instrument is used or where the probation officer, detention officer (or other public officer designated by the court in a county having 3,000,000 or more inhabitants) deviates from the screening instrument.

(b-5) Subject to the provisions of paragraph (b-4), if a probation officer or detention officer (or other public officer designated by the court in a county having 3,000,000 or more inhabitants) does not intend to detain a minor for an offense which constitutes one of the following offenses, the probation officer or detention officer (or other public officer designated by the court in a county having 3,000,000 or more inhabitants) shall consult with the State's Attorney's Office prior to the release of the minor: first degree murder, second degree murder, involuntary manslaughter, criminal sexual assault, aggravated criminal sexual assault, aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section 12-3.05, aggravated or heinous battery involving permanent disability or disfigurement or great bodily harm, robbery, aggravated robbery, armed robbery, vehicular hijacking, aggravated vehicular hijacking, vehicular invasion, arson, aggravated arson, kidnapping, aggravated kidnapping, home invasion, burglary, or residential burglary.

(c) Except as otherwise provided in paragraph (a), (d), or (e), no minor shall be detained in a county jail or municipal

lockup for more than 12 hours, unless the offense is a crime of violence in which case the minor may be detained up to 24 hours. For the purpose of this paragraph, "crime of violence" has the meaning ascribed to it in Section 1-10 of the Substance Use Disorder Act.

(i) The period of detention is deemed to have begun once the minor has been placed in a locked room or cell or handcuffed to a stationary object in a building housing a county jail or municipal lockup. Time spent transporting a minor is not considered to be time in detention or secure custody.

(ii) Any minor so confined shall be under periodic supervision and shall not be permitted to come into or remain in contact with adults in custody in the building.

(iii) Upon placement in secure custody in a jail or lockup, the minor shall be informed of the purpose of the detention, the time it is expected to last and the fact that it cannot exceed the time specified under this Act.

(iv) A log shall be kept which shows the offense which is the basis for the detention, the reasons and circumstances for the decision to detain, and the length of time the minor was in detention.

(v) Violation of the time limit on detention in a county jail or municipal lockup shall not, in and of itself, render inadmissible evidence obtained as a result of the violation of this time limit. Minors under 18 years

of age shall be kept separate from confined adults and may not at any time be kept in the same cell, room, or yard with adults confined pursuant to criminal law. Persons 18 years of age and older who have a petition of delinquency filed against them may be confined in an adult detention facility. In making a determination whether to confine a person 18 years of age or older who has a petition of delinquency filed against the person, these factors, among other matters, shall be considered:

(A) the age of the person;

(B) any previous delinquent or criminal history of the person;

(C) any previous abuse or neglect history of the person; and

(D) any mental health or educational history of the person, or both.

(d)(i) If a minor 12 years of age or older is confined in a county jail in a county with a population below 3,000,000 inhabitants, then the minor's confinement shall be implemented in such a manner that there will be no contact by sight, sound, or otherwise between the minor and adult prisoners. Minors 12 years of age or older must be kept separate from confined adults and may not at any time be kept in the same cell, room, or yard with confined adults. This paragraph (d)(i) shall only apply to confinement pending an adjudicatory hearing and shall not exceed 40 hours, excluding Saturdays, Sundays, and

court-designated holidays. To accept or hold minors during this time period, county jails shall comply with all monitoring standards adopted by the Department of Corrections and training standards approved by the Illinois Law Enforcement Training Standards Board.

(ii) To accept or hold minors, 12 years of age or older, after the time period prescribed in paragraph (d)(i) of this subsection (2) of this Section but not exceeding 7 days including Saturdays, Sundays, and holidays pending an adjudicatory hearing, county jails shall comply with all temporary detention standards adopted by the Department of Corrections and training standards approved by the Illinois Law Enforcement Training Standards Board.

(iii) To accept or hold minors 12 years of age or older, after the time period prescribed in paragraphs (d)(i) and (d)(ii) of this subsection (2) of this Section, county jails shall comply with all county juvenile detention standards adopted by the Department of Juvenile Justice.

(e) When a minor who is at least 15 years of age is prosecuted under the criminal laws of this State, the court may enter an order directing that the juvenile be confined in the county jail. However, any juvenile confined in the county jail under this provision shall be separated from adults who are confined in the county jail in such a manner that there will be no contact by sight, sound, or otherwise between the juvenile and adult prisoners.

(f) For purposes of appearing in a physical lineup, the minor may be taken to a county jail or municipal lockup under the direct and constant supervision of a juvenile police officer. During such time as is necessary to conduct a lineup, and while supervised by a juvenile police officer, the sight and sound separation provisions shall not apply.

(g) For purposes of processing a minor, the minor may be taken to a county jail or municipal lockup under the direct and constant supervision of a law enforcement officer or correctional officer. During such time as is necessary to process the minor, and while supervised by a law enforcement officer or correctional officer, the sight and sound separation provisions shall not apply.

(3) If the probation officer or State's Attorney (or such other public officer designated by the court in a county having 3,000,000 or more inhabitants) determines that the minor may be a delinquent minor as described in subsection (3) of Section 5-105, and should be retained in custody but does not require physical restriction, the minor may be placed in non-secure custody for up to 40 hours pending a detention hearing.

(4) Any minor taken into temporary custody, not requiring secure detention, may, however, be detained in the home of the minor's parent or guardian subject to such conditions as the court may impose.

(5) The changes made to this Section by Public Act 98-61

apply to a minor who has been arrested or taken into custody on or after January 1, 2014 (the effective date of Public Act 98-61).

(Source: P.A. 103-22, eff. 8-8-23; 103-605, eff. 7-1-24.)

Section 15. The Unified Code of Corrections is amended by adding Sections 3-2.5-25 and 3-2.5-105 as follows:

(730 ILCS 5/3-2.5-25 new)

Sec. 3-2.5-25. Youth nonviolent crime resource program.

(a) The Department shall provide resources to persons under 18 years of age who have been adjudicated delinquent for a nonviolent crime. For the purpose of this Section, a nonviolent crime does not include the use or threat of force toward a person. The resources shall include:

(1) mentoring;

(2) access to educational resources in collaboration with the State Board of Education;

(3) employment training opportunities;

(4) behavioral health services, including trauma informed services;

(5) parent supports, including assistance applying for public health programs available through the Department of Human Services and other State agencies; and

(6) any other resources that the Department deems helpful to youth convicted of nonviolent crimes.

(b) The Department may provide services through existing or new service contracts with community agencies.

(c) The circuit courts and probation departments may refer youth to this program. The Department shall not provide any supervision of court-ordered conditions under this program.

(d) On or before July 1, 2028, the Department shall publicize on its website the program created under this Section and the process for referring eligible youth.

(e) The Department shall include the number of youth and families served and a summary of the types of services provided through this program in its annual report.

(730 ILCS 5/3-2.5-105 new)

Sec. 3-2.5-105. Child First Reform Task Force.

(a) The Child First Reform Task Force is created. The purpose of the Task Force is to review and study the current state of juvenile detention centers across the State. The Task Force shall consider the conditions and administration of individual juvenile detention centers, identify the resources needed to consistently meet the minimum standards set by the Department of Juvenile Justice and the Administrative Office of the Illinois Courts, evaluate complaints arising out of juvenile detention centers, identify best practices to provide detention center care, propose community-based alternatives to juvenile detention, and advise on the creation of the Youth Advisory Agency with youth justice advisors and district youth

advisory offices in each circuit court district. The Task Force shall also make recommendations for policy changes at the Department of Juvenile Justice to support child-first directives aligned with the policies and practices established in the Convention on the Rights of the Child that was adopted by the United Nations General Assembly on November 20, 1989, and became effective as an international treaty on September 2, 1990.

(b) The Task Force shall consist of the following members:

(1) A member of the Senate appointed by the President of the Senate.

(2) A member of the Senate appointed by the Minority Leader of the Senate.

(3) A member of the House appointed by the Speaker of the House.

(4) A member of the House appointed by the Minority Leader of the House.

(5) A member appointed by the Director of Juvenile Justice.

(6) A member appointed by the Director of Human Rights.

(7) A member appointed by the Independent Juvenile Ombudsperson.

(8) A member appointed by the Independent Juvenile Ombudsperson who represents an organization that advocates for a community-based rehabilitation or systems impacted

individuals.

(9) A member appointed by the Independent Juvenile Ombudsperson who represents an organization that advocates for juvenile justice reform.

(10) Two members appointed by the Illinois Juvenile Justice Commission.

(11) A member appointed by the Director of the Governor's Office of Management and Budget.

(12) One member appointed by the Lieutenant Governor who is a member of a county board of a county operating a county detention facility.

(13) One member appointed by the Lieutenant Governor who is a juvenile detention officer, probation officer, or other facility employee at a county detention facility who makes the determination on whether to detain a juvenile at the county detention facility.

(14) A member appointed by the Lieutenant Governor from the Justice, Equity, and Opportunity Initiative.

(15) Two members appointed by the Director of Juvenile Justice who are over the age of 18 and who have served any amount of time in a county juvenile detention facility.

(16) A member appointed by the Director of the Illinois State Police.

(17) A member appointed by the Secretary of Human Services.

The Task Force may include 2 additional members appointed

by the Illinois Supreme Court.

(c) Appointments to the Task Force shall be made within 90 days after the effective date of this amendatory Act of the 104th General Assembly. Members shall serve without compensation.

(d) The Task Force shall meet at the call of a co-chair at least quarterly to fulfill its duties. The members of the Task Force shall select 2 co-chairs from among themselves at their first meeting.

(e) The Task Force shall:

(1) engage community organizations, interested groups, and members of the public for the purpose of assessing:

(A) community-based alternatives to detention and the adoption and implementation of such alternatives;

(B) the needs of juveniles detained in county detention facilities;

(C) strategic planning for a transition away from juvenile detention facilities;

(D) the establishment of more accountability between county facilities and the Department of Juvenile Justice, or if there would be a benefit for the State in operating detention centers for persons awaiting sentencing or court determination, in lieu of counties providing this service, when in extreme cases the county detention center is unable to pass minimum standards;

(E) evidence-based best practices regarding the delivery of services within detention centers, including healthcare and education;

(F) the integration of restorative practices into the juvenile detention system, focusing on healing, accountability, and community restoration;

(G) the implementation of child-first directives within the Department of Juvenile Justice and throughout the State;

(H) strategic planning for creating a Youth Advisory Agency with district youth advisory offices in each circuit court district;

(I) the implementation of youth justice advisors within the Youth Advisory Agency to guide juveniles through the juvenile justice process, including through interactions with law enforcement, the courts, and community-based alternatives to detention;

(J) how county juvenile detention facilities are currently funded;

(K) how to encourage the Illinois Supreme Court and relevant authorities to require, as a consistent part of continuing education, training on child-first directives, child rights, and the unique needs of minors in the justice system; and

(L) the establishment of training requirements by the Illinois Law Enforcement Training Standards Board

for law enforcement on child-first directives, child rights, and the unique needs of minors in the justice system;

(2) review available research and data on the benefits of community-based alternatives to detention versus the benefits of juvenile detention;

(3) review Administrative Office of the Illinois Courts, Department of Juvenile Justice, and Independent Ombudsperson monitoring reports to identify specific instances of non-compliance arising out of county juvenile detention facilities and patterns of noncompliance Statewide; and

(4) make recommendations or suggestions for changes to the County Shelter Care and Detention Home Act and the Unified Code of Corrections, including changes and improvements to the juvenile detention system.

(f) On or before January 1, 2029, the Task Force shall publish a final report of its findings and non-binding recommendations. The report shall, at a minimum, detail findings and recommendations related to the duties of the Task Force and the following:

(1) the process and standards used to determine whether a juvenile will be detained in a county facility;

(2) information and recommendations on detention facility standards, including how to ensure compliance with minimum standards, which facilities are chronically

noncompliant and the reasons for noncompliance, including specific instances of noncompliance, and penalties for noncompliance;

(3) strategic planning suggestions to transition away from juvenile detention;

(4) how county juvenile detention facilities are currently funded;

(5) recommendations on whether to establish more accountability between county facilities and the Department of Juvenile Justice, or whether the operation of all detention centers should be transferred to the Department of Juvenile Justice;

(6) how to incorporate restorative practices into the juvenile justice system;

(7) implementing child-first directives throughout the State;

(8) strategic planning suggestions on creating a Youth Advisory Agency with youth justice advisors and district youth advisory offices in each circuit court district;

(9) recommendations on the duties of youth justice advisors and the role they will serve in assisting juveniles through the juvenile justice process, including through interactions with law enforcement, the courts, and community-based alternatives to detention, and recommendations on how many youth justice advisors to staff for each circuit court district;

(10) strategic planning suggestions to encourage the Illinois Supreme Court and relevant authorities to require, as a consistent part of continuing education, training on child-first directives, child rights, and the unique needs of minors in the justice system; and

(11) strategic planning to require the Illinois Law Enforcement Training Standards Board to establish training for law enforcement on child-first directives, child rights, and the unique needs of minors in the justice system.

The final report shall be submitted to the General Assembly, the Offices of the Governor and Lieutenant Governor, the Chief Judge of each circuit court operating a county detention facility, the county board of each county operating a county detention facility, and the Office of the Attorney General.

(g) The Department of Juvenile Justice shall provide administrative support for the Task Force.

(h) This Section is repealed on June 1, 2029.

Section 99. Effective date. This Section and Section 3-2.5-105 of the Unified Code of Corrections take effect June 1, 2026. Section 3-2.5-25 of the Unified Code of Corrections takes effect January 1, 2028.