

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Juvenile Court Act of 1987 is amended by  
5 changing Sections 3-1, 3-7, and 3-15 and by adding Section 3-40  
6 as follows:

7 (705 ILCS 405/3-1) (from Ch. 37, par. 803-1)

8 Sec. 3-1. Jurisdictional facts. Proceedings may be  
9 instituted under this Article concerning boys and girls who  
10 require authoritative intervention as defined in Section 3-3,  
11 ~~or~~ who are truant minors in need of supervision as defined in  
12 Section 3-33.5, or who are minors involved in electronic  
13 dissemination of indecent visual depictions in need of  
14 supervision as defined in Section 3-40.

15 (Source: P.A. 94-1011, eff. 7-7-06.)

16 (705 ILCS 405/3-7) (from Ch. 37, par. 803-7)

17 Sec. 3-7. Taking into temporary custody.

18 (1) A law enforcement officer may, without a warrant, take  
19 into temporary custody a minor (a) whom the officer with  
20 reasonable cause believes to be a minor requiring authoritative  
21 intervention; (b) who has been adjudged a ward of the court and  
22 has escaped from any commitment ordered by the court under this

1 Act; or (c) who is found in any street or public place  
2 suffering from any sickness or injury which requires care,  
3 medical treatment or hospitalization; or (d) whom the officer  
4 with reasonable cause believes to be a minor in need of  
5 supervision under Section 3-40.

6 (2) Whenever a petition has been filed under Section 3-15  
7 and the court finds that the conduct and behavior of the minor  
8 may endanger the health, person, welfare, or property of  
9 himself or others or that the circumstances of his home  
10 environment may endanger his health, person, welfare or  
11 property, a warrant may be issued immediately to take the minor  
12 into custody.

13 (3) The taking of a minor into temporary custody under this  
14 Section is not an arrest nor does it constitute a police  
15 record.

16 (4) No minor taken into temporary custody shall be placed  
17 in a jail, municipal lockup, detention center, or secure  
18 correctional facility.

19 (Source: P.A. 87-1154.)

20 (705 ILCS 405/3-15) (from Ch. 37, par. 803-15)

21 Sec. 3-15. Petition; supplemental petitions.

22 (1) Any adult person, any agency or association by its  
23 representative may file, or the court on its own motion may  
24 direct the filing through the State's Attorney of a petition in  
25 respect to a minor under this Act. The petition and all

1 subsequent court documents shall be entitled "In the interest  
2 of . . . ., a minor".

3 (2) The petition shall be verified but the statements may  
4 be made upon information and belief. It shall allege that the  
5 minor requires authoritative intervention or supervision and  
6 set forth (a) facts sufficient to bring the minor under Section  
7 3-3, ~~or~~ 3-33.5, or 3-40; (b) the name, age and residence of the  
8 minor; (c) the names and residences of his parents; (d) the  
9 name and residence of his legal guardian or the person or  
10 persons having custody or control of the minor, or of the  
11 nearest known relative if no parent or guardian can be found;  
12 and (e) if the minor upon whose behalf the petition is brought  
13 is sheltered in custody, the date on which shelter care was  
14 ordered by the court or the date set for a shelter care  
15 hearing. If any of the facts herein required are not known by  
16 the petitioner, the petition shall so state.

17 (3) The petition must allege that it is in the best  
18 interests of the minor and of the public that he be adjudged a  
19 ward of the court and may pray generally for relief available  
20 under this Act. The petition need not specify any proposed  
21 disposition following adjudication of wardship.

22 (4) If appointment of a guardian of the person with power  
23 to consent to adoption of the minor under Section 3-30 is  
24 sought, the petition shall so state.

25 (5) At any time before dismissal of the petition or before  
26 final closing and discharge under Section 3-32, one or more

1 supplemental petitions may be filed in respect to the same  
2 minor.

3 (Source: P.A. 94-1011, eff. 7-7-06.)

4 (705 ILCS 405/3-40 new)

5 Sec. 3-40. Minors involved in electronic dissemination of  
6 indecent visual depictions in need of supervision.

7 (a) For the purposes of this Section:

8 "Computer" has the meaning ascribed to it in Section 16D-2  
9 of the Criminal Code of 1961.

10 "Electronic communication device" means an electronic  
11 device, including but not limited to a wireless telephone,  
12 personal digital assistant, or a portable or mobile computer,  
13 that is capable of transmitting images or pictures.

14 "Indecent visual depiction" means a depiction or portrayal  
15 in any pose, posture, or setting involving a lewd exhibition of  
16 the unclothed or transparently clothed genitals, pubic area,  
17 buttocks, or, if such person is female, a fully or partially  
18 developed breast of the person.

19 "Minor" means a person under 18 years of age.

20 (b) A minor shall not distribute or disseminate an indecent  
21 visual depiction of another minor through the use of a computer  
22 or electronic communication device.

23 (c) Adjudication. A minor who violates subsection (b) of  
24 this Section may be subject to a petition for adjudication and  
25 adjudged a minor in need of supervision.

1       (d) Kinds of dispositional orders. A minor found to be in  
2       need of supervision under this Section may be:

3               (1) ordered to obtain counseling or other supportive  
4               services to address the acts that led to the need for  
5               supervision; or

6               (2) ordered to perform community service.

7       (e) Nothing in this Section shall be construed to prohibit  
8       a prosecution for disorderly conduct, public indecency, child  
9       pornography, a violation of the Harassing and Obscene  
10       Communications Act, or any other applicable provision of law.