

Legislative Priorities for 2013

Raise the Age HB2404/Currie

Raise the Age of Juvenile Court jurisdiction. Currently, youth age seventeen are tried in juvenile court for misdemeanor offenses but tried in adult court for felony offenses. With this change, youth age seventeen would be tried in juvenile court for both misdemeanor and felony offenses – except those youth who are transferred to adult court. A report on the age of juvenile court jurisdiction from the Illinois Juvenile Justice Commission is expected to be completed and released in February of 2013. The Commission has studied the impact of the misdemeanor change (trying youth age seventeen charged with misdemeanor offenses in juvenile court) and has concluded that raising the age is good policy.

Juvenile Parole Reform HB1253/Gabel/Cassidy/Turner/Evans/Sims

Reasonable and proportionate length of time on juvenile parole. The juvenile parole system is broken. This is the conclusion of a report a year ago from the Juvenile Justice Commission, and the basis for a class action lawsuit filed this fall, both of which note that youth serve lengthy terms of parole, without services, often discharged only upon aging out at 21 years. Youth released from a juvenile correctional facility should be reintegrated into the community in as short a time as possible, and in no event longer than an adult would spend on adult parole/mandatory supervised release for a similar offense.

Counsel for Youth During Interrogation in Homicide Investigations SB2351/Steans

Illinois laws of accountability are so broad that youth who admit to being present near the scene of a homicide may end up tried for the charge of murder – and if they are age 15 or older, the murder charge alone will trigger adult prosecution and the possibility of a lengthy (up to life) adult sentence. These laws have become so complex that even lawyers must refer to the statute to clarify when adult transfer laws apply. Yet, youth under the age of 18, who are developmentally less capable of appreciating the consequences of their actions (including appreciating the consequences of an admission), are routinely questioned by police in homicide investigations without counsel. If police choose to question a youth without an attorney, this modest proposal merely cautions that resulting statements should only be used in juvenile (not adult) court.

Restore Confidentiality of Juvenile Arrests SB1915/Raoul

Forty percent of the juvenile arrests in Cook County never go to court. This is a reflection of the availability of diversion by police, who have broad authority to require youthful offenders to engage in counseling, perform community service, make restitution, etc. Yet – youth have to go to court to expunge their juvenile arrest record *even if the case never went to court*. Illinois needs to roll back the clock to the earlier practice of keeping juvenile arrests confidential, by keeping information on juvenile arrests in separate and confidential databases within the local police station. This would end the failed experiment over the past decade of sending all juvenile felony arrests and many misdemeanor arrests to the state police for input in the LEADS state offender database. And this would ensure youth who never go to court, never have to worry about juvenile arrest records blocking their path toward higher education and/or gainful employment.

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Redeploy Illinois HB2401/Cassidy

Ensure Adequate Funding to Offer Redeploy Illinois Services in All Top Committing

Counties. The nationally acclaimed fiscal realignment model of Juvenile Redeploy Illinois has never been funded at more than \$3 million – half the amount used for staff overtime in the juvenile correctional facilities at the time Redeploy began. Thanks to Redeploy, the committed population has decreased so dramatically that the state is now in the process of closing two of the eight juvenile correctional facilities. In order to ensure these gains continue, the state must fund Juvenile Redeploy Illinois sufficiently to operate within each of the top committing counties in Illinois. Shifting a small portion of the anticipated \$13.8 million dollar savings anticipated in FY13 from the closing of IYC Murphysboro and Joliet will enable Juvenile Redeploy IL to continue the dramatic shift of state resources from incarceration, where half the youth fail (end up back in juvenile prisons within 3 years) to community based alternatives where even if youth fail the community service they are less likely to repeat offend.