Clarifying Jurisdiction of the Juvenile Court Act

LEAD SPONSORS: (HB2223 - REP. CASSIDY, SB1669 - SEN. PETERS)

WHAT THE BILL DOES: Amends the Juvenile Court Act to make clear that children can only be prosecuted violations of Illinois law for actions committed in Illinois

THE ISSUE: In October of 2021, the IL Supreme Court ruled on a case of an Illinois prosecutor charging a youth with a crime that allegedly occurred in Missouri for a violation of Missouri law. The ruling hinged on the reading of Sec. 5-120 of the Juvenile Court Act which reads:

Sec. 5-120. Exclusive jurisdiction. Proceedings may be instituted under the provisions of this Article concerning any minor who prior to his or her 18th birthday has violated or attempted to violate, regardless of where the act occurred, any federal, State, county or municipal law or ordinance. Except as provided in Sections 5-125, 5-130, 5-805, and 5-810 of this Article, no minor who was under 18 years of age at the time of the alleged offense may be prosecuted under the criminal laws of this State.

The Court found that the Juvenile Court Act “unambiguously authorizes delinquency proceedings in Illinois when a minor engages in unlawful conduct in this or any other state.” They concluded that “the legislature expressly excluded any geographic restriction on the conduct of a minor that may result in a delinquency proceeding by including language authorizing such a proceeding for conduct ‘regardless of where the act occurred.’”

THE HARM: In her concurrence, Justice Burke points to several potential problems with the court’s ruling:

● The ruling effectively means that prosecutors can charge juveniles based on “a violation, or attempted violation, of any Illinois criminal law or any criminal law of the other 49 states.”
● Because of this, we may find ourselves in a scenario where an Illinois prosecutor charges a juvenile for an act that is illegal in a neighboring state, but legal in Illinois.
● Judge Burke also argues that because the majority found that “any geographic restriction on the conduct of a minor that may result in a delinquency proceeding by including language authorizing such a proceeding for conduct ‘regardless of where the act occurred,’” this ruling effectively means that the conduct doesn’t even have to have occurred in another state in order for a child to be prosecuted in Illinois for violating that state’s laws. As Judge Burke says, “The legislature cannot have intended to relinquish the sovereignty of Illinois in this way.”

THE FIX: This bill makes clear that the jurisdiction of prosecution of juveniles is limited to Illinois’s laws and borders.