



Sen. Laura Fine

Filed: 5/13/2026

10400HB5020sam001

LRB104 19811 RLC 37159 a

1 AMENDMENT TO HOUSE BILL 5020

2 AMENDMENT NO. _____. Amend House Bill 5020 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 Section 5-810 as follows:

6 (705 ILCS 405/5-810)

7 Sec. 5-810. Extended jurisdiction juvenile prosecutions.

8 (1)(a) The ~~If the~~ State's Attorney may file ~~files~~ a
9 written petition, at any time prior to commencement of the
10 minor's trial, to designate the proceeding as an extended
11 jurisdiction juvenile prosecution when ~~and~~ the petition
12 alleges the commission by a minor 13 years of age or older of
13 any offense which would be a felony if committed by an adult,
14 ~~and, if the juvenile judge assigned to hear and determine~~
15 ~~petitions to designate the proceeding as an extended~~
16 ~~jurisdiction juvenile prosecution determines that there is~~

1 ~~probable cause to believe that the allegations in the petition~~
2 ~~and motion are true, there is a rebuttable presumption that~~
3 ~~the proceeding shall be designated as an extended jurisdiction~~
4 ~~juvenile proceeding.~~

5 (b) Upon filing of a petition, the ~~The~~ judge shall conduct
6 a hearing at which he or she shall first determine whether
7 there is probable cause to believe that the allegations in the
8 petition and motion are true. If probable cause is found, the
9 judge shall enter an order designating the proceeding as an
10 extended jurisdiction juvenile proceeding if ~~unless~~ the judge
11 makes a finding based on clear and convincing evidence that
12 sentencing under Chapter V of the Unified Code of Corrections
13 may ~~would not~~ be appropriate for the minor based on an
14 evaluation of the following factors:

15 (i) the minor's age at the time of the offense,
16 including the ability to consider risks and consequences
17 of behavior, and any presence of cognitive or
18 developmental disability, or both, including if a
19 comprehensive mental health evaluation of the minor was
20 conducted by a qualified mental health professional, the
21 outcome of the evaluation ~~age of the minor;~~

22 (ii) the history of the minor, including:

23 (A) any previous delinquent or criminal history of
24 the minor; 7

25 (B) the minor's family, home environment,
26 educational and social background, including any

1 history of parental neglect, domestic or sexual
2 violence, sexual exploitation, physical abuse, or
3 other childhood trauma including adverse childhood
4 experiences; ~~any previous abuse or neglect history of~~
5 ~~the minor,~~

6 ~~(C) any mental health, physical and/or educational~~
7 ~~history of the minor, and~~

8 ~~(D) any involvement of the minor in the child~~
9 ~~welfare system;~~

10 (iii) the circumstances of the offense, including:

11 (A) the seriousness of the offense; τ

12 (B) (blank); ~~whether the minor is charged through~~
13 ~~accountability,~~

14 (C) whether there is evidence the offense was
15 committed in an aggressive and premeditated manner; τ

16 (D) whether there is evidence the offense caused
17 serious bodily harm; τ

18 (E) whether there is evidence the minor possessed
19 a deadly weapon; τ

20 (F) whether there is evidence the minor was
21 subjected to outside pressure, including peer
22 pressure, familial pressure, or negative influences; τ
23 and

24 (G) the minor's degree of participation and
25 specific role in the offense, including the level of
26 planning by the minor before the offense and whether

1 the minor is charged through accountability;

2 (iv) the advantages of treatment within the juvenile
3 justice system including whether there are facilities or
4 programs, or both, particularly available in the juvenile
5 system, and the minor's potential for rehabilitation or
6 evidence of rehabilitation, or both. †

7 ~~(v) whether the security of the public requires~~
8 ~~sentencing under Chapter V of the Unified Code of~~
9 ~~Corrections;~~

10 ~~(A) the minor's history of services, including the~~
11 ~~minor's willingness to participate meaningfully in~~
12 ~~available services;~~

13 ~~(B) whether there is a reasonable likelihood that~~
14 ~~the minor can be rehabilitated before the expiration~~
15 ~~of the juvenile court's jurisdiction;~~

16 ~~(C) the adequacy of the punishment or services.~~

17 The trial court shall specify on the record its
18 consideration of these factors ~~In considering these factors,~~
19 ~~the court shall give greater weight to the seriousness of the~~
20 ~~alleged offense, and the minor's prior record of delinquency~~
21 ~~than to other factors listed in this subsection.~~

22 (2) Procedures for extended jurisdiction juvenile
23 prosecutions. The State's Attorney may file a written motion
24 for a proceeding to be designated as an extended jurisdiction
25 juvenile prosecution ~~jurisdiction~~ prior to commencement of
26 trial. Notice of the motion shall be in compliance with

1 Section 5-530. When the State's Attorney files a written
2 motion that a proceeding be designated an extended
3 jurisdiction juvenile prosecution, the court shall commence a
4 hearing within 30 days of the filing of the motion for
5 designation, unless good cause is shown by the prosecution or
6 the minor as to why the hearing could not be held within this
7 time period. If the court finds good cause has been
8 demonstrated, then the hearing shall be held within 60 days of
9 the filing of the motion. The minor may waive these timelines
10 ~~The hearings shall be open to the public unless the judge finds~~
11 ~~that the hearing should be closed for the protection of any~~
12 ~~party, victim or witness. If the Juvenile Judge assigned to~~
13 ~~hear and determine a motion to designate an extended~~
14 ~~jurisdiction juvenile prosecution determines that there is~~
15 ~~probable cause to believe that the allegations in the petition~~
16 ~~and motion are true the court shall grant the motion for~~
17 ~~designation.~~ Information used by the court in its findings or
18 stated in or offered in connection with this Section may be by
19 way of proffer based on reliable information offered by the
20 State or the minor. All evidence shall be admissible if it is
21 relevant and reliable regardless of whether it would be
22 admissible under the rules of evidence.

23 (3) Trial. A minor who is the subject of an extended
24 jurisdiction juvenile prosecution has the right to trial by
25 jury. Any trial under this Section shall be open to the public.

26 (4) Sentencing. If an extended jurisdiction juvenile

1 prosecution under subsection (1) results in a guilty plea, a
2 verdict of guilty, or a finding of guilt, the court shall
3 impose the following:

4 (i) one or more juvenile sentences under Section
5 5-710; and

6 (ii) an adult criminal sentence in accordance with the
7 provisions of Section 5-4.5-105 of the Unified Code of
8 Corrections, the execution of which shall be stayed on the
9 condition that the minor ~~offender~~ not violate the
10 provisions of the juvenile sentence.

11 Any sentencing hearing under this Section shall be open to the
12 public.

13 (5) If, after an extended jurisdiction juvenile
14 prosecution trial, a minor is convicted of a lesser-included
15 offense or of an offense that the State's Attorney did not
16 designate as an extended jurisdiction juvenile prosecution,
17 the State's Attorney may file a written motion, within 10 days
18 of the finding of guilt, that the minor be sentenced subject to
19 ~~as an~~ extended jurisdiction juvenile prosecution ~~offender~~. The
20 court shall rule on this motion using the factors found in
21 paragraph (b) of subsection (1) and the procedures in
22 subsection (2) paragraph (1) (b) of Section 5-805. If the court
23 denies the State's Attorney's motion for sentencing under the
24 extended jurisdiction juvenile prosecution provision, the
25 court shall proceed to sentence the minor under Section 5-710.

26 (6) When it appears that a minor adjudicated delinquent

1 ~~convicted~~ in an extended jurisdiction juvenile prosecution
2 ~~under subsection (1) has violated the conditions of the~~
3 ~~minor's sentence, or~~ is alleged to have committed a new
4 offense that would be a forcible felony if committed by an
5 adult, the felony offense of aggravated fleeing or attempting
6 to elude a peace officer, or a felony offense involving the use
7 or unlawful possession of a firearm, the State's Attorney may
8 file a petition to revoke the stay. The State's Attorney must
9 notify the minor, the minor's counsel, and the minor's parents
10 or guardians of the ~~upon the filing of a~~ petition to revoke the
11 stay, after which the court may, ~~without notice,~~ issue a
12 warrant for the arrest of the minor. After a hearing, if the
13 court finds by clear and convincing evidence ~~a preponderance~~
14 ~~of the evidence~~ that the minor committed a new qualifying
15 offense, there is a rebuttable presumption that the court
16 shall order execution of the previously imposed adult criminal
17 sentence if the new offense is a forcible felony as defined in
18 paragraph (1.5) of subsection (a) of Section 110-6.1 of the
19 Code of Criminal Procedure of 1963 or a Class 3 or higher
20 felony offense involving use or unlawful possession of a
21 firearm. For all other qualifying offenses, the court may
22 order execution of the previously imposed adult criminal
23 sentence if, after a hearing, the court has found by clear and
24 convincing evidence the minor committed the offense. If the
25 court declines to order execution of the previously imposed
26 adult criminal sentence, the court may continue the minor on

1 the existing juvenile sentence with or without modifying or
2 enlarging the conditions. After a hearing, if the court finds
3 by clear and convincing evidence ~~a preponderance of the~~
4 ~~evidence~~ that the minor committed a violation of the minor's
5 sentence other than by a new offense, the court may ~~order~~
6 ~~execution of the previously imposed adult criminal sentence or~~
7 ~~may~~ continue the minor on the existing juvenile sentence with
8 or without modifying or enlarging the conditions. Upon
9 revocation of the stay of the adult criminal sentence and
10 imposition of that sentence, the minor's extended jurisdiction
11 juvenile status shall be terminated. The on-going jurisdiction
12 over the minor's case shall be assumed by the adult criminal
13 court and juvenile court jurisdiction shall be terminated and
14 a report of the imposition of the adult sentence shall be sent
15 to the Illinois State Police.

16 (7) Upon successful completion of the juvenile sentence
17 the court shall vacate the adult criminal sentence.

18 (8) Nothing in this Section precludes the State from
19 filing a motion for transfer under Section 5-805.

20 (Source: P.A. 103-22, eff. 8-8-23; 103-191, eff. 1-1-24;
21 103-605, eff. 7-1-24.)".