

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 Sections 5-310 and 5-705 as follows:

6 (705 ILCS 405/5-310)

7 Sec. 5-310. Community mediation program.

8 (1) Program purpose. The purpose of community mediation is
9 to provide a system by which minors who commit delinquent acts
10 may be dealt with in a speedy and informal manner at the
11 community or neighborhood level. The goal is to make the
12 juvenile understand the seriousness of the juvenile's actions
13 and the effect that a crime has on the minor, the minor's
14 family, the minor's victim and the minor's community. In
15 addition, this system offers a method to reduce the
16 ever-increasing instances of delinquent acts while permitting
17 the judicial system to deal effectively with cases that are
18 more serious in nature.

19 (2) Community mediation panels. Either the court or the
20 ~~The~~ State's Attorney, or both, or an entity designated by the
21 State's Attorney, may establish community mediation programs
22 designed to provide citizen participation in addressing
23 juvenile delinquency. The State's Attorney, or the State's

1 Attorney's designee, shall maintain a list of qualified
2 persons who have agreed to serve as community mediators. To
3 the maximum extent possible, panel membership shall reflect
4 the social-economic, racial and ethnic make-up of the
5 community in which the panel sits. The panel shall consist of
6 members with a diverse background in employment, education and
7 life experience.

8 (3) Community mediation cases.

9 (a) Community mediation programs shall provide one or
10 more community mediation panels to informally hear cases
11 that are referred by a police officer as a station
12 adjustment, or a probation officer as a probation
13 adjustment, or referred by the State's Attorney as a
14 diversion from prosecution.

15 (b) Minors who are offered the opportunity to
16 participate in the program must admit responsibility for
17 the offense to be eligible for the program.

18 (4) Disposition of cases. Subsequent to any hearing held,
19 the community mediation panel may:

20 (a) Refer the minor for placement in a community-based
21 nonresidential program.

22 (b) Refer the minor or the minor's family to community
23 counseling.

24 (c) Require the minor to perform up to 100 hours of
25 community service.

26 (d) Require the minor to make restitution in money or

1 in kind in a case involving property damage; however, the
2 amount of restitution shall not exceed the amount of
3 actual damage to property.

4 (e) Require the minor and the minor's parent,
5 guardian, or legal custodian to undergo an approved
6 screening for substance abuse or use, or both. If the
7 screening indicates a need, a drug and alcohol assessment
8 of the minor and the minor's parent, guardian, or legal
9 custodian shall be conducted by an entity licensed by the
10 Department of Human Services, as a successor to the
11 Department of Alcoholism and Substance Abuse. The minor
12 and the minor's parent, guardian, or legal custodian shall
13 adhere to and complete all recommendations to obtain drug
14 and alcohol treatment and counseling resulting from the
15 assessment.

16 (f) Require the minor to attend school.

17 (g) Require the minor to attend tutorial sessions.

18 (h) Impose any other restrictions or sanctions that
19 are designed to encourage responsible and acceptable
20 behavior and are agreed upon by the participants of the
21 community mediation proceedings.

22 (5) The agreement shall run no more than 6 months. All
23 community mediation panel members and observers are required
24 to sign the following oath of confidentiality prior to
25 commencing community mediation proceedings:

26 "I solemnly swear or affirm that I will not

1 divulge, either by words or signs, any information
2 about the case which comes to my knowledge in the
3 course of a community mediation presentation and that
4 I will keep secret all proceedings which may be held in
5 my presence.

6 Further, I understand that if I break
7 confidentiality by telling anyone else the names of
8 community mediation participants, except for
9 information pertaining to the community mediation
10 panelists themselves, or any other specific details of
11 the case which may identify that juvenile, I will no
12 longer be able to serve as a community mediation panel
13 member or observer."

14 (6) The State's Attorney shall adopt rules and procedures
15 governing administration of the program.

16 (Source: P.A. 103-22, eff. 8-8-23.)

17 (705 ILCS 405/5-705)

18 Sec. 5-705. Sentencing hearing; evidence; continuance.

19 (1) In this subsection (1), "violent crime" has the same
20 meaning ascribed to the term in subsection (c) of Section 3 of
21 the Rights of Crime Victims and Witnesses Act. At the
22 sentencing hearing, the court shall determine whether it is in
23 the best interests of the minor or the public that the minor be
24 made a ward of the court, and, if the minor is to be made a
25 ward of the court, the court shall determine the proper

1 disposition best serving the interests of the minor and the
2 public. All evidence helpful in determining these questions,
3 including oral and written reports, may be admitted and may be
4 relied upon to the extent of its probative value, even though
5 not competent for the purposes of the trial. A crime victim
6 shall be allowed to present an oral or written statement, as
7 guaranteed by Article I, Section 8.1 of the Illinois
8 Constitution and as provided in Section 6 of the Rights of
9 Crime Victims and Witnesses Act, in any case in which: (a) a
10 juvenile has been adjudicated delinquent for a violent crime
11 after a bench or jury trial; or (b) the petition alleged the
12 commission of a violent crime and the juvenile has been
13 adjudicated delinquent under a plea agreement of a crime that
14 is not a violent crime. The court shall allow a victim to make
15 an oral statement if the victim is present in the courtroom and
16 requests to make an oral statement. An oral statement includes
17 the victim or a representative of the victim reading the
18 written statement. The court may allow persons impacted by the
19 crime who are not victims under subsection (a) of Section 3 of
20 the Rights of Crime Victims and Witnesses Act to present an
21 oral or written statement. A victim and any person making an
22 oral statement shall not be put under oath or subject to
23 cross-examination. A record of a prior continuance under
24 supervision under Section 5-615, whether successfully
25 completed or not, is admissible at the sentencing hearing. No
26 order of commitment to the Department of Juvenile Justice

1 shall be entered against a minor before a written report of
2 social investigation, which has been completed within the
3 previous 60 days, is presented to and considered by the court.

4 (2) Once a party has been served in compliance with
5 Section 5-525, no further service or notice must be given to
6 that party prior to proceeding to a sentencing hearing. Before
7 imposing sentence the court shall advise the State's Attorney
8 and the parties who are present or their counsel of the factual
9 contents and the conclusions of the reports prepared for the
10 use of the court and considered by it, and afford fair
11 opportunity, if requested, to controvert them. Factual
12 contents, conclusions, documents and sources disclosed by the
13 court under this paragraph shall not be further disclosed
14 without the express approval of the court.

15 (3) (a) Prior to entering a sentence, the court may, where
16 such services or processes are available, require the parties
17 involved to consider participation in a restorative practice,
18 such as a conference or circle as defined in Section 8-804.5 of
19 the Code of Civil Procedure, to identify and repair harm to the
20 extent possible, address trauma, reduce the likelihood of
21 further harm, and strengthen community ties by focusing on the
22 needs and obligations of all parties involved through a
23 participatory process. Participation in the process shall be
24 voluntary by all parties, and any resulting agreement shall
25 contain only reasonable and proportionate obligations. The
26 agreement shall be recommended to the court as an alternative

1 to sentencing under this Section.

2 **(b)** On its own motion or that of the State's Attorney, a
3 parent, guardian, legal custodian, or counsel, the court may
4 adjourn the hearing for a reasonable period to receive reports
5 or other evidence and, in such event, shall make an
6 appropriate order for detention of the minor or the minor's
7 release from detention subject to supervision by the court
8 during the period of the continuance. In the event the court
9 shall order detention hereunder, the period of the continuance
10 shall not exceed 30 court days. At the end of such time, the
11 court shall release the minor from detention unless notice is
12 served at least 3 days prior to the hearing on the continued
13 date that the State will be seeking an extension of the period
14 of detention, which notice shall state the reason for the
15 request for the extension. The extension of detention may be
16 for a maximum period of an additional 15 court days or a lesser
17 number of days at the discretion of the court. However, at the
18 expiration of the period of extension, the court shall release
19 the minor from detention if a further continuance is granted.
20 In scheduling investigations and hearings, the court shall
21 give priority to proceedings in which a minor is in detention
22 or has otherwise been removed from the minor's home before a
23 sentencing order has been made.

24 (4) When commitment to the Department of Juvenile Justice
25 is ordered, the court shall state the basis for selecting the
26 particular disposition, and the court shall prepare such a

1 statement for inclusion in the record.

2 (5) Before a sentencing order is entered by the court
3 under Section 5-710 for a minor adjudged delinquent for a
4 violation of paragraph (3.5) of subsection (a) of Section 26-1
5 of the Criminal Code of 2012, in which the minor made a threat
6 of violence, death, or bodily harm against a person, school,
7 school function, or school event, the court may order a mental
8 health evaluation of the minor by a physician, clinical
9 psychologist, or qualified examiner, whether employed by the
10 State, by any public or private mental health facility or part
11 of the facility, or by any public or private medical facility
12 or part of the facility. A statement made by a minor during the
13 course of a mental health evaluation conducted under this
14 subsection (5) is not admissible on the issue of delinquency
15 during the course of an adjudicatory hearing held under this
16 Act. Neither the physician, clinical psychologist, or
17 qualified examiner, or the employer of the physician, clinical
18 psychologist, or qualified examiner, shall be held criminally,
19 civilly, or professionally liable for performing a mental
20 health examination under this subsection (5), except for
21 willful or wanton misconduct. In this subsection (5),
22 "qualified examiner" has the meaning provided in Section 1-122
23 of the Mental Health and Developmental Disabilities Code.
24 (Source: P.A. 103-22, eff. 8-8-23; 103-605, eff. 7-1-24.)