

## **LWVIL 2017 Issues Briefing: Children's Services -- Juvenile Justice:**

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### **Legislative overview in 2016**

Juveniles will now not be imprisoned for crimes that are not felonies or for certain non-violent felonies; certain mandatory natural life sentencing for sexual assault will not apply to juveniles under the age of 18; mandatory probation terms have been reduced; legal representation is required for children up to age 15 (previously, up to age 13) during interrogation in murder and sex offenses; videotaping of juvenile interrogations has been expanded; a modified version of the Miranda warning is required for children; more expungement opportunities are available.

### **Specific legislation that the League supported with TFA and/or witness slips:**

**HB6291 (PA99-0879)** prohibits incarcerating children for offenses that are Class 3 or 4 felony violations of the Illinois Controlled Substances Act (with some exceptions) and eliminates the five-year mandatory juvenile probation period on all offenses other than first degree murder. Probation terms for Class X and forcible felonies have been reduced.

**HB6328 (PA 99-0881)** no longer precludes a person with a conviction history from expunging a new arrest that didn't lead to a conviction. It waives fees for juvenile expungement, as well as for adult petitioners who obtain a court order. The bill institutes a county fee waiver pilot program that would waive fees for sealing and expungement.

**SB0320 (PA99-0894)** creates the Mental Health Opportunities for Youth Diversion Task Force to identify existing diversion programs, available funding sources, and any possible barriers to the program in order to divert youth into the appropriate health care setting rather than initial or further involvement in the juvenile justice system.

**SB2370 (PA 99-0882)** requires legal representation for children up to age 15 (previously, up to age 13) during interrogation in murder and sex offenses, expands videotaping of interrogations to all felonies and some misdemeanor offenses, and. requires a modified version of the Miranda warning for children.

The Illinois Supreme Court has banned the shackling of juveniles during court proceedings unless, in a separate hearing, shackling is deemed necessary.

### **Looking ahead**

Goals for the future include: allowing young adults (18-21) to be tried in Juvenile Court; extending to older juveniles some of the reforms achieved; allowing the automatic expungement of certain juvenile offenses; restoring funding for Redeploy Illinois which provides support for community based preventative and intervention services and programming; embracing restorative justice as an alternative to criminal prosecution of children. In 2016, the youth facility at Kewanee was closed. The budget impasse, however, threatens the diversion effort. Twenty-three counties (as of March, 2016) have dropped their participation in Redeploy Illinois. If funding for Redeploy Illinois is restored and more offenders are diverted from incarceration, the State will be able to continue to "right" size the juvenile detention centers, thus making available more funding for positive and effective services and programs.