

RESOLUTION NO. 18-48

**A RESOLUTION CALLING FOR THE GENERAL ASSEMBLY TO OPPOSE  
INCREASING THE AGE OF “DELINQUENT MINORS”**

WHEREAS, Illinois Counties are subject to countless unfunded mandates, numerous budget challenges, and legal constraints,

WHEREAS, the Juvenile Court Act of 1987 (the “Act”) currently defines a “delinquent minor” as “any minor who prior to his or her 18<sup>th</sup> birthday has violated or attempted to violate, regardless of where the act occurred, any federal, State, county or municipal law or ordinance”; and

WHEREAS, House Bill 4581 of the 100<sup>th</sup> General Assembly seeks to amend the definition of “delinquent minor” to increase the age from 18 to 19 on January 1, 2019 and from 19 to 21 on January 2021; and

WHEREAS, increasing the age for which an individual can be considered a delinquent minor will substantial increase the burdens on Illinois counties and their respective sheriff, corrections, and probation operations; and

WHEREAS, passage and approval of House Bill 4581 will only further exacerbate the fiscal challenges faced by Illinois Counties who are already subject to countless other unfunded mandates and increasingly difficult budget challenges as well as complicated legal constraints related to the Act.

NOW, THEREFORE, BE IT RESOLVED by the members of the Board of MARSHALL County, Illinois as follows:

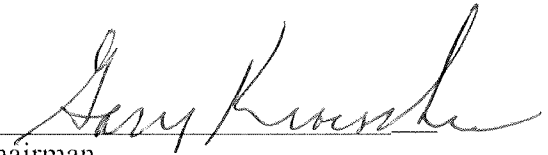
That this Board urges the Governor and the General Assembly to oppose House Bill 4581.

That this Board hereby authorizes and directs the Chairman of the County Board to sign this Resolution and send a copy of the same to members of the General Assembly representing the County and the Governor.

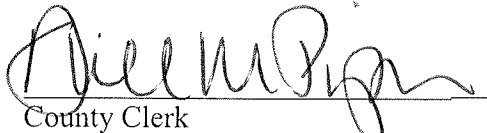
Passed by the Board of MARSHALL County this 10TH day of MAY, 2018.

AYES:  
NAYS:  
PRESENT:  
ABSTAIN/ABSENT:

11  
0  
11  
1

  
Chairman

ATTEST:

  
County Clerk



**HB4581 Increase Age of Minor (ATTENTION ASAP)**

1 message

UC CI <uccici@unitedcounties.com>

Wed, Apr 25, 2018 at 4:02 PM

PLEASE FORWARD TO YOUR COUNTY BOARD MEMBERS ... thank you.

*Need to pass at board mtg  
per Paul Bauer*



**UNITED COUNTIES  
COUNCIL OF ILLINOIS**

MEMO TO: UCCI Membership  
FROM: Mike McCreery, Executive Director  
DATE: April 25, 2018  
SUBJECT: HB4581 (Change in Age of Delinquent Minor)

HB4581 seeks to increase the age of a delinquent minor from 18 years to 21 years; and, if passed, would substantially increase the burdens on Illinois counties, their law enforcement agencies and probation operations.

UCCI is opposed to this piece of legislation; and, encourages your County Board to adopt the model "Resolution Calling for the General Assembly to Oppose Increasing the Age of Delinquent Minors", which you will find attached.

Please contact your local legislators in both the House and Senate, to voice your opposition to HB4581 ... which, if passed, would further burden Illinois Counties who are already subject to countless other unfunded mandates and difficult budget challenges.

HB4581 (House Floor Amendment #1) is scheduled to be heard in House Judiciary – Criminal Committee tomorrow, April 25<sup>th</sup> at 4:00 P.M.

A copy of HB4581 and House Amendment #1 is also attached for your information and review.

4 attachments



UNITED COUNTIES  
COUNCIL OF ILLINOIS image001.png  
37K

HB4581 Model Resolution RE Age Increase of Delinquent Minors.pdf  
204K

HB4581.pdf  
27K

HB4581 House Amd #1.pdf  
12K

Rep. Laura Fine

Filed: 4/23/2018

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LRB100 17549 SLF 38988 a

1 AMENDMENT TO HOUSE BILL 4581

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4581 on page 2, line  
3 15, by replacing "involvement" with "involvement. The report to  
4 the General Assembly shall be filed with the Clerk of the House  
5 of Representatives and the Secretary of the Senate in  
6 electronic form only, in the manner that the Clerk and the  
7 Secretary shall direct"; and

8 on page 4, lines 21 and 22, by deleting "has committed a  
9 misdemeanor offense and"; and

10 on page 4, line 24, after "ordinance", by inserting "and the  
11 law or ordinance is classified as a misdemeanor offense"; and

12 on page 4, line 26, by deleting "has committed a"; and

13 on page 5, line 1, by deleting "misdemeanor offense and"; and

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- 2 -

LRB100 17549 SLF 38988 a

1 on page 5, line 3, after "ordinance", by inserting "and the law  
2 or ordinance is classified as a misdemeanor offense"; and

3 on page 5, by replacing lines 7 through 11 with "of the 100th  
4 General Assembly.".

1 AN ACT concerning juveniles.

2 Be it enacted by the People of the State of Illinois,  
 3 represented in the General Assembly:

4 Section 5. The Children and Family Services Act is amended  
 5 by changing Section 17a-9 as follows:

6 (20 ILCS 505/17a-9) (from Ch. 23, par. 5017a-9)

7 Sec. 17a-9. Illinois Juvenile Justice Commission.

8 (a) There is hereby created the Illinois Juvenile Justice  
 9 Commission which shall consist of 25 persons appointed by the  
 10 Governor. The Chairperson of the Commission shall be appointed  
 11 by the Governor. Of the initial appointees, 8 shall serve a  
 12 one-year term, 8 shall serve a two-year term and 9 shall serve  
 13 a three-year term. Thereafter, each successor shall serve a  
 14 three-year term. Vacancies shall be filled in the same manner  
 15 as original appointments. Once appointed, members shall serve  
 16 until their successors are appointed and qualified. Members  
 17 shall serve without compensation, except they shall be  
 18 reimbursed for their actual expenses in the performance of  
 19 their duties. The Commission shall carry out the rights, powers  
 20 and duties established in subparagraph (3) of paragraph (a) of  
 21 Section 223 of the Federal "Juvenile Justice and Delinquency  
 22 Prevention Act of 1974", as now or hereafter amended. The  
 23 Commission shall determine the priorities for expenditure of

1 funds made available to the State by the Federal Government  
 2 pursuant to that Act. The Commission shall have the following  
 3 powers and duties:

4 (1) Development, review and final approval of the  
 5 State's juvenile justice plan for funds under the Federal  
 6 "Juvenile Justice and Delinquency Prevention Act of 1974";

7 (2) Review and approve or disapprove juvenile justice  
 8 and delinquency prevention grant applications to the  
 9 Department for federal funds under that Act;

10 (3) Annual submission of recommendations to the  
 11 Governor and the General Assembly concerning matters  
 12 relative to its function, including recommendations  
 13 regarding the inclusion of emerging adults into a

- 14 developmentally appropriate justice system, reducing
- 15 recidivism, and preventing deeper criminal involvement;
- 16 (4) Responsibility for the review of funds allocated to
- 17 Illinois under the "Juvenile Justice and Delinquency
- 18 Prevention Act of 1974" to ensure compliance with all
- 19 relevant federal laws and regulations;
- 20 (5) Function as the advisory committee for the State
- 21 Youth and Community Services Program as authorized under
- 22 Section 17 of this Act, and in that capacity be authorized
- 23 and empowered to assist and advise the Secretary of Human
- 24 Services on matters related to juvenile justice and
- 25 delinquency prevention programs and services; and
- 26 (6) Study the impact of, develop timelines, and propose

HB4581 Engrossed

- 3 -

LRB100 17549 SLF 32719 b

1 a funding structure to accommodate the expansion of the

2 jurisdiction of the Illinois Juvenile Court to include

3 youth age 17 under the jurisdiction of the Juvenile Court

4 Act of 1987. The Commission shall submit a report by

5 December 31, 2011 to the General Assembly with

6 recommendations on extending juvenile court jurisdiction

7 to youth age 17 charged with felony offenses.

8 (b) On the effective date of this amendatory Act of the

9 96th General Assembly, the Illinois Juvenile Jurisdiction Task

10 Force created by Public Act 95-1031 is abolished and its duties

11 are transferred to the Illinois Juvenile Justice Commission as

12 provided in paragraph (6) of subsection (a) of this Section.

13 (Source: P.A. 96-1199, eff. 1-1-11.)

14 Section 10. The Juvenile Court Act of 1987 is amended by

15 changing Section 5-105 as follows:

16 (705 ILCS 405/5-105)

17 Sec. 5-105. Definitions. As used in this Article:

18 (1) "Aftercare release" means the conditional and

19 revocable release of an adjudicated delinquent juvenile

20 committed to the Department of Juvenile Justice under the

21 supervision of the Department of Juvenile Justice.

22 (1.5) "Court" means the circuit court in a session or

23 division assigned to hear proceedings under this Act, and

24 includes the term Juvenile Court.

HB4581 Engrossed

- 4 -

LRB100 17549 SLF 32719 b

1 (2) "Community service" means uncompensated labor for

2 a community service agency as hereinafter defined.

3 (2.5) "Community service agency" means a  
4 not-for-profit organization, community organization,  
5 church, charitable organization, individual, public  
6 office, or other public body whose purpose is to enhance  
7 the physical or mental health of a delinquent minor or to  
8 rehabilitate the minor, or to improve the environmental  
9 quality or social welfare of the community which agrees to  
10 accept community service from juvenile delinquents and to  
11 report on the progress of the community service to the  
12 State's Attorney pursuant to an agreement or to the court  
13 or to any agency designated by the court or to the  
14 authorized diversion program that has referred the  
15 delinquent minor for community service.

16 (3) "Delinquent minor" means any minor who prior to his  
17 or her 18th birthday has violated or attempted to violate,  
18 regardless of where the act occurred, any federal, State,  
19 county or municipal law or ordinance. On and after January  
20 1, 2019, "delinquent minor" includes a minor who prior to  
21 his or her 19th birthday has committed a misdemeanor  
22 offense and has violated or attempted to violate,  
23 regardless of where the act occurred, a federal law or  
24 State law, or county or municipal ordinance. On and after  
25 January 1, 2021, "delinquent minor" includes a minor who  
26 prior to his or her 21st birthday has committed a

1 misdemeanor offense and has violated or attempted to  
2 violate, regardless of where the act occurred, a federal  
3 law or State law or county or municipal ordinance. The  
4 changes made by this amendatory Act of the 100th General  
5 Assembly apply to violations or attempted violations  
6 committed on or after the effective of this amendatory Act  
7 of the 100th General Assembly. A minor 13 years of age or  
8 older charged with an act that constitutes a crime under  
9 the laws of this State may be subject to a petition to  
10 permit prosecution under the criminal laws under  
11 subsection (3) of Section 5-805 of this Act.

12 (4) "Department" means the Department of Human  
13 Services unless specifically referenced as another  
14 department.

15 (5) "Detention" means the temporary care of a minor who  
16 is alleged to be or has been adjudicated delinquent and who  
17 requires secure custody for the minor's own protection or  
18 the community's protection in a facility designed to  
19 physically restrict the minor's movements, pending

20 disposition by the court or execution of an order of the  
21 court for placement or commitment. Design features that  
22 physically restrict movement include, but are not limited  
23 to, locked rooms and the secure handcuffing of a minor to a  
24 rail or other stationary object. In addition, "detention"  
25 includes the court ordered care of an alleged or  
26 adjudicated delinquent minor who requires secure custody

HB4581 Engrossed

- 6 -

LRB100 17549 SLF 32719 b

1 pursuant to Section 5-125 of this Act.

2 (6) "Diversion" means the referral of a juvenile,  
3 without court intervention, into a program that provides  
4 services designed to educate the juvenile and develop a  
5 productive and responsible approach to living in the  
6 community.

7 (7) "Juvenile detention home" means a public facility  
8 with specially trained staff that conforms to the county  
9 juvenile detention standards adopted by the Department of  
10 Juvenile Justice.

11 (8) "Juvenile justice continuum" means a set of  
12 delinquency prevention programs and services designed for  
13 the purpose of preventing or reducing delinquent acts,  
14 including criminal activity by youth gangs, as well as  
15 intervention, rehabilitation, and prevention services  
16 targeted at minors who have committed delinquent acts, and  
17 minors who have previously been committed to residential  
18 treatment programs for delinquents. The term includes  
19 children-in-need-of-services and  
20 families-in-need-of-services programs; aftercare and  
21 reentry services; substance abuse and mental health  
22 programs; community service programs; community service  
23 work programs; and alternative-dispute resolution programs  
24 serving youth-at-risk of delinquency and their families,  
25 whether offered or delivered by State or local governmental  
26 entities, public or private for-profit or not-for-profit

HB4581 Engrossed

- 7 -

LRB100 17549 SLF 32719 b

1 organizations, or religious or charitable organizations.  
2 This term would also encompass any program or service  
3 consistent with the purpose of those programs and services  
4 enumerated in this subsection.

5 (9) "Juvenile police officer" means a sworn police  
6 officer who has completed a Basic Recruit Training Course,



7 has been assigned to the position of juvenile police  
8 officer by his or her chief law enforcement officer and has  
9 completed the necessary juvenile officers training as  
10 prescribed by the Illinois Law Enforcement Training  
11 Standards Board, or in the case of a State police officer,  
12 juvenile officer training approved by the Director of State  
13 Police.

14 (10) "Minor" means a person under the age of 21 years  
15 subject to this Act.

16 (11) "Non-secure custody" means confinement where the  
17 minor is not physically restricted by being placed in a  
18 locked cell or room, by being handcuffed to a rail or other  
19 stationary object, or by other means. Non-secure custody  
20 may include, but is not limited to, electronic monitoring,  
21 foster home placement, home confinement, group home  
22 placement, or physical restriction of movement or activity  
23 solely through facility staff.

24 (12) "Public or community service" means uncompensated  
25 labor for a not-for-profit organization or public body  
26 whose purpose is to enhance physical or mental stability of

HB4581 Engrossed

- 8 -

LRB100 17549 SLF 32719 b

1 the offender, environmental quality or the social welfare  
2 and which agrees to accept public or community service from  
3 offenders and to report on the progress of the offender and  
4 the public or community service to the court or to the  
5 authorized diversion program that has referred the  
6 offender for public or community service. "Public or  
7 community service" does not include blood donation or  
8 assignment to labor at a blood bank. For the purposes of  
9 this Act, "blood bank" has the meaning ascribed to the term  
10 in Section 2-124 of the Illinois Clinical Laboratory and  
11 Blood Bank Act.

12 (13) "Sentencing hearing" means a hearing to determine  
13 whether a minor should be adjudged a ward of the court, and  
14 to determine what sentence should be imposed on the minor.  
15 It is the intent of the General Assembly that the term  
16 "sentencing hearing" replace the term "dispositional  
17 hearing" and be synonymous with that definition as it was  
18 used in the Juvenile Court Act of 1987.

19 (14) "Shelter" means the temporary care of a minor in  
20 physically unrestricting facilities pending court  
21 disposition or execution of court order for placement.

22 (15) "Site" means a not-for-profit organization,  
23 public body, church, charitable organization, or  
24 individual agreeing to accept community service from

25 offenders and to report on the progress of ordered or  
26 required public or community service to the court or to the

HB4581 Engrossed

- 9 -

LRB100 17549 SLF 32719 b

1 authorized diversion program that has referred the  
2 offender for public or community service.

3 (16) "Station adjustment" means the informal or formal  
4 handling of an alleged offender by a juvenile police  
5 officer.

6 (17) "Trial" means a hearing to determine whether the  
7 allegations of a petition under Section 5-520 that a minor  
8 is delinquent are proved beyond a reasonable doubt. It is  
9 the intent of the General Assembly that the term "trial"  
10 replace the term "adjudicatory hearing" and be synonymous  
11 with that definition as it was used in the Juvenile Court  
12 Act of 1987.

13 The changes made to this Section by Public Act 98-61 apply  
14 to violations or attempted violations committed on or after  
15 January 1, 2014 (the effective date of Public Act 98-61).

16 (Source: P.A. 98-61, eff. 1-1-14; 98-558, eff. 1-1-14; 98-685,  
17 eff. 1-1-15; 98-756, eff. 7-16-14; 98-824, eff. 1-1-15; 99-78,  
18 eff. 7-20-15.)