



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1655

Introduced 2/5/2025, by Sen. Lakesia Collins

SYNOPSIS AS INTRODUCED:

See Index

Amends the Delinquent Minors Article of the Juvenile Court Act of 1987. Adds a Part concerning Fitness to Stand Trial. Specifies the unfitness standard for a minor. Sets forth procedures to raise the issue of the unfitness of a minor. Specifies the burden of proof and a presumption. Provides requirements for a fitness evaluation and hearing to determine the fitness of a minor. Provides the requirements for the services to attain fitness, the period to obtain fitness, initial and subsequent progress reports, periodic hearings, and in-court assistance to render a minor fit. Specifies time credit and sentencing guidelines for a minor who attains fitness. Provides for the legal disposition of a minor if fitness cannot be attained. Contains other provisions. Contains a severability provision. Effective July 1, 2025.

LRB104 09387 RLC 19446 b

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 adding Part 5A to Article V as follows:

6 (705 ILCS 405/Art. V Pt. 5A heading new)

7 PART 5A. FITNESS TO STAND TRIAL

8 (705 ILCS 405/5-5A-101 new)

9 Sec. 5-5A-101. Purpose.

10 (a) This Part recognizes that minors are substantially
11 different from adults and therefore creates procedures to
12 establish fitness to stand trial that accommodate these
13 differences. Currently in Illinois, children of any age can be
14 arrested, charged, and prosecuted. This approach is
15 inconsistent with developmental science, which overwhelmingly
16 finds that children are limited in their ability to understand
17 the consequences of their actions, manage impulses and peer
18 influence to plan for the future. Modern neuroscience explains
19 both limitations on culpability for minors, defined as an
20 individual's blameworthiness or responsibility for a criminal
21 action, as well as limitations on the ability to assist with
22 and make critical decisions regarding one's own legal defense.

1 Accordingly, prosecutors, defense counsel, and courts must
2 carefully consider chronological immaturity, relative
3 immaturity, and the impact of trauma, as well as other
4 relevant factors, in considering the fitness of a minor to be
5 tried, adjudicated or convicted, and sentenced. These factors
6 should be given significant weight when determining the
7 fitness of a child under the age of 14.

8 (b) This Part is intended to support minors through
9 practices that are trauma-informed and that protect minor's
10 rights and dignity; questions of interpretation shall be
11 resolved in line with these practices. This Part recognizes
12 that the ability to understand charges and to participate
13 meaningfully in one's own defense evolve gradually throughout
14 childhood and early adulthood and that each minor deserves
15 developmentally appropriate responses that reflect the best
16 understanding of the minor's current abilities.

17 (705 ILCS 405/5-5A-105 new)

18 Sec. 5-5A-105. Definitions. In this Part:

19 "Child traumatic stress" means exposure to one or more
20 traumatic events over the course of a minor's life that
21 results in that minor developing reactions that persist and
22 that interfere with the minor's functional, social, adaptive,
23 or intellectual ability.

24 "Chronological immaturity" means a lack of functional,
25 social, adaptive, or intellectual ability due to chronological

1 age.

2 "Developmental disability" means a disability that is
3 attributable to an intellectual disability, cerebral palsy,
4 epilepsy, autism, a learning disability, or any other
5 condition that results in impaired functional, social,
6 adaptive, or intellectual ability.

7 "Mental illness" means a mental or emotional disorder that
8 substantially impairs a person's thought, perception of
9 reality, emotional process, judgment, behavior, or ability to
10 cope with the ordinary demands of life.

11 "Minor" has the meaning given to that term in Section 1-3
12 of the Juvenile Court Act of 1987.

13 "Relative immaturity" means a lack of functional, social,
14 adaptive, or intellectual ability when a minor is compared to
15 other minors of the same chronological age.

16 "Substance use disorder" has the meaning given to that
17 term in Section 1-10 of the Substance Use Disorder Act.

18 (705 ILCS 405/5-5A-110 new)

19 Sec. 5-5A-110. Unfitness standard. Unfitness may result
20 from the presence of any condition or confluence of
21 conditions, including, but not limited to, physical condition,
22 mental illness, substance use disorder, developmental
23 disability, chronological immaturity, relative immaturity, or
24 child traumatic stress. A diagnosis is not required for a
25 finding of unfitness. A minor is unfit when the minor either:

1 (1) lacks sufficient present ability to consult with
2 the minor's attorney with a reasonable degree of rational
3 understanding, as evidenced by lacking the ability to
4 disclose to the attorney facts pertinent to the
5 proceedings at issue and to assist in the minor's defense;
6 or

7 (2) is unable to understand the proceedings against
8 the minor, as demonstrated by, but not limited to, one or
9 more of the following:

10 (A) a lack of ability to identify who the
11 participants are and understand their roles, including
12 the judge, minor's attorney, State's Attorney, or
13 qualified expert;

14 (B) a lack of understanding of the range of
15 possible dispositions that may be imposed in the
16 proceedings; or

17 (C) a lack of ability to use the factual
18 understandings and factors in (A) and (B) of this
19 paragraph to make rational decisions.

20 (705 ILCS 405/5-5A-115 new)

21 Sec. 5-5A-115. Raising the issue of unfitness.

22 (a) The issue of the minor's fitness to stand trial, to
23 plead, or to be sentenced may be raised by the minor's
24 attorney, the State, or the court at any time before a plea is
25 entered or before, during, or after trial. If the issue of

1 fitness is raised by the State, the State has the burden of
2 proving a bona fide doubt of the minor's fitness has been
3 raised. If the issue of fitness is raised by the minor's
4 attorney, that attorney has the burden of proving a bona fide
5 doubt of the minor's fitness has been raised. When a bona fide
6 doubt of the minor's fitness is raised, the court shall order a
7 determination of the issue of fitness before proceeding
8 further.

9 (b) Upon request of the minor's attorney that a qualified
10 expert be appointed to examine the minor to determine prior to
11 trial or adjudicatory hearing if a bona fide doubt as to a
12 minor's fitness to stand trial or plead may be raised, the
13 court shall order an appropriate examination. However, no
14 order entered pursuant to this subsection shall prevent
15 further proceedings in the case. An expert so appointed shall
16 examine the defendant and make a report as provided in Section
17 5-5A-125. Such report shall only be tendered to the minor's
18 attorney. If the minor's attorney raises the issue of fitness
19 based on the report, that report shall be provided to the court
20 and the State. If the court finds a bona fide doubt of fitness
21 has been raised pursuant to this subsection, the matter shall
22 proceed to a hearing pursuant to Section 5-5A-165 before
23 proceeding further. Upon the filing with the court of a
24 verified statement of services rendered, the court shall order
25 the county board to pay such expert a reasonable fee stated in
26 the order.

1 (c) Nothing in this Section operates to extinguish any
2 rights of a minor established by attorney-client privilege.

3 (d) In all proceedings under this Act, the juvenile court
4 shall apply the fitness standards as set forth in this Part.
5 When a minor is being prosecuted under the criminal laws of
6 this State, the criminal court shall apply the fitness
7 standards in this Part.

8 (705 ILCS 405/5-5A-120 new)

9 Sec. 5-5A-120. Burdens and presumptions. In making
10 determinations concerning a minor's fitness, the following
11 burdens of proof and presumptions shall apply:

12 (1) for the purposes of this Section, a minor is
13 presumed to be fit to stand trial or to plead and be
14 sentenced. A minor is unfit based on the unfitness
15 standard set forth in Section 5-5A-110;

16 (2) except as set forth in subparagraph (3), when the
17 court finds a bona fide doubt as to the fitness of a minor
18 under Section 5-5A-115, the State bears the burden of
19 proving that the minor is fit by a preponderance of the
20 evidence;

21 (3) when the court finds a bona fide doubt as to the
22 fitness of a minor under the age of 14 under Section
23 5-5A-115, the state bears the burden of proving that the
24 minor is fit by clear and convincing evidence; and

25 (4) a minor who is receiving medication shall not be

1 presumed to be fit or unfit to stand trial solely by virtue
2 of the receipt of that medication.

3 (705 ILCS 405/5-5A-125 new)

4 Sec. 5-5A-125. Fitness evaluation. When the court orders a
5 fitness evaluation under subsection (b) of Section 5-5A-115 or
6 a bona fide doubt of fitness is raised, the court must appoint
7 one or more qualified experts under Section 5-5A-135. Each
8 expert must evaluate whether the minor is fit and must submit a
9 report of the expert's findings to the court under Section
10 5-5A-160. No expert employed or contracted by the Department
11 of Human Services shall be ordered to perform, in the expert's
12 official capacity, an initial fitness examination under this
13 Section.

14 (705 ILCS 405/5-5A-130 new)

15 Sec. 5-5A-130. Location of evaluation. A fitness
16 evaluation must be conducted in the least restrictive
17 environment for the minor. The evaluation must be conducted in
18 person whenever possible. Video technology for a remote
19 evaluation may be used only as a last resort. If video
20 technology is used, it must be a secure platform. No facility
21 of the Department of Human Services shall be utilized for this
22 purpose.

23 (705 ILCS 405/5-5A-135 new)

1 Sec. 5-5A-135. Qualification of experts. An expert
2 evaluating the minor under Section 5-5A-125 must either be a
3 licensed clinical psychologist or psychiatrist with training
4 and experience in forensics, child development, and child
5 trauma.

6 (705 ILCS 405/5-5A-140 new)

7 Sec. 5-5A-140. Timeline for evaluation. The fitness
8 evaluation and report written under Section 5-5A-160 must be
9 completed within 30 days of a court order entered pursuant to
10 subsection (b) of Section 5-5A-115 or a bona fide doubt is
11 raised under subsection (a) of 5-5A-115. The time for
12 completion of the fitness evaluation may be extended an
13 additional 30 days for good cause shown.

14 (705 ILCS 405/5-5A-145 new)

15 Sec. 5-5A-145. Attorney at evaluation. The minor's
16 attorney may be allowed to be present at the evaluation
17 conducted, when requested by the minor's attorney, under
18 Section 5-5A-125.

19 (705 ILCS 405/5-5A-150 new)

20 Sec. 5-5A-150. Statements made during evaluation. No
21 statement made by the minor during the evaluation conducted
22 under Section 5-5A-125 shall be used against the minor in the
23 current court proceedings or in any future proceedings unless

1 the minor raises the defense of insanity or the defense of
2 intoxicated or drugged condition. No statement made by the
3 minor relating to the alleged offense or other offenses shall
4 be included in the report required under Section 5-5A-160. The
5 court must advise the minor before the evaluation takes place
6 that no statement made during the evaluation shall be used
7 against the minor.

8 (705 ILCS 405/5-5A-155 new)

9 Sec. 5-5A-155. Recordings of evaluations and privacy.

10 (a) An evaluation of the minor conducted under Section
11 5-5A-125 shall be video recorded.

12 (b) Subject to subsection (b) of Section 5-5A-115, the
13 video recording of a fitness evaluation is confidential and
14 may be viewed only by the court, the expert conducting the
15 evaluation defined in Section 5-5A-125, the minor's attorney,
16 the State, and any other expert in the proceedings deemed
17 necessary by the court and under Section 5-910.

18 (705 ILCS 405/5-5A-160 new)

19 Sec. 5-5A-160. Contents of evaluation report.

20 (a) Subject to subsection (b) of Section 5-5A-115, when an
21 evaluation is conducted under Section 5-5A-125, the appointed
22 expert must submit a written report of the findings to the
23 court. The evaluation report must detail the methods and tools
24 used during the evaluation and be made in writing.

1 (b) The evaluation report must contain:

2 (1) An assessment of any mental illness, substance use
3 disorder, or developmental disability of the minor,
4 including:

5 (A) the results of a mental status exam;

6 (B) a description of the history and current
7 status of any symptoms of any mental illness or
8 developmental disability, or both (a diagnosis is not
9 required);

10 (2) an assessment of the minor's chronological and
11 relative immaturity;

12 (3) an assessment of any child traumatic stress,
13 including a description of the minor's history of exposure
14 to traumatic events;

15 (4) an assessment of any other condition of the minor
16 that could impact the minor's functional abilities related
17 to fitness to stand trial;

18 (5) an assessment of the minor's rational and factual
19 understandings related to fitness to stand trial, the
20 unfitness standard in Section 5-5A-110, and the
21 relationship of these abilities to any conditions of the
22 minor as assessed in paragraphs (1) through (4);

23 (6) whether the expert, based on the evaluation and in
24 the expert's professional judgment, believes the minor is
25 fit;

26 (7) if the expert believes that the minor is unfit,

1 whether the expert believes there is a substantial
2 probability that the minor will attain fitness within the
3 statutory period to attain fitness;

4 (8) recommendations, if the expert believes the minor
5 is unfit, including:

6 (A) services that would help the minor attain
7 fitness;

8 (B) placement for services to attain fitness; and

9 (C) risk assessments needed prior to placement;

10 and

11 (9) opinions on:

12 (A) the likelihood of the success of the services
13 recommended; and

14 (B) the length of time anticipated to attain
15 fitness.

16 (705 ILCS 405/5-5A-165 new)

17 Sec. 5-5A-165. Hearing to determine fitness.

18 (a) After a bona fide doubt of fitness has been raised and
19 an evaluation conducted, the court shall conduct a hearing to
20 determine the issue of the minor's fitness within 30 days of
21 receipt of the evaluation report described in Section
22 5-5A-160, unless the timeline is waived by the minor's
23 attorney or good cause is shown.

24 (b) The minor has the right to be present at every hearing
25 on the issue of the minor's fitness.

1 (c) On the basis of the evidence before it, the court must
2 determine whether the minor is unfit to stand trial pursuant
3 to Section 5-5A-110. If the court finds that the minor is
4 unfit, the court shall determine:

5 (1) whether in-court assistance under Section 5-5A-195
6 would render the minor fit; and

7 (2) whether there is a substantial probability that
8 the minor, if provided with services to attain fitness
9 under Section 5-5A-170, will attain fitness within the
10 period to attain fitness set forth in Section 5-5A-180.

11 (d) If the court finds that the minor is unfit and there is
12 not a substantial probability the minor will attain fitness
13 within the statutory period as set forth in Section 5-5A-180,
14 the court shall proceed under Section 5-5A-215.

15 (e) If the court finds the minor is unfit but that there is
16 a substantial probability that the minor will become fit
17 within the period to attain fitness set forth in Section
18 5-5A-180, or if the court is unable to determine whether a
19 substantial probability exists, the court shall order the
20 minor to receive services to attain fitness on either an
21 inpatient or outpatient basis. If the court is unable to
22 determine whether a substantial probability exists and orders
23 the minor to receive services to attain fitness, the court
24 shall conduct a hearing as soon as possible following the
25 receipt of the report filed under Section 5-5A-185 to
26 determine whether there is a substantial probability that the

1 minor will attain fitness within the statutory period.

2 (f) If the court finds that the minor is unfit to stand
3 trial, it shall proceed under this Act. If the court finds that
4 the minor could be rendered fit with in-court assistance, the
5 court shall order in-court assistance pursuant to Section
6 5-5A-195.

7 (g) An order finding the minor unfit to stand trial is a
8 final order for purposes of appeal by the State or the minor.

9 (705 ILCS 405/5-5A-170 new)

10 Sec. 5-5A-170. Services to attain fitness.

11 (a) When the court orders services to attain fitness under
12 Section 5-5A-165, the court shall determine if the minor will
13 receive services on an inpatient or outpatient basis. If
14 inpatient, the minor shall be placed at a facility approved by
15 the Department of Human Services to provide residential,
16 restoration care and treatment. If the court orders the minor
17 to receive services on an outpatient basis, such services
18 shall be rendered in the community at a program approved by the
19 Department of Human Services. Court-ordered services and
20 placements shall be consistent with the recommendations in the
21 evaluation report. All services shall be trauma-informed,
22 developmentally appropriate, and provided in the least
23 restrictive environment considering the needs and best
24 interests of the minor. A placement may be ordered on an
25 inpatient basis only when the minor exhibits clinical needs

1 warranting a hospital level of care.

2 (b) Within 5 days of a court order for services to attain
3 fitness entered under Section 5-5A-165, the clerk of the
4 circuit court shall transmit to the Department of Human
5 Services, and any other agency or institution providing
6 services to attain fitness to the minor, the following:

7 (1) a certified copy of the order to receive services
8 and the complete copy of any report on the minor's fitness
9 prepared under this Part;

10 (2) the county and municipality in which the alleged
11 offense occurred;

12 (3) the county and municipality in which the arrest
13 took place;

14 (4) a copy of the arrest report, charges, and arrest
15 record; and

16 (5) all additional matters that the court directs the
17 clerk to transmit.

18 (705 ILCS 405/5-5A-175 new)

19 Sec. 5-5A-175. Pretrial motions. Following a finding of
20 unfitness, the court may hear and rule on any pretrial motion
21 or motions if the minor's presence is not essential to a fair
22 determination of the issues. A motion may be reheard upon a
23 showing that evidence is available which was not available,
24 due to the minor's unfitness, when the motion was first
25 decided.

1 (705 ILCS 405/5-5A-180 new)

2 Sec. 5-5A-180. Period to attain fitness.

3 (a) For a minor charged with a felony, the maximum total
4 time a court may order a minor to receive services to attain
5 fitness shall be one year.

6 (b) For a minor charged with a misdemeanor, the maximum
7 total period a court may order a minor to receive services to
8 attain fitness shall be no longer than the length of the
9 sentence that could be imposed if the minor were adjudicated
10 delinquent or found guilty of the misdemeanor offense for
11 which the minor was charged, or one year whichever is shorter.

12 (c) The period to attain fitness shall begin with the
13 court's first finding of unfitness during a fitness hearing
14 under Section 5-5A-165.

15 (d) The period of time to attempt to attain fitness may be
16 extended, for Class X and first degree murder cases, at 90-day
17 intervals by way of a safety hearing. At this safety hearing,
18 the court shall make a preliminary determination as to both
19 the current status of the minor and the circumstances of the
20 alleged crime.

21 (e) A safety hearing shall be conducted by the court
22 without a jury. The State and defense may introduce evidence
23 relevant to the question of the minor's current status and the
24 circumstances of the alleged crime.

25 (1) Factors regarding the minor's current status shall

1 be as follows:

2 (A) there has been a clinical finding that the
3 minor is a real and present threat to the physical
4 safety of any identifiable person or persons,
5 including the minor; and

6 (B) no civil remedies exist that can protect the
7 minor or identifiable person or persons.

8 (2) Factors to consider regarding the circumstances of
9 the alleged crime shall be the following:

10 (A) the alleged victim sustained great bodily
11 harm, or severe permanent disability or disfigurement;

12 (B) the alleged victim is in a particularly
13 vulnerable class of persons such as very young, very
14 old, intellectually disabled, or physically disabled
15 and there is evidence that the victim was targeted
16 because of this real or perceived vulnerability;

17 (C) the level of alleged involvement of the minor;

18 (D) the minor is alleged to have personally used a
19 weapon and the use of that weapon directly caused
20 great bodily harm or severe permanent disability or
21 disfigurement; and

22 (E) multiple victims were harmed.

23 (f) If the safety hearing results in the court finding, by
24 a preponderance of the evidence, that the State has proven
25 both part (1) and (2) of subsection (d), then the minor may
26 have the period to attain fitness extended until the minor is

1 restored to fitness, as follows:

2 (1) If the most serious charge was a charge of first
3 degree murder, the treatment period may be extended up to
4 a maximum treatment period of 5 years or the minimum
5 sentence possible for the most serious offense charged,
6 taking into account any sentence credits, whichever is
7 sooner.

8 (2) If the most serious charge was a Class X felony,
9 the treatment period may be extended up to a maximum
10 treatment period of an additional 2 years, or until the
11 minimum sentence possible for the most serious offense
12 charged, taking into account any sentence credits,
13 whichever is sooner.

14 (g) If at any time, it is determined that the minor will
15 never be restored to fitness or is unlikely to be restored to
16 fitness under Section 5-5A-165, the court, at the request of
17 any party or on the court's own motion, may deny further
18 continuances and the case shall be dismissed per Section
19 5-5A-215. Nothing in this Section precludes the State from
20 pursuing any other civil remedies.

21 (705 ILCS 405/5-5A-185 new)

22 Sec. 5-5A-185. Initial and subsequent progress reports.

23 (a) Within 30 days of entry of an order to receive services
24 to attain fitness under Sections 5-5A-170 and 5-5A-180, the
25 person in charge of supervising the minor's services shall

1 file with the court an initial report assessing the program's
2 capacity to provide appropriate services for the minor and
3 indicating the person's opinion as to the probability of the
4 minor attaining fitness within the period to attain fitness
5 provided in Section 5-5A-180. If the initial report indicates
6 that there is a substantial probability that the minor will
7 attain fitness within the allowed statutory period, the
8 supervisor shall also file a services plan which shall
9 include:

10 (1) a description of the goals of services with
11 respect to rendering the minor fit, a specification of the
12 proposed modalities of services, and an estimated
13 timetable for attainment of the goals; and

14 (2) an identification of the person in charge of
15 supervising the minor's services.

16 (b) The supervisor shall submit a subsequent written
17 progress report to the court at least 7 days prior to the date
18 of any hearing on the issue of the minor's fitness.

19 (c) If the supervisor determines that any of the following
20 circumstances are met, the supervisor shall notify the court
21 in writing as soon as possible but no later than 7 days after
22 the determination is made:

23 (1) if the supervisor believes that the minor has
24 attained fitness;

25 (2) if the supervisor believes that there is not a
26 substantial probability that the minor will attain

1 fitness, with services, within the period to attain
2 fitness under Section 5-5A-180; or

3 (3) if the supervisor believes a change in services or
4 placement is necessary.

5 (d) The initial and subsequent progress reports shall
6 contain:

7 (1) the clinical findings of the supervisor and the
8 facts upon which the findings are based;

9 (2) the opinion of the supervisor as to whether the
10 minor has attained fitness and as to whether the minor is
11 making progress, with services, toward attaining fitness
12 within the period set in Section 5-5A-180;

13 (3) whether the current services to attain fitness and
14 placement continue to be in the least restrictive
15 environment necessary, whether a different level of care
16 is needed, and the basis for that recommendation; and

17 (4) any other changes in recommendations of services
18 to attain fitness.

19 (e) If the supervisor of the minor's services determines,
20 under paragraph (3) of subsection (d) of this Section, that
21 the minor is not in the least restrictive environment
22 necessary to attain fitness, upon receipt of the progress
23 report, the court shall ensure that the minor is immediately
24 moved to the least restrictive environment necessary.

1 Sec. 5-5A-190. Periodic hearings. Upon entry or
2 continuation of any order to receive services to attain
3 fitness, the court shall set a date for hearing to reexamine
4 the issue of the minor's fitness not more than 90 days
5 thereafter. In addition, whenever the court receives a report
6 from the supervisor of the minor's services under subsection
7 (c) of Section 5-5A-185, the court shall set the matter for a
8 hearing within 14 days unless good cause is demonstrated why
9 the hearing cannot be held. On the date set, the court shall
10 conduct a hearing to redetermine the minor's fitness under
11 Section 5-5A-165.

12 (705 ILCS 405/5-5A-195 new)

13 Sec. 5-5A-195. In-court assistance to render a minor fit.

14 (a) If the court determines that the minor could be
15 rendered fit with in-court assistance under Section 5-5A-165,
16 the court shall order in-court assistance under subsection
17 (b). A minor found unfit because of chronological immaturity
18 cannot be rendered fit with in-court assistance. A minor found
19 unfit because of relative immaturity or child traumatic stress
20 cannot be rendered fit solely with in-court assistance.

21 (b) In-court assistance may include, but is not limited
22 to:

23 (1) appointment of a qualified translator who shall
24 simultaneously translate all court proceedings into a
25 language understood by the minor; and

1 (2) appointment of an expert qualified to assist a
2 minor who, because of a disability, is unable to
3 communicate with the minor's attorney.

4 (c) If in-court assistance is provided, the case may
5 proceed to trial only if the court determines that in-court
6 assistance renders the minor fit. In such cases, the court
7 shall state for the record the following:

8 (1) the qualifications and experience of the experts
9 or other persons appointed to provide in-court assistance
10 to the minor;

11 (2) the court's reasons for selecting or appointing
12 the particular experts or other persons to provide the
13 in-court assistance to the minor;

14 (3) how the appointment of the particular expert or
15 other persons will serve the goal of rendering the minor
16 fit, based on the appointee's qualifications and
17 experience, and the lack of functional, social, adaptive,
18 or intellectual abilities of the minor; and

19 (4) any other factors considered by the court in
20 appointing the experts or other persons.

21 (d) A minor adjudicated delinquent or found guilty
22 following a trial conducted with in-court assistance provided
23 under this Section shall not be sentenced before a written
24 report of social investigation is presented to and considered
25 by the court. The written report of social investigation shall
26 be prepared under Section 5-701 or the presentence report

1 prepared pursuant to Section 5-3-2 of the Unified Code of
2 Corrections and shall include a physical and mental
3 examination unless the court finds that the reports of prior
4 physical and mental examinations conducted under this Part are
5 adequate and recent enough to render additional examinations
6 unnecessary.

7 (705 ILCS 405/5-5A-200 new)

8 Sec. 5-5A-200. Time credit. A sentence imposed on the
9 minor in the pending case or in any other case arising out of
10 the same conduct shall be reduced by time spent:

11 (1) in custody under orders issued under Section
12 5-5A-170 or under a commitment to the Department of Human
13 Services following a finding of unfitness under this Part;

14 (2) in any court-ordered out-of-home placement;
15 including, but not limited to, a detention facility,
16 rehabilitation center, or inpatient hospital; or

17 (3) home detention or electronic monitoring pursuant
18 to Section 5-7A-110.

19 (705 ILCS 405/5-5A-205 new)

20 Sec. 5-5A-205. Court organization of records. Any report
21 filed with the court concerning diagnosis, evaluation,
22 progress, or services made under this Part shall not be placed
23 in the minor's court record but shall be maintained separately
24 by the clerk of the court and shall be available only to the

1 court or an appellate court, the State, the minor, the minor's
2 attorney, the minor's parent or guardian, or a facility or
3 program that provides services to the minor under an order of
4 the court. These records of the minor shall be privileged and
5 shall not be disclosed except under the conditions set forth
6 in Section 5-910. Nothing in this Section operates to
7 extinguish any rights of a minor established by law,
8 including, but not limited to: attorney-client,
9 physician-patient, psychologist-client, or social
10 worker-client privileges, except as otherwise provided by law.

11 (705 ILCS 405/5-5A-210 new)

12 Sec. 5-5A-210. Sentencing guidelines for a minor who
13 attains fitness. The court shall not impose a commitment to
14 the Department of Juvenile Justice or the Department of
15 Corrections upon the minor if the court believes that, because
16 of the minor's condition, such a sentence would not be in the
17 interests of society and the minor or would subject the minor
18 to excessive hardship. In addition to any other conditions of
19 a sentence of conditional discharge or probation, the court
20 may require that the minor receive additional services for the
21 minor's condition.

22 (705 ILCS 405/5-5A-215 new)

23 Sec. 5-5A-215. Legal disposition if fitness cannot be
24 attained. The court shall dismiss the charges against the

1 minor with prejudice if the court finds the minor is unfit
2 under Section 5-5A-165 and that the minor:

3 (1) cannot attain fitness within the period to attain
4 fitness defined in Section 5-5A-180 or that there is not a
5 substantial probability that the minor will attain fitness
6 within the period to attain fitness defined under Section
7 5-5A-180; and

8 (2) cannot attain fitness with in-court assistance
9 under Section 5-5A-195.

10 (705 ILCS 405/5-5A-220 new)

11 Sec. 5-5A-220. Follow-up study and recommendations. The
12 Illinois Juvenile Justice Commission shall develop and
13 recommend mechanisms to collect and analyze data,
14 disaggregated by race, ethnicity, gender, geography, age, and
15 socioeconomic status, resulting from the implementation of
16 this Part. The report and recommendations shall be submitted
17 to the General Assembly by January 1, 2026.

18 Section 97. Severability. The provisions of this Act are
19 severable under Section 1.31 of the Statute on Statutes.

20 Section 99. Effective date. This Act takes effect July 1,
21 2025.

1 INDEX

2 Statutes amended in order of appearance

3 705 ILCS 405/Art. V Pt. 5A

4 heading new

5 705 ILCS 405/5-5A-101 new

6 705 ILCS 405/5-5A-105 new

7 705 ILCS 405/5-5A-110 new

8 705 ILCS 405/5-5A-115 new

9 705 ILCS 405/5-5A-120 new

10 705 ILCS 405/5-5A-125 new

11 705 ILCS 405/5-5A-130 new

12 705 ILCS 405/5-5A-135 new

13 705 ILCS 405/5-5A-140 new

14 705 ILCS 405/5-5A-145 new

15 705 ILCS 405/5-5A-150 new

16 705 ILCS 405/5-5A-155 new

17 705 ILCS 405/5-5A-160 new

18 705 ILCS 405/5-5A-165 new

19 705 ILCS 405/5-5A-170 new

20 705 ILCS 405/5-5A-175 new

21 705 ILCS 405/5-5A-180 new

22 705 ILCS 405/5-5A-185 new

23 705 ILCS 405/5-5A-190 new

24 705 ILCS 405/5-5A-195 new

25 705 ILCS 405/5-5A-200 new

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- 1 705 ILCS 405/5-5A-205 new
- 2 705 ILCS 405/5-5A-210 new
- 3 705 ILCS 405/5-5A-215 new
- 4 705 ILCS 405/5-5A-220 new