

SUPPORT



**COOK COUNTY
OFFICE OF THE
PRESIDENT**



SB3210 & HB5020

Procedural Protections for Children Sentenced as Adults through EJJ

Senator Laura Fine & Representative Dave Vella

DID YOU KNOW?

There is a law in Illinois that allows minors to be sentenced as adults even while their case is in juvenile court? Once a prosecutor asks for it, there is a presumption the court will grant it.

Extended Jurisdiction Juvenile (EJJ) sentencing allows prosecutors to request both juvenile and adult sentences for minors in juvenile court. The adult sentence is not immediately imposed, but its imposition is mandatory if the young person is accused of a new offense and may be imposed even for simple technical violations of the juvenile sentence. Often, this sentence is longer than it would have been for the same offense in adult court.

EJJ sentencing undermines basic fairness by:

- Imposing severe consequences on minors without any of the protections we expect in juvenile court.
- Failing to meet the standards of evidence required in criminal court.

This bill brings the EJJ section of the Juvenile Court Act into the 21st Century by making the law what most people already thought it was:

Current EJJ Law	This Bill
Allows children age 13 and up to be sentenced to adult sentences.	Raises the age for EJJ from 13 to 15 and above, accounting for the immaturity of the youngest kids in juvenile court.
Once the prosecutor files an EJJ petition, there is a rebuttable presumption that it will be granted and an adult sentence imposed.	Requires the prosecutor to prove by clear and convincing evidence that an adult sentence may be appropriate.
Uses outdated adult sentencing factors to determine whether EJJ should be imposed.	Incorporates youth-centered neurological, developmental, and environmental factors that are already used in Illinois code when sentencing minors.
Makes EJJ hearings, which occur in juvenile court, public.	Makes EJJ hearings, which often include highly personal and sensitive details, confidential like the rest of juvenile court.
After a prosecutor's EJJ petition has been granted, requires the judge to impose an adult sentence after trial.	Gives judges discretion at sentencing to impose or not impose an adult sentence, depending on facts that emerge at trial or other new information.
If the child in an EJJ case is alleged to have committed any new offense, requires the judge to impose the adult sentence after the prosecutor proves the new offense by only the civil "preponderance of the evidence" standard.	Provides judges with adequate discretion in sentencing and in response to violations by making imposition of the adult sentence discretionary instead of mandatory. Requires the prosecution to prove a new offense beyond a reasonable doubt before imposing an adult sentence.
Sets no limits on the seriousness or type of new offenses that requires imposition of the adult sentence.	Limits imposition of the adult sentence to when a minor has committed a forcible felony.
Allows imposition of the adult sentence for a technical violation of the juvenile sentence, such as a probation violation.	Prevents the adult sentence from being imposed based solely on a technical violation of the juvenile sentence.

SEE REVERSE FOR FULL LIST OF SUPPORTING ORGANIZATIONS.

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Supporting Organizations

Chicago Appleseed Center for Fair Courts

Cook County Office of the President

DuPage County Public Defender's Office

Illinois Prison Project

Juvenile Justice Initiative

Law Office of the Cook County Public Defender

Lawndale Christian Legal Center

The James B. Moran Center for Youth Advocacy

Restore Justice

Treatment Alternatives for Stronger Communities (TASC)

Unitarian Universalist Prison Ministry of Illinois