



Rep. Robyn Gabel

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LRB099 05754 RLC 32077 a

1 AMENDMENT TO HOUSE BILL 2567

2 AMENDMENT NO. _____. Amend House Bill 2567 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 5-410 as follows:

6 (705 ILCS 405/5-410)

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

8 (1) Any minor arrested or taken into custody pursuant to
9 this Act who requires care away from his or her home but who
10 does not require physical restriction shall be given temporary
11 care in a foster family home or other shelter facility
12 designated by the court.

13 (2) (a) Any minor 10 years of age or older arrested
14 pursuant to this Act where there is probable cause to believe
15 that the minor is a delinquent minor and that (i) secured
16 custody is a matter of immediate and urgent necessity for the

1 protection of the minor or of the person or property of
2 another, (ii) the minor is likely to flee the jurisdiction of
3 the court, or (iii) the minor was taken into custody under a
4 warrant, may be kept or detained in an authorized detention
5 facility. A minor under 13 years of age shall not be admitted,
6 kept, or detained in a detention facility unless a local youth
7 service provider, including a provider through the
8 Comprehensive Community Based Youth Services network, has been
9 contacted and has not been able to accept the minor. No minor
10 under 12 years of age shall be detained in a county jail or a
11 municipal lockup for more than 6 hours.

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

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

1 should be detained, however, subsection (b-5) shall still be
2 applicable where no such screening instrument is used or where
3 the probation officer, detention officer (or other public
4 officer designated by the court in a county having 3,000,000 or
5 more inhabitants) deviates from the screening instrument.

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

22 (c) Except as otherwise provided in paragraph (a), (d), or
23 (e), no minor shall be detained in a county jail or municipal
24 lockup for more than 12 hours, unless the offense is a crime of
25 violence in which case the minor may be detained up to 24
26 hours. For the purpose of this paragraph, "crime of violence"

1 has the meaning ascribed to it in Section 1-10 of the
2 Alcoholism and Other Drug Abuse and Dependency Act.

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

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

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

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

20 (v) Violation of the time limit on detention in a
21 county jail or municipal lockup shall not, in and of
22 itself, render inadmissible evidence obtained as a result
23 of the violation of this time limit. Minors under 18 years
24 of age shall be kept separate from confined adults and may
25 not at any time be kept in the same cell, room or yard with
26 adults confined pursuant to criminal law. Persons 18 years

1 of age and older who have a petition of delinquency filed
2 against them may be confined in an adult detention
3 facility. In making a determination whether to confine a
4 person 18 years of age or older who has a petition of
5 delinquency filed against the person, these factors, among
6 other matters, shall be considered:

7 (A) The age of the person;

8 (B) Any previous delinquent or criminal history of
9 the person;

10 (C) Any previous abuse or neglect history of the
11 person; and

12 (D) Any mental health or educational history of the
13 person, or both.

14 (d) (i) If a minor 12 years of age or older is confined in a
15 county jail in a county with a population below 3,000,000
16 inhabitants, then the minor's confinement shall be implemented
17 in such a manner that there will be no contact by sight, sound
18 or otherwise between the minor and adult prisoners. Minors 12
19 years of age or older must be kept separate from confined
20 adults and may not at any time be kept in the same cell, room,
21 or yard with confined adults. This paragraph (d) (i) shall only
22 apply to confinement pending an adjudicatory hearing and shall
23 not exceed 40 hours, excluding Saturdays, Sundays and court
24 designated holidays. To accept or hold minors during this time
25 period, county jails shall comply with all monitoring standards
26 adopted by the Department of Corrections and training standards

1 approved by the Illinois Law Enforcement Training Standards
2 Board.

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

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

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

24 (f) For purposes of appearing in a physical lineup, the
25 minor may be taken to a county jail or municipal lockup under
26 the direct and constant supervision of a juvenile police

1 officer. During such time as is necessary to conduct a lineup,
2 and while supervised by a juvenile police officer, the sight
3 and sound separation provisions shall not apply.

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

11 (3) If the probation officer or State's Attorney (or such
12 other public officer designated by the court in a county having
13 3,000,000 or more inhabitants) determines that the minor may be
14 a delinquent minor as described in subsection (3) of Section
15 5-105, and should be retained in custody but does not require
16 physical restriction, the minor may be placed in non-secure
17 custody for up to 40 hours pending a detention hearing.

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

22 (5) The changes made to this Section by Public Act 98-61
23 apply to a minor who has been arrested or taken into custody on
24 or after January 1, 2014 (the effective date of Public Act
25 98-61).

26 (Source: P.A. 98-61, eff. 1-1-14; 98-685, eff. 1-1-15; 98-756,

1 eff. 7-16-14.)".