



Rep. Justin Slaughter

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10400HB4639ham002

LRB104 16356 RLC 36393 a

1 AMENDMENT TO HOUSE BILL 4639

2 AMENDMENT NO. _____. Amend House Bill 4639 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 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

1 the judicial system to deal effectively with cases that are
2 more serious in nature.

3 (2) Community mediation panels. Either the court or the
4 ~~The~~ State's Attorney, or both, or an entity designated by the
5 State's Attorney, may establish community mediation programs
6 designed to provide citizen participation in addressing
7 juvenile delinquency. The State's Attorney, or the State's
8 Attorney's designee, shall maintain a list of qualified
9 persons who have agreed to serve as community mediators. To
10 the maximum extent possible, panel membership shall reflect
11 the social-economic, racial and ethnic make-up of the
12 community in which the panel sits. The panel shall consist of
13 members with a diverse background in employment, education and
14 life experience.

15 (3) Community mediation cases.

16 (a) Community mediation programs shall provide one or
17 more community mediation panels to informally hear cases
18 that are referred by a police officer as a station
19 adjustment, or a probation officer as a probation
20 adjustment, or referred by the State's Attorney as a
21 diversion from prosecution.

22 (b) Minors who are offered the opportunity to
23 participate in the program must admit responsibility for
24 the offense to be eligible for the program.

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

1 (a) Refer the minor for placement in a community-based
2 nonresidential program.

3 (b) Refer the minor or the minor's family to community
4 counseling.

5 (c) Require the minor to perform up to 100 hours of
6 community service.

7 (d) Require the minor to make restitution in money or
8 in kind in a case involving property damage; however, the
9 amount of restitution shall not exceed the amount of
10 actual damage to property.

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

23 (f) Require the minor to attend school.

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

25 (h) Impose any other restrictions or sanctions that
26 are designed to encourage responsible and acceptable

1 behavior and are agreed upon by the participants of the
2 community mediation proceedings.

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

7 "I solemnly swear or affirm that I will not
8 divulge, either by words or signs, any information
9 about the case which comes to my knowledge in the
10 course of a community mediation presentation and that
11 I will keep secret all proceedings which may be held in
12 my presence.

13 Further, I understand that if I break
14 confidentiality by telling anyone else the names of
15 community mediation participants, except for
16 information pertaining to the community mediation
17 panelists themselves, or any other specific details of
18 the case which may identify that juvenile, I will no
19 longer be able to serve as a community mediation panel
20 member or observer."

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

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

24 (705 ILCS 405/5-705)

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

1 (1) In this subsection (1), "violent crime" has the same
2 meaning ascribed to the term in subsection (c) of Section 3 of
3 the Rights of Crime Victims and Witnesses Act. At the
4 sentencing hearing, the court shall determine whether it is in
5 the best interests of the minor or the public that the minor be
6 made a ward of the court, and, if the minor is to be made a
7 ward of the court, the court shall determine the proper
8 disposition best serving the interests of the minor and the
9 public. All evidence helpful in determining these questions,
10 including oral and written reports, may be admitted and may be
11 relied upon to the extent of its probative value, even though
12 not competent for the purposes of the trial. A crime victim
13 shall be allowed to present an oral or written statement, as
14 guaranteed by Article I, Section 8.1 of the Illinois
15 Constitution and as provided in Section 6 of the Rights of
16 Crime Victims and Witnesses Act, in any case in which: (a) a
17 juvenile has been adjudicated delinquent for a violent crime
18 after a bench or jury trial; or (b) the petition alleged the
19 commission of a violent crime and the juvenile has been
20 adjudicated delinquent under a plea agreement of a crime that
21 is not a violent crime. The court shall allow a victim to make
22 an oral statement if the victim is present in the courtroom and
23 requests to make an oral statement. An oral statement includes
24 the victim or a representative of the victim reading the
25 written statement. The court may allow persons impacted by the
26 crime who are not victims under subsection (a) of Section 3 of

1 the Rights of Crime Victims and Witnesses Act to present an
2 oral or written statement. A victim and any person making an
3 oral statement shall not be put under oath or subject to
4 cross-examination. A record of a prior continuance under
5 supervision under Section 5-615, whether successfully
6 completed or not, is admissible at the sentencing hearing. No
7 order of commitment to the Department of Juvenile Justice
8 shall be entered against a minor before a written report of
9 social investigation, which has been completed within the
10 previous 60 days, is presented to and considered by the court.

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

22 (3) (a) Prior to entering a sentence, the court shall
23 require the parties involved to consider participation in a
24 restorative practice such as a conference or circle, as
25 defined in Section 8-804.5 of the Code of Civil Procedure, to
26 identify and repair harm to the extent possible, address

1 trauma, reduce the likelihood of further harm, and strengthen
2 community ties by focusing on the needs and obligations of all
3 parties involved through a participatory process, and shall
4 place on the record that such consideration occurred or place
5 on the record the fact that participation in a restorative
6 practice could not be offered due to a lack of availability of
7 restorative practices. Participation in the process shall be
8 voluntary by all parties, and any resulting agreement shall
9 contain only reasonable and proportionate obligations. The
10 agreement shall be recommended to the court as an alternative
11 to sentencing under this Section. The court shall consider the
12 recommended agreement and, if it declines to adopt the
13 agreement, shall state on the record the reasons for doing so.

14 (b) On its own motion or that of the State's Attorney, a
15 parent, guardian, legal custodian, or counsel, the court may
16 adjourn the hearing for a reasonable period to receive reports
17 or other evidence and, in such event, shall make an
18 appropriate order for detention of the minor or the minor's
19 release from detention subject to supervision by the court
20 during the period of the continuance. In the event the court
21 shall order detention hereunder, the period of the continuance
22 shall not exceed 30 court days. At the end of such time, the
23 court shall release the minor from detention unless notice is
24 served at least 3 days prior to the hearing on the continued
25 date that the State will be seeking an extension of the period
26 of detention, which notice shall state the reason for the

1 request for the extension. The extension of detention may be
2 for a maximum period of an additional 15 court days or a lesser
3 number of days at the discretion of the court. However, at the
4 expiration of the period of extension, the court shall release
5 the minor from detention if a further continuance is granted.
6 In scheduling investigations and hearings, the court shall
7 give priority to proceedings in which a minor is in detention
8 or has otherwise been removed from the minor's home before a
9 sentencing order has been made.

10 (4) When commitment to the Department of Juvenile Justice
11 is ordered, the court shall state the basis for selecting the
12 particular disposition, and the court shall prepare such a
13 statement for inclusion in the record.

14 (5) Before a sentencing order is entered by the court
15 under Section 5-710 for a minor adjudged delinquent for a
16 violation of paragraph (3.5) of subsection (a) of Section 26-1
17 of the Criminal Code of 2012, in which the minor made a threat
18 of violence, death, or bodily harm against a person, school,
19 school function, or school event, the court may order a mental
20 health evaluation of the minor by a physician, clinical
21 psychologist, or qualified examiner, whether employed by the
22 State, by any public or private mental health facility or part
23 of the facility, or by any public or private medical facility
24 or part of the facility. A statement made by a minor during the
25 course of a mental health evaluation conducted under this
26 subsection (5) is not admissible on the issue of delinquency

1 during the course of an adjudicatory hearing held under this
2 Act. Neither the physician, clinical psychologist, or
3 qualified examiner, or the employer of the physician, clinical
4 psychologist, or qualified examiner, shall be held criminally,
5 civilly, or professionally liable for performing a mental
6 health examination under this subsection (5), except for
7 willful or wanton misconduct. In this subsection (5),
8 "qualified examiner" has the meaning provided in Section 1-122
9 of the Mental Health and Developmental Disabilities Code.
10 (Source: P.A. 103-22, eff. 8-8-23; 103-605, eff. 7-1-24.)".