A Multi Year Approach Raise the Age of Juvenile Court for Misdemeanors
Sponsor: Rep. Laura Fine, Cassidy, Evans, Ford, Gabel, Mayfield and Wallace

What this Bill Does Provides that the Illinois Juvenile Justice Commission in its annual submission of recommendation to the Governor and General Assembly shall include recommendations regarding the inclusion of emerging adults into a developmentally appropriate justice system, reducing recidivism, and preventing deeper criminal involvement.

The bill provides that on or after January 1, 2019 “delinquent minor” includes any minor before their 19th birthday that has been charged with a misdemeanor offense to being their case in the juvenile court. Also, the bill provides that on or after January 1, 2021 delinquent minor includes anyone who commits a misdemeanor offense on or after their 21st birthday. This gradual approach gives the state time to study the population as they are integrated into the juvenile system for better long-term outcomes.

These cases are still eligible for transfer to adult court if the prosecutor believes the misdemeanor should be transferred. This will keep emerging adults who cannot make bond for MISDEMEANORS out of county jail prior to trial.

THIS BILL ALSO EXPANDS POLICE DISCRETION by allowing police to use juvenile diversion and sanction options for emerging adults charged with misdemeanors.

Emerging adults will have access to juvenile diversion programs and practices – and in juvenile court, counties have option of developing their own screening instruments to divert youth from detention with best practice automatically screening out low level felony (property) and misdemeanor charges.

What This Bill Does Not Do: Does not prevent 18-21 year olds from being tried in adult court through juvenile transfer mechanisms (under existing law, any child age 13 or older may be prosecuted in adult court for “an act that constitutes a crime” if a juvenile court judge approves a petition to transfer - 705 ILCS 405/5-805(3)).

Emerging Adults Age OUT of criminal offending if not saddled with adult arrests & convictions. Crime curves consistently establish that people age out of criminal offending by their early twenties. Established brain research has shown that emerging adults, people ages 18-21, are similar to juveniles in that their brains are still growing and they are thus less capable of reasoned thinking in charged settings, susceptible to peer influence, risk takers, and less future-oriented than adults.

Crime decreases with more effective treatment and diversion options which can be offered by the juvenile court. Adult courts can only offer incarceration which has not lowered crime.

Potential Cost Savings: In 2015, there were 2,566 emerging adults (age 18, 19 and 20) admitted to the Cook County Jail for misdemeanor offenses. JJI research showed that in 2013 half of the young adults spent twelve nights or less, with a quarter being released within a day. Cook County DOC reports it cost $143 per day to house an inmate, in 2015 Cook County spent at least $366,938 per day to detain young adults 18-20 on misdemeanor charges.