



Rep. Christian L. Mitchell

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LRB100 05621 SLF 24299 a

1 AMENDMENT TO HOUSE BILL 3421

2 AMENDMENT NO. _____. Amend House Bill 3421 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 16-103 as follows:

6 (625 ILCS 5/16-103) (from Ch. 95 1/2, par. 16-103)

7 Sec. 16-103. Arrest outside county where violation
8 committed.

9 Whenever a defendant is arrested upon a warrant charging a
10 violation of this Act in a county other than that in which the
11 ~~such~~ warrant was issued, the arresting officer, immediately
12 upon the request of the defendant, shall take such defendant
13 before a circuit judge or associate circuit judge in the county
14 in which the arrest was made ~~who shall admit the defendant to~~
15 ~~bail for his appearance before the court named in the warrant.~~
16 On releasing the defendant ~~taking such bail~~ the circuit judge

1 or associate circuit judge shall certify the ~~such~~ fact on the
2 warrant and deliver the warrant, ~~and undertaking of bail or~~
3 other nonmonetary security, or the drivers license of such
4 defendant if deposited, under the law relating to ~~such~~
5 licenses, in lieu of the ~~such~~ security, to the officer having
6 charge of the defendant. The ~~Such~~ officer shall then
7 immediately discharge the defendant from arrest and without
8 delay deliver the ~~such~~ warrant ~~and such undertaking of bail,~~ or
9 other security or drivers license to the court before which the
10 defendant is required to appear.

11 (Source: P.A. 77-1280.)

12 Section 10. The Clerks of Courts Act is amended by changing
13 Sections 14, 27.3a, 27.3b, 27.5, and 27.6 as follows:

14 (705 ILCS 105/14) (from Ch. 25, par. 14)

15 Sec. 14. Clerk of court and sheriff's office
16 record-keeping. The clerks shall enter of record all judgments
17 and orders of their respective courts, as soon after the
18 rendition or making thereof as practicable.

19 Immediately after a judgment of dissolution of marriage or
20 declaration of invalidity of marriage is granted in this State,
21 the clerk of the court which granted the judgment of
22 dissolution of marriage or declaration of invalidity of
23 marriage shall complete and sign the form furnished by the
24 Department of Public Health, and forward such form to the

1 Department of Public Health within 45 days after the close of
2 the month in which the judgment is rendered.

3 Each month, the clerk of the court shall prepare and file
4 with the Supreme Court a report of the pretrial release
5 hearings completed within the previous month. The clerk of the
6 court shall also publish the report of pretrial hearings on
7 each circuit court's website, or if the circuit court does not
8 have a website, on each county's website. The Supreme Court
9 shall make every clerk's monthly reports available on their own
10 website, updated quarterly. The report shall include the total
11 number of pre-trial release hearings conducted; and of those
12 hearings:

13 (1) the number of hearings in which the court ordered
14 release on personal recognizance without special conditions;

15 (2) the number of hearings in which the court ordered
16 release with a special condition or conditions;

17 (3) the number of hearings in which the court ordered
18 detention; and

19 (4) the number of hearings in which electronic monitoring
20 was ordered.

21 Of the cases in which a condition or conditions are ordered,
22 the report shall track:

23 (1) the percentage of individuals who were released with or
24 without conditions who then willfully fail to appear at a later
25 court date;

26 (2) the percentage of individuals who were released with or

1 without conditions who then were arrested on new traffic or
2 misdemeanor charges; and

3 (3) the percentage of individuals who were released with or
4 without conditions who then were arrested on new felony
5 charges.

6 The report shall be disaggregated by the charged offense and
7 the demographic information of the arrestee, including the
8 race, ethnicity, gender, and age, if available.

9 Each month, the sheriff or other agency responsible for the
10 custody of detained defendants and monitoring individuals on
11 electronic monitoring in each county shall complete a report of
12 the length of stay of individuals in their custody detained
13 awaiting trial. The report shall record:

14 (1) the number of individuals who have been awaiting trial
15 in custody for 6 months or more;

16 (2) the number of individuals who have been awaiting trial
17 in custody for one year or more; and

18 (3) the number of individuals who have been awaiting trial
19 in custody for 2 years or more.

20 (Source: P.A. 83-346.)

21 (705 ILCS 105/27.3a)

22 Sec. 27.3a. Fees for automated record keeping, probation
23 and court services operations, State and Conservation Police
24 operations, and e-business programs.

25 1. The expense of establishing and maintaining automated

1 record keeping systems in the offices of the clerks of the
2 circuit court shall be borne by the county. To defray such
3 expense in any county having established such an automated
4 system or which elects to establish such a system, the county
5 board may require the clerk of the circuit court in their
6 county to charge and collect a court automation fee of not less
7 than \$1 nor more than \$25 to be charged and collected by the
8 clerk of the court. Such fee shall be paid at the time of
9 filing the first pleading, paper or other appearance filed by
10 each party in all civil cases or by the defendant in any
11 felony, traffic, misdemeanor, municipal ordinance, or
12 conservation case upon a judgment of guilty or grant of
13 supervision, provided that the record keeping system which
14 processes the case category for which the fee is charged is
15 automated or has been approved for automation by the county
16 board, and provided further that no additional fee shall be
17 required if more than one party is presented in a single
18 pleading, paper or other appearance. Such fee shall be
19 collected in the manner in which all other fees or costs are
20 collected.

21 1.1. Starting on July 6, 2012 (the effective date of Public
22 Act 97-761) and under ~~pursuant to~~ an administrative order from
23 the chief judge of the circuit or the presiding judge of the
24 county authorizing such collection, a clerk of the circuit
25 court in any county that imposes a fee under ~~pursuant to~~
26 subsection 1 of this Section shall also charge and collect an

1 additional \$10 operations fee for probation and court services
2 department operations.

3 This additional fee shall be paid by the defendant in any
4 felony, traffic, misdemeanor, local ordinance, or conservation
5 case upon a judgment of guilty or grant of supervision, ~~except~~
6 ~~such \$10 operations fee shall not be charged and collected in~~
7 ~~cases governed by Supreme Court Rule 529 in which the bail~~
8 ~~amount is \$120 or less.~~

9 1.2. With respect to the fee imposed and collected under
10 subsection 1.1 of this Section, each clerk shall transfer all
11 fees monthly to the county treasurer for deposit into the
12 probation and court services fund created under Section 15.1 of
13 the Probation and Probation Officers Act, and such monies shall
14 be disbursed from the fund only at the direction of the chief
15 judge of the circuit or another judge designated by the Chief
16 Circuit Judge in accordance with the policies and guidelines
17 approved by the Supreme Court.

18 1.5. Starting on June 1, 2014, a clerk of the circuit court
19 in any county that imposes a fee under ~~pursuant to~~ subsection 1
20 of this Section, shall charge and collect an additional fee in
21 an amount equal to the amount of the fee imposed under ~~pursuant~~
22 ~~to~~ subsection 1 of this Section, except the fee imposed under
23 this subsection may not be more than \$15. This additional fee
24 shall be paid by the defendant in any felony, traffic,
25 misdemeanor, or local ordinance case upon a judgment of guilty
26 or grant of supervision. This fee shall not be paid by the

1 defendant for any violation listed in subsection 1.6 of this
2 Section.

3 1.6. Starting on June 1, 2014, a clerk of the circuit court
4 in any county that imposes a fee under ~~pursuant to~~ subsection 1
5 of this Section shall charge and collect an additional fee in
6 an amount equal to the amount of the fee imposed under ~~pursuant~~
7 ~~to~~ subsection 1 of this Section, except the fee imposed under
8 this subsection may not be more than \$15. This additional fee
9 shall be paid by the defendant upon a judgment of guilty or
10 grant of supervision for a violation under the State Parks Act,
11 the Recreational Trails of Illinois Act, the Illinois
12 Explosives Act, the Timber Buyers Licensing Act, the Forest
13 Products Transportation Act, the Firearm Owners Identification
14 Card Act, the Environmental Protection Act, the Fish and
15 Aquatic Life Code, the Wildlife Code, the Cave Protection Act,
16 the Illinois Exotic Weed Act, the Illinois Forestry Development
17 Act, the Ginseng Harvesting Act, the Illinois Lake Management
18 Program Act, the Illinois Natural Areas Preservation Act, the
19 Illinois Open Land Trust Act, the Open Space Lands Acquisition
20 and Development Act, the Illinois Prescribed Burning Act, the
21 State Forest Act, the Water Use Act of 1983, the Illinois
22 Veteran, Youth, and Young Adult Conservation Jobs Act, the
23 Snowmobile Registration and Safety Act, the Boat Registration
24 and Safety Act, the Illinois Dangerous Animals Act, the Hunter
25 and Fishermen Interference Prohibition Act, the Wrongful Tree
26 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,

1 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of
2 the Illinois Vehicle Code, or Section 48-3 or 48-10 of the
3 Criminal Code of 2012.

4 1.7. Starting on the 30th day after the effective date of
5 this amendatory Act of the 99th General Assembly, a clerk of
6 the circuit court in any county that imposes a fee under
7 ~~pursuant to~~ subsection 1 of this Section shall also charge and
8 collect an additional \$9 e-business fee. The fee shall be paid
9 at the time of filing the first pleading, paper, or other
10 appearance filed by each party in all civil cases, except no
11 additional fee shall be required if more than one party is
12 presented in a single pleading, paper, or other appearance. The
13 fee shall be collected in the manner in which all other fees or
14 costs are collected. The fee shall be in addition to all other
15 fees and charges of the clerk, and assessable as costs, and may
16 be waived only if the judge specifically provides for the
17 waiver of the e-business fee. The fee shall not be charged in
18 any matter coming to the clerk on a change of venue, nor in any
19 proceeding to review the decision of any administrative
20 officer, agency, or body.

21 2. With respect to the fee imposed under subsection 1 of
22 this Section, each clerk shall commence such charges and
23 collections upon receipt of written notice from the chairman of
24 the county board together with a certified copy of the board's
25 resolution, which the clerk shall file of record in his office.

26 3. With respect to the fee imposed under subsection 1 of

1 this Section, such fees shall be in addition to all other fees
2 and charges of such clerks, and assessable as costs, and may be
3 waived only if the judge specifically provides for the waiver
4 of the court automation fee. The fees shall be remitted monthly
5 by such clerk to the county treasurer, to be retained by him in
6 a special fund designated as the court automation fund. The
7 fund shall be audited by the county auditor, and the board
8 shall make expenditure from the fund in payment of any cost
9 related to the automation of court records, including hardware,
10 software, research and development costs and personnel related
11 thereto, provided that the expenditure is approved by the clerk
12 of the court and by the chief judge of the circuit court or his
13 designate.

14 4. With respect to the fee imposed under subsection 1 of
15 this Section, such fees shall not be charged in any matter
16 coming to any such clerk on change of venue, nor in any
17 proceeding to review the decision of any administrative
18 officer, agency or body.

19 5. With respect to the additional fee imposed under
20 subsection 1.5 of this Section, the fee shall be remitted by
21 the circuit clerk to the State Treasurer within one month after
22 receipt for deposit into the State Police Operations Assistance
23 Fund.

24 6. With respect to the additional fees imposed under
25 subsection 1.5 of this Section, the Director of State Police
26 may direct the use of these fees for homeland security purposes

1 by transferring these fees on a quarterly basis from the State
2 Police Operations Assistance Fund into the Illinois Law
3 Enforcement Alarm Systems (ILEAS) Fund for homeland security
4 initiatives programs. The transferred fees shall be allocated,
5 subject to the approval of the ILEAS Executive Board, as
6 follows: (i) 66.6% shall be used for homeland security
7 initiatives and (ii) 33.3% shall be used for airborne
8 operations. The ILEAS Executive Board shall annually supply the
9 Director of State Police with a report of the use of these
10 fees.

11 7. With respect to the additional fee imposed under
12 subsection 1.6 of this Section, the fee shall be remitted by
13 the circuit clerk to the State Treasurer within one month after
14 receipt for deposit into the Conservation Police Operations
15 Assistance Fund.

16 8. With respect to the fee imposed under subsection 1.7 of
17 this Section, the clerk shall remit the fee to the State
18 Treasurer within one month after receipt for deposit into the
19 Supreme Court Special Purposes Fund. Unless otherwise
20 authorized by this Act, the moneys deposited into the Supreme
21 Court Special Purposes Fund under this subsection are not
22 subject to administrative charges or chargebacks under Section
23 20 of the State Treasurer Act.

24 (Source: P.A. 98-375, eff. 8-16-13; 98-606, eff. 6-1-14;
25 98-1016, eff. 8-22-14; 99-859, eff. 8-19-16.)

1 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

2 Sec. 27.3b. Payment of fines, penalties, or costs by credit
3 or debit card. The clerk of court may accept payment of fines,
4 penalties, or costs by credit card or debit card approved by
5 the clerk from an offender who has been convicted of or placed
6 on court supervision for a traffic offense, petty offense,
7 ordinance offense, or misdemeanor or who has been convicted of
8 a felony offense. The clerk of the circuit court may accept
9 credit card payments over the Internet for fines, penalties, or
10 costs from offenders on voluntary electronic pleas of guilty in
11 minor traffic and conservation offenses to satisfy the
12 requirement of written pleas of guilty as provided in Illinois
13 Supreme Court Rule 529. The clerk of the court may also accept
14 payment of statutory fees by a credit card or debit card. ~~The~~
15 ~~clerk of the court may also accept the credit card or debit~~
16 ~~card for the cash deposit of bail bond fees.~~

17 The Clerk of the circuit court is authorized to enter into
18 contracts with credit card or debit card companies approved by
19 the clerk and to negotiate the payment of convenience and
20 administrative fees normally charged by those companies for
21 allowing the clerk of the circuit court to accept their credit
22 cards or debit cards in payment as authorized herein. The clerk
23 of the circuit court is authorized to enter into contracts with
24 third party fund guarantors, facilitators, and service
25 providers under which those entities may contract directly with
26 customers of the clerk of the circuit court and guarantee and

1 remit the payments to the clerk of the circuit court. Where the
2 offender pays fines, penalties, or costs by credit card or
3 debit card or through a third party fund guarantor,
4 facilitator, or service provider, or anyone paying statutory
5 fees of the circuit court clerk ~~or the posting of cash bail,~~
6 the clerk shall collect a service fee of up to \$5 or the amount
7 charged to the clerk for use of its services by the credit card
8 or debit card issuer, third party fund guarantor, facilitator,
9 or service provider. This service fee shall be in addition to
10 any other fines, penalties, or costs. The clerk of the circuit
11 court is authorized to negotiate the assessment of convenience
12 and administrative fees by the third party fund guarantors,
13 facilitators, and service providers with the revenue earned by
14 the clerk of the circuit court to be remitted to the county
15 general revenue fund.

16 (Source: P.A. 95-331, eff. 8-21-07.)

17 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

18 Sec. 27.5. Fines and court costs; traffic, youth diversion,
19 and Child Advocacy Center.

20 (a) All fees, fines, costs, additional penalties, ~~bail~~
21 ~~balances assessed or forfeited,~~ and any other amount paid by a
22 person to the circuit clerk that equals an amount less than
23 \$55, except restitution under Section 5-5-6 of the Unified Code
24 of Corrections, reimbursement for the costs of an emergency
25 response as provided under Section 11-501 of the Illinois

1 Vehicle Code, any fees collected for attending a traffic safety
2 program under paragraph (c) of Supreme Court Rule 529, any fee
3 collected on behalf of a State's Attorney under Section 4-2002
4 of the Counties Code or a sheriff under Section 4-5001 of the
5 Counties Code, or any cost imposed under Section 124A-5 of the
6 Code of Criminal Procedure of 1963, for convictions, orders of
7 supervision, or any other disposition for a violation of
8 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
9 similar provision of a local ordinance, and any violation of
10 the Child Passenger Protection Act, or a similar provision of a
11 local ordinance, and except as otherwise provided in this
12 Section, shall be disbursed within 60 days after receipt by the
13 circuit clerk as follows: 47% shall be disbursed to the entity
14 authorized by law to receive the fine imposed in the case; 12%
15 shall be disbursed to the State Treasurer; and 41% shall be
16 disbursed to the county's general corporate fund. Of the 12%
17 disbursed to the State Treasurer, 1/6 shall be deposited by the
18 State Treasurer into the Violent Crime Victims Assistance Fund,
19 1/2 shall be deposited into the Traffic and Criminal Conviction
20 Surcharge Fund, and 1/3 shall be deposited into the Drivers
21 Education Fund. For fiscal years 1992 and 1993, amounts
22 deposited into the Violent Crime Victims Assistance Fund, the
23 Traffic and Criminal Conviction Surcharge Fund, or the Drivers
24 Education Fund shall not exceed 110% of the amounts deposited
25 into those funds in fiscal year 1991. Any amount that exceeds
26 the 110% limit shall be distributed as follows: 50% shall be

1 disbursed to the county's general corporate fund and 50% shall
2 be disbursed to the entity authorized by law to receive the
3 fine imposed in the case. Not later than March 1 of each year
4 the circuit clerk shall submit a report of the amount of funds
5 remitted to the State Treasurer under this Section during the
6 preceding year based upon independent verification of fines and
7 fees. All counties shall be subject to this Section, except
8 that counties with a population under 2,000,000 may, by
9 ordinance, elect not to be subject to this Section. For
10 offenses subject to this Section, judges shall impose one total
11 sum of money payable for violations. The circuit clerk may add
12 on no additional amounts except for amounts that are required
13 by Sections 27.3a and 27.3c of this Act, Section 16-104c of the
14 Illinois Vehicle Code, and subsection (a) of Section 5-1101 of
15 the Counties Code, unless those amounts are specifically waived
16 by the judge. With respect to money collected by the circuit
17 clerk as a result of forfeiture of pre-trial release ~~bail~~, ex
18 parte judgment or guilty plea under ~~pursuant to~~ Supreme Court
19 Rule 529, the circuit clerk shall first deduct and pay amounts
20 required by Sections 27.3a and 27.3c of this Act. Unless a
21 court ordered payment schedule is implemented or fee
22 requirements are waived under ~~pursuant to~~ a court order, the
23 circuit clerk may add to any unpaid fees and costs a
24 delinquency amount equal to 5% of the unpaid fees that remain
25 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
26 after 60 days, and 15% of the unpaid fees that remain unpaid

1 after 90 days. Notice to those parties may be made by signage
2 posting or publication. The additional delinquency amounts
3 collected under this Section shall be deposited in the Circuit
4 Court Clerk Operation and Administrative Fund to be used to
5 defray administrative costs incurred by the circuit clerk in
6 performing the duties required to collect and disburse funds.
7 This Section is a denial and limitation of home rule powers and
8 functions under subsection (h) of Section 6 of Article VII of
9 the Illinois Constitution.

10 (b) The following amounts must be remitted to the State
11 Treasurer for deposit into the Illinois Animal Abuse Fund:

12 (1) 50% of the amounts collected for felony offenses
13 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
14 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
15 Animals Act and Section 26-5 or 48-1 of the Criminal Code
16 of 1961 or the Criminal Code of 2012;

17 (2) 20% of the amounts collected for Class A and Class
18 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
19 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
20 for Animals Act and Section 26-5 or 48-1 of the Criminal
21 Code of 1961 or the Criminal Code of 2012; and

22 (3) 50% of the amounts collected for Class C
23 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
24 for Animals Act and Section 26-5 or 48-1 of the Criminal
25 Code of 1961 or the Criminal Code of 2012.

26 (c) Any person who receives a disposition of court

1 supervision for a violation of the Illinois Vehicle Code or a
2 similar provision of a local ordinance shall, in addition to
3 any other fines, fees, and court costs, pay an additional fee
4 of \$29, to be disbursed as provided in Section 16-104c of the
5 Illinois Vehicle Code. In addition to the fee of \$29, the
6 person shall also pay a fee of \$6, if not waived by the court.
7 If this \$6 fee is collected, \$5.50 of the fee shall be
8 deposited into the Circuit Court Clerk Operation and
9 Administrative Fund created by the Clerk of the Circuit Court
10 and 50 cents of the fee shall be deposited into the Prisoner
11 Review Board Vehicle and Equipment Fund in the State treasury.

12 (d) Any person convicted of, pleading guilty to, or placed
13 on supervision for a serious traffic violation, as defined in
14 Section 1-187.001 of the Illinois Vehicle Code, a violation of
15 Section 11-501 of the Illinois Vehicle Code, or a violation of
16 a similar provision of a local ordinance shall pay an
17 additional fee of \$35, to be disbursed as provided in Section
18 16-104d of that Code.

19 This subsection (d) becomes inoperative on January 1, 2020.

20 (e) In all counties having a population of 3,000,000 or
21 more inhabitants:

22 (1) A person who is found guilty of or pleads guilty to
23 violating subsection (a) of Section 11-501 of the Illinois
24 Vehicle Code, including any person placed on court
25 supervision for violating subsection (a), shall be fined
26 \$750 as provided for by subsection (f) of Section 11-501.01

1 of the Illinois Vehicle Code, payable to the circuit clerk,
2 who shall distribute the money under ~~pursuant to~~ subsection
3 (f) of Section 11-501.01 of the Illinois Vehicle Code.

4 (2) When a crime laboratory DUI analysis fee of \$150,
5 provided for by Section 5-9-1.9 of the Unified Code of
6 Corrections is assessed, it shall be disbursed by the
7 circuit clerk as provided by subsection (f) of Section
8 5-9-1.9 of the Unified Code of Corrections.

9 (3) When a fine for a violation of subsection (a) of
10 Section 11-605 of the Illinois Vehicle Code is \$150 or
11 greater, the additional \$50 which is charged as provided
12 for by subsection (f) of Section 11-605 of the Illinois
13 Vehicle Code shall be disbursed by the circuit clerk to a
14 school district or districts for school safety purposes as
15 provided by subsection (f) of Section 11-605.

16 (4) When a fine for a violation of subsection (a) of
17 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
18 greater, the additional \$50 which is charged as provided
19 for by subsection (c) of Section 11-1002.5 of the Illinois
20 Vehicle Code shall be disbursed by the circuit clerk to a
21 school district or districts for school safety purposes as
22 provided by subsection (c) of Section 11-1002.5 of the
23 Illinois Vehicle Code.

24 (5) When a mandatory drug court fee of up to \$5 is
25 assessed as provided in subsection (f) of Section 5-1101 of
26 the Counties Code, it shall be disbursed by the circuit

1 clerk as provided in subsection (f) of Section 5-1101 of
2 the Counties Code.

3 (6) When a mandatory teen court, peer jury, youth
4 court, or other youth diversion program fee is assessed as
5 provided in subsection (e) of Section 5-1101 of the
6 Counties Code, it shall be disbursed by the circuit clerk
7 as provided in subsection (e) of Section 5-1101 of the
8 Counties Code.

9 (7) When a Children's Advocacy Center fee is assessed
10 under ~~pursuant to~~ subsection (f-5) of Section 5-1101 of the
11 Counties Code, it shall be disbursed by the circuit clerk
12 as provided in subsection (f-5) of Section 5-1101 of the
13 Counties Code.

14 (8) When a victim impact panel fee is assessed under
15 ~~pursuant to~~ subsection (b) of Section 11-501.01 of the
16 Illinois Vehicle Code, it shall be disbursed by the circuit
17 clerk to the victim impact panel to be attended by the
18 defendant.

19 (9) When a new fee collected in traffic cases is
20 enacted after January 1, 2010 (the effective date of Public
21 Act 96-735), it shall be excluded from the percentage
22 disbursement provisions of this Section unless otherwise
23 indicated by law.

24 (f) Any person who receives a disposition of court
25 supervision for a violation of Section 11-501 of the Illinois
26 Vehicle Code shall, in addition to any other fines, fees, and

1 court costs, pay an additional fee of \$50, which shall be
2 collected by the circuit clerk and then remitted to the State
3 Treasurer for deposit into the Roadside Memorial Fund, a
4 special fund in the State treasury. However, the court may
5 waive the fee if full restitution is complied with. Subject to
6 appropriation, all moneys in the Roadside Memorial Fund shall
7 be used by the Department of Transportation to pay fees imposed
8 under subsection (f) of Section 20 of the Roadside Memorial
9 Act. The fee shall be remitted by the circuit clerk within one
10 month after receipt to the State Treasurer for deposit into the
11 Roadside Memorial Fund.

12 (g) For any conviction or disposition of court supervision
13 for a violation of Section 11-1429 of the Illinois Vehicle
14 Code, the circuit clerk shall distribute the fines paid by the
15 person as specified by subsection (h) of Section 11-1429 of the
16 Illinois Vehicle Code.

17 (Source: P.A. 97-333, eff. 8-12-11; 97-1108, eff. 1-1-13;
18 97-1150, eff. 1-25-13; 98-658, eff. 6-23-14.)

19 (705 ILCS 105/27.6)

20 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,
21 96-667, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,
22 98-658, 98-1013, 99-78, and 99-455)

23 Sec. 27.6. Fines and court costs; traffic, controlled
24 substances, and animal violations.

25 (a) All fees, fines, costs, additional penalties, ~~bail~~

1 ~~balances assessed or forfeited,~~ and any other amount paid by a
2 person to the circuit clerk equalling an amount of \$55 or more,
3 except the fine imposed by Section 5-9-1.15 of the Unified Code
4 of Corrections, the additional fee required by subsections (b)
5 and (c), restitution under Section 5-5-6 of the Unified Code of
6 Corrections, contributions to a local anti-crime program
7 ordered under ~~pursuant to~~ Section 5-6-3(b)(13) or Section
8 5-6-3.1(c)(13) of the Unified Code of Corrections,
9 reimbursement for the costs of an emergency response as
10 provided under Section 11-501 of the Illinois Vehicle Code, any
11 fees collected for attending a traffic safety program under
12 paragraph (c) of Supreme Court Rule 529, any fee collected on
13 behalf of a State's Attorney under Section 4-2002 of the
14 Counties Code or a sheriff under Section 4-5001 of the Counties
15 Code, or any cost imposed under Section 124A-5 of the Code of
16 Criminal Procedure of 1963, for convictions, orders of
17 supervision, or any other disposition for a violation of
18 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
19 similar provision of a local ordinance, and any violation of
20 the Child Passenger Protection Act, or a similar provision of a
21 local ordinance, and except as otherwise provided in this
22 Section shall be disbursed within 60 days after receipt by the
23 circuit clerk as follows: 44.5% shall be disbursed to the
24 entity authorized by law to receive the fine imposed in the
25 case; 16.825% shall be disbursed to the State Treasurer; and
26 38.675% shall be disbursed to the county's general corporate

1 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
2 shall be deposited by the State Treasurer into the Violent
3 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
4 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
5 be deposited into the Drivers Education Fund, and 6.948/17
6 shall be deposited into the Trauma Center Fund. Of the 6.948/17
7 deposited into the Trauma Center Fund from the 16.825%
8 disbursed to the State Treasurer, 50% shall be disbursed to the
9 Department of Public Health and 50% shall be disbursed to the
10 Department of Healthcare and Family Services. For fiscal year
11 1993, amounts deposited into the Violent Crime Victims
12 Assistance Fund, the Traffic and Criminal Conviction Surcharge
13 Fund, or the Drivers Education Fund shall not exceed 110% of
14 the amounts deposited into those funds in fiscal year 1991. Any
15 amount that exceeds the 110% limit shall be distributed as
16 follows: 50% shall be disbursed to the county's general
17 corporate fund and 50% shall be disbursed to the entity
18 authorized by law to receive the fine imposed in the case. Not
19 later than March 1 of each year the circuit clerk shall submit
20 a report of the amount of funds remitted to the State Treasurer
21 under this Section during the preceding year based upon
22 independent verification of fines and fees. All counties shall
23 be subject to this Section, except that counties with a
24 population under 2,000,000 may, by ordinance, elect not to be
25 subject to this Section. For offenses subject to this Section,
26 judges shall impose one total sum of money payable for

1 violations. The circuit clerk may add on no additional amounts
2 except for amounts that are required by Sections 27.3a and
3 27.3c of this Act, unless those amounts are specifically waived
4 by the judge. With respect to money collected by the circuit
5 clerk as a result of forfeiture of pre-trial release bail, ex
6 parte judgment or guilty plea under ~~pursuant to~~ Supreme Court
7 Rule 529, the circuit clerk shall first deduct and pay amounts
8 required by Sections 27.3a and 27.3c of this Act. This Section
9 is a denial and limitation of home rule powers and functions
10 under subsection (h) of Section 6 of Article VII of the
11 Illinois Constitution.

12 (b) In addition to any other fines and court costs assessed
13 by the courts, any person convicted or receiving an order of
14 supervision for driving under the influence of alcohol or drugs
15 shall pay an additional fee of \$100 to the clerk of the circuit
16 court. This amount, less 2 1/2% that shall be used to defray
17 administrative costs incurred by the clerk, shall be remitted
18 by the clerk to the Treasurer within 60 days after receipt for
19 deposit into the Trauma Center Fund. This additional fee of
20 \$100 shall not be considered a part of the fine for purposes of
21 any reduction in the fine for time served either before or
22 after sentencing. Not later than March 1 of each year the
23 Circuit Clerk shall submit a report of the amount of funds
24 remitted to the State Treasurer under this subsection during
25 the preceding calendar year.

26 (b-1) In addition to any other fines and court costs

1 assessed by the courts, any person convicted or receiving an
2 order of supervision for driving under the influence of alcohol
3 or drugs shall pay an additional fee of \$5 to the clerk of the
4 circuit court. This amount, less 2 1/2% that shall be used to
5 defray administrative costs incurred by the clerk, shall be
6 remitted by the clerk to the Treasurer within 60 days after
7 receipt for deposit into the Spinal Cord Injury Paralysis Cure
8 Research Trust Fund. This additional fee of \$5 shall not be
9 considered a part of the fine for purposes of any reduction in
10 the fine for time served either before or after sentencing. Not
11 later than March 1 of each year the Circuit Clerk shall submit
12 a report of the amount of funds remitted to the State Treasurer
13 under this subsection during the preceding calendar year.

14 (c) In addition to any other fines and court costs assessed
15 by the courts, any person convicted for a violation of Sections
16 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the
17 Criminal Code of 2012 or a person sentenced for a violation of
18 the Cannabis Control Act, the Illinois Controlled Substances
19 Act, or the Methamphetamine Control and Community Protection
20 Act shall pay an additional fee of \$100 to the clerk of the
21 circuit court. This amount, less 2 1/2% that shall be used to
22 defray administrative costs incurred by the clerk, shall be
23 remitted by the clerk to the Treasurer within 60 days after
24 receipt for deposit into the Trauma Center Fund. This
25 additional fee of \$100 shall not be considered a part of the
26 fine for purposes of any reduction in the fine for time served

1 either before or after sentencing. Not later than March 1 of
2 each year the Circuit Clerk shall submit a report of the amount
3 of funds remitted to the State Treasurer under this subsection
4 during the preceding calendar year.

5 (c-1) In addition to any other fines and court costs
6 assessed by the courts, any person sentenced for a violation of
7 the Cannabis Control Act, the Illinois Controlled Substances
8 Act, or the Methamphetamine Control and Community Protection
9 Act shall pay an additional fee of \$5 to the clerk of the
10 circuit court. This amount, less 2 1/2% that shall be used to
11 defray administrative costs incurred by the clerk, shall be
12 remitted by the clerk to the Treasurer within 60 days after
13 receipt for deposit into the Spinal Cord Injury Paralysis Cure
14 Research Trust Fund. This additional fee of \$5 shall not be
15 considered a part of the fine for purposes of any reduction in
16 the fine for time served either before or after sentencing. Not
17 later than March 1 of each year the Circuit Clerk shall submit
18 a report of the amount of funds remitted to the State Treasurer
19 under this subsection during the preceding calendar year.

20 (d) The following amounts must be remitted to the State
21 Treasurer for deposit into the Illinois Animal Abuse Fund:

22 (1) 50% of the amounts collected for felony offenses
23 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
24 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
25 Animals Act and Section 26-5 or 48-1 of the Criminal Code
26 of 1961 or the Criminal Code of 2012;

1 (2) 20% of the amounts collected for Class A and Class
2 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
3 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
4 for Animals Act and Section 26-5 or 48-1 of the Criminal
5 Code of 1961 or the Criminal Code of 2012; and

6 (3) 50% of the amounts collected for Class C
7 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
8 for Animals Act and Section 26-5 or 48-1 of the Criminal
9 Code of 1961 or the Criminal Code of 2012.

10 (e) Any person who receives a disposition of court
11 supervision for a violation of the Illinois Vehicle Code or a
12 similar provision of a local ordinance shall, in addition to
13 any other fines, fees, and court costs, pay an additional fee
14 of \$29, to be disbursed as provided in Section 16-104c of the
15 Illinois Vehicle Code. In addition to the fee of \$29, the
16 person shall also pay a fee of \$6, if not waived by the court.
17 If this \$6 fee is collected, \$5.50 of the fee shall be
18 deposited into the Circuit Court Clerk Operation and
19 Administrative Fund created by the Clerk of the Circuit Court
20 and 50 cents of the fee shall be deposited into the Prisoner
21 Review Board Vehicle and Equipment Fund in the State treasury.

22 (f) This Section does not apply to the additional child
23 pornography fines assessed and collected under Section
24 5-9-1.14 of the Unified Code of Corrections.

25 (g) (Blank).

26 (h) (Blank).

1 (i) Of the amounts collected as fines under subsection (b)
2 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
3 deposited into the Illinois Military Family Relief Fund and 1%
4 shall be deposited into the Circuit Court Clerk Operation and
5 Administrative Fund created by the Clerk of the Circuit Court
6 to be used to offset the costs incurred by the Circuit Court
7 Clerk in performing the additional duties required to collect
8 and disburse funds to entities of State and local government as
9 provided by law.

10 (j) Any person convicted of, pleading guilty to, or placed
11 on supervision for a serious traffic violation, as defined in
12 Section 1-187.001 of the Illinois Vehicle Code, a violation of
13 Section 11-501 of the Illinois Vehicle Code, or a violation of
14 a similar provision of a local ordinance shall pay an
15 additional fee of \$35, to be disbursed as provided in Section
16 16-104d of that Code.

17 This subsection (j) becomes inoperative on January 1, 2020.

18 (k) For any conviction or disposition of court supervision
19 for a violation of Section 11-1429 of the Illinois Vehicle
20 Code, the circuit clerk shall distribute the fines paid by the
21 person as specified by subsection (h) of Section 11-1429 of the
22 Illinois Vehicle Code.

23 (l) Any person who receives a disposition of court
24 supervision for a violation of Section 11-501 of the Illinois
25 Vehicle Code or a similar provision of a local ordinance shall,
26 in addition to any other fines, fees, and court costs, pay an

1 additional fee of \$50, which shall be collected by the circuit
2 clerk and then remitted to the State Treasurer for deposit into
3 the Roadside Memorial Fund, a special fund in the State
4 treasury. However, the court may waive the fee if full
5 restitution is complied with. Subject to appropriation, all
6 moneys in the Roadside Memorial Fund shall be used by the
7 Department of Transportation to pay fees imposed under
8 subsection (f) of Section 20 of the Roadside Memorial Act. The
9 fee shall be remitted by the circuit clerk within one month
10 after receipt to the State Treasurer for deposit into the
11 Roadside Memorial Fund.

12 (m) Of the amounts collected as fines under subsection (c)
13 of Section 411.4 of the Illinois Controlled Substances Act or
14 subsection (c) of Section 90 of the Methamphetamine Control and
15 Community Protection Act, 99% shall be deposited to the law
16 enforcement agency or fund specified and 1% shall be deposited
17 into the Circuit Court Clerk Operation and Administrative Fund
18 to be used to offset the costs incurred by the Circuit Court
19 Clerk in performing the additional duties required to collect
20 and disburse funds to entities of State and local government as
21 provided by law.

22 (n) In addition to any other fines and court costs assessed
23 by the courts, any person who is convicted of or pleads guilty
24 to a violation of the Criminal Code of 1961 or the Criminal
25 Code of 2012, or a similar provision of a local ordinance, or
26 who is convicted of, pleads guilty to, or receives a

1 disposition of court supervision for a violation of the
2 Illinois Vehicle Code, or a similar provision of a local
3 ordinance, shall pay an additional fee of \$15 to the clerk of
4 the circuit court. This additional fee of \$15 shall not be
5 considered a part of the fine for purposes of any reduction in
6 the fine for time served either before or after sentencing.
7 This amount, less 2.5% that shall be used to defray
8 administrative costs incurred by the clerk, shall be remitted
9 by the clerk to the State Treasurer within 60 days after
10 receipt for deposit into the State Police Merit Board Public
11 Safety Fund.

12 (o) The amounts collected as fines under Sections 10-9,
13 11-14.1, 11-14.3, and 11-18 of the Criminal Code of 2012 shall
14 be collected by the circuit clerk and distributed as provided
15 under Section 5-9-1.21 of the Unified Code of Corrections in
16 lieu of any disbursement under subsection (a) of this Section.

17 (p) In addition to any other fees and penalties imposed,
18 any person who is convicted of or pleads guilty to a violation
19 of Section 20-1 or Section 20-1.1 of the Criminal Code of 2012
20 shall pay an additional fee of \$250 to the clerk of the circuit
21 court. This additional fee of \$250 shall not be considered a
22 part of the fine for purposes of any reduction in the fine for
23 time served either before or after sentencing. This amount,
24 less 2.5% that shall be used to defray administrative costs
25 incurred by the clerk, shall be remitted by the clerk to the
26 Department of Insurance within 60 days after receipt for

1 deposit into the George Bailey Memorial Fund.

2 (Source: P.A. 98-658, eff. 6-23-14; 98-1013, eff. 1-1-15;
3 99-78, eff. 7-20-15; 99-455, eff. 1-1-16.)

4 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,
5 96-735, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,
6 98-658, 98-1013, 99-78, and 99-455)

7 Sec. 27.6. Fines and court costs; traffic, controlled
8 substances, and animal violations.

9 (a) All fees, fines, costs, additional penalties, ~~bail~~
10 ~~balances assessed or forfeited,~~ and any other amount paid by a
11 person to the circuit clerk equalling an amount of \$55 or more,
12 except the fine imposed by Section 5-9-1.15 of the Unified Code
13 of Corrections, the additional fee required by subsections (b)
14 and (c), restitution under Section 5-5-6 of the Unified Code of
15 Corrections, contributions to a local anti-crime program
16 ordered under ~~pursuant to~~ Section 5-6-3(b)(13) or Section
17 5-6-3.1(c)(13) of the Unified Code of Corrections,
18 reimbursement for the costs of an emergency response as
19 provided under Section 11-501 of the Illinois Vehicle Code, any
20 fees collected for attending a traffic safety program under
21 paragraph (c) of Supreme Court Rule 529, any fee collected on
22 behalf of a State's Attorney under Section 4-2002 of the
23 Counties Code or a sheriff under Section 4-5001 of the Counties
24 Code, or any cost imposed under Section 124A-5 of the Code of
25 Criminal Procedure of 1963, for convictions, orders of

1 supervision, or any other disposition for a violation of
2 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
3 similar provision of a local ordinance, and any violation of
4 the Child Passenger Protection Act, or a similar provision of a
5 local ordinance, and except as otherwise provided in this
6 Section shall be disbursed within 60 days after receipt by the
7 circuit clerk as follows: 44.5% shall be disbursed to the
8 entity authorized by law to receive the fine imposed in the
9 case; 16.825% shall be disbursed to the State Treasurer; and
10 38.675% shall be disbursed to the county's general corporate
11 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
12 shall be deposited by the State Treasurer into the Violent
13 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
14 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
15 be deposited into the Drivers Education Fund, and 6.948/17
16 shall be deposited into the Trauma Center Fund. Of the 6.948/17
17 deposited into the Trauma Center Fund from the 16.825%
18 disbursed to the State Treasurer, 50% shall be disbursed to the
19 Department of Public Health and 50% shall be disbursed to the
20 Department of Healthcare and Family Services. For fiscal year
21 1993, amounts deposited into the Violent Crime Victims
22 Assistance Fund, the Traffic and Criminal Conviction Surcharge
23 Fund, or the Drivers Education Fund shall not exceed 110% of
24 the amounts deposited into those funds in fiscal year 1991. Any
25 amount that exceeds the 110% limit shall be distributed as
26 follows: 50% shall be disbursed to the county's general

1 corporate fund and 50% shall be disbursed to the entity
2 authorized by law to receive the fine imposed in the case. Not
3 later than March 1 of each year the circuit clerk shall submit
4 a report of the amount of funds remitted to the State Treasurer
5 under this Section during the preceding year based upon
6 independent verification of fines and fees. All counties shall
7 be subject to this Section, except that counties with a
8 population under 2,000,000 may, by ordinance, elect not to be
9 subject to this Section. For offenses subject to this Section,
10 judges shall impose one total sum of money payable for
11 violations. The circuit clerk may add on no additional amounts
12 except for amounts that are required by Sections 27.3a and
13 27.3c of this Act, Section 16-104c of the Illinois Vehicle
14 Code, and subsection (a) of Section 5-1101 of the Counties
15 Code, unless those amounts are specifically waived by the
16 judge. With respect to money collected by the circuit clerk as
17 a result of forfeiture of pre-trial release bail, ex parte
18 judgment or guilty plea under ~~pursuant to~~ Supreme Court Rule
19 529, the circuit clerk shall first deduct and pay amounts
20 required by Sections 27.3a and 27.3c of this Act. Unless a
21 court ordered payment schedule is implemented or fee
22 requirements are waived pursuant to court order, the clerk of
23 the court may add to any unpaid fees and costs a delinquency
24 amount equal to 5% of the unpaid fees that remain unpaid after
25 30 days, 10% of the unpaid fees that remain unpaid after 60
26 days, and 15% of the unpaid fees that remain unpaid after 90

1 days. Notice to those parties may be made by signage posting or
2 publication. The additional delinquency amounts collected
3 under this Section shall be deposited in the Circuit Court
4 Clerk Operation and Administrative Fund to be used to defray
5 administrative costs incurred by the circuit clerk in
6 performing the duties required to collect and disburse funds.
7 This Section is a denial and limitation of home rule powers and
8 functions under subsection (h) of Section 6 of Article VII of
9 the Illinois Constitution.

10 (b) In addition to any other fines and court costs assessed
11 by the courts, any person convicted or receiving an order of
12 supervision for driving under the influence of alcohol or drugs
13 shall pay an additional fee of \$100 to the clerk of the circuit
14 court. This amount, less 2 1/2% that shall be used to defray
15 administrative costs incurred by the clerk, shall be remitted
16 by the clerk to the Treasurer within 60 days after receipt for
17 deposit into the Trauma Center Fund. This additional fee of
18 \$100 shall not be considered a part of the fine for purposes of
19 any reduction in the fine for time served either before or
20 after sentencing. Not later than March 1 of each year the
21 Circuit Clerk shall submit a report of the amount of funds
22 remitted to the State Treasurer under this subsection during
23 the preceding calendar year.

24 (b-1) In addition to any other fines and court costs
25 assessed by the courts, any person convicted or receiving an
26 order of supervision for driving under the influence of alcohol

1 or drugs shall pay an additional fee of \$5 to the clerk of the
2 circuit court. This amount, less 2 1/2% that shall be used to
3 defray administrative costs incurred by the clerk, shall be
4 remitted by the clerk to the Treasurer within 60 days after
5 receipt for deposit into the Spinal Cord Injury Paralysis Cure
6 Research Trust Fund. This additional fee of \$5 shall not be
7 considered a part of the fine for purposes of any reduction in
8 the fine for time served either before or after sentencing. Not
9 later than March 1 of each year the Circuit Clerk shall submit
10 a report of the amount of funds remitted to the State Treasurer
11 under this subsection during the preceding calendar year.

12 (c) In addition to any other fines and court costs assessed
13 by the courts, any person convicted for a violation of Sections
14 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the
15 Criminal Code of 2012 or a person sentenced for a violation of
16 the Cannabis Control Act, the Illinois Controlled Substances
17 Act, or the Methamphetamine Control and Community Protection
18 Act shall pay an additional fee of \$100 to the clerk of the
19 circuit court. This amount, less 2 1/2% that shall be used to
20 defray administrative costs incurred by the clerk, shall be
21 remitted by the clerk to the Treasurer within 60 days after
22 receipt for deposit into the Trauma Center Fund. This
23 additional fee of \$100 shall not be considered a part of the
24 fine for purposes of any reduction in the fine for time served
25 either before or after sentencing. Not later than March 1 of
26 each year the Circuit Clerk shall submit a report of the amount

1 of funds remitted to the State Treasurer under this subsection
2 during the preceding calendar year.

3 (c-1) In addition to any other fines and court costs
4 assessed by the courts, any person sentenced for a violation of
5 the Cannabis Control Act, the Illinois Controlled Substances
6 Act, or the Methamphetamine Control and Community Protection
7 Act shall pay an additional fee of \$5 to the clerk of the
8 circuit court. This amount, less 2 1/2% that shall be used to
9 defray administrative costs incurred by the clerk, shall be
10 remitted by the clerk to the Treasurer within 60 days after
11 receipt for deposit into the Spinal Cord Injury Paralysis Cure
12 Research Trust Fund. This additional fee of \$5 shall not be
13 considered a part of the fine for purposes of any reduction in
14 the fine for time served either before or after sentencing. Not
15 later than March 1 of each year the Circuit Clerk shall submit
16 a report of the amount of funds remitted to the State Treasurer
17 under this subsection during the preceding calendar year.

18 (d) The following amounts must be remitted to the State
19 Treasurer for deposit into the Illinois Animal Abuse Fund:

20 (1) 50% of the amounts collected for felony offenses
21 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
22 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
23 Animals Act and Section 26-5 or 48-1 of the Criminal Code
24 of 1961 or the Criminal Code of 2012;

25 (2) 20% of the amounts collected for Class A and Class
26 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,

1 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
2 for Animals Act and Section 26-5 or 48-1 of the Criminal
3 Code of 1961 or the Criminal Code of 2012; and

4 (3) 50% of the amounts collected for Class C
5 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
6 for Animals Act and Section 26-5 or 48-1 of the Criminal
7 Code of 1961 or the Criminal Code of 2012.

8 (e) Any person who receives a disposition of court
9 supervision for a violation of the Illinois Vehicle Code or a
10 similar provision of a local ordinance shall, in addition to
11 any other fines, fees, and court costs, pay an additional fee
12 of \$29, to be disbursed as provided in Section 16-104c of the
13 Illinois Vehicle Code. In addition to the fee of \$29, the
14 person shall also pay a fee of \$6, if not waived by the court.
15 If this \$6 fee is collected, \$5.50 of the fee shall be
16 deposited into the Circuit Court Clerk Operation and
17 Administrative Fund created by the Clerk of the Circuit Court
18 and 50 cents of the fee shall be deposited into the Prisoner
19 Review Board Vehicle and Equipment Fund in the State treasury.

20 (f) This Section does not apply to the additional child
21 pornography fines assessed and collected under Section
22 5-9-1.14 of the Unified Code of Corrections.

23 (g) Any person convicted of or pleading guilty to a serious
24 traffic violation, as defined in Section 1-187.001 of the
25 Illinois Vehicle Code, shall pay an additional fee of \$35, to
26 be disbursed as provided in Section 16-104d of that Code. This

1 subsection (g) becomes inoperative on January 1, 2020.

2 (h) In all counties having a population of 3,000,000 or
3 more inhabitants,

4 (1) A person who is found guilty of or pleads guilty to
5 violating subsection (a) of Section 11-501 of the Illinois
6 Vehicle Code, including any person placed on court
7 supervision for violating subsection (a), shall be fined
8 \$750 as provided for by subsection (f) of Section 11-501.01
9 of the Illinois Vehicle Code, payable to the circuit clerk,
10 who shall distribute the money pursuant to subsection (f)
11 of Section 11-501.01 of the Illinois Vehicle Code.

12 (2) When a crime laboratory DUI analysis fee of \$150,
13 provided for by Section 5-9-1.9 of the Unified Code of
14 Corrections is assessed, it shall be disbursed by the
15 circuit clerk as provided by subsection (f) of Section
16 5-9-1.9 of the Unified Code of Corrections.

17 (3) When a fine for a violation of Section 11-605.1 of
18 the Illinois Vehicle Code is \$250 or greater, the person
19 who violated that Section shall be charged an additional
20 \$125 as provided for by subsection (e) of Section 11-605.1
21 of the Illinois Vehicle Code, which shall be disbursed by
22 the circuit clerk to a State or county Transportation
23 Safety Highway Hire-back Fund as provided by subsection (e)
24 of Section 11-605.1 of the Illinois Vehicle Code.

25 (4) When a fine for a violation of subsection (a) of
26 Section 11-605 of the Illinois Vehicle Code is \$150 or

1 greater, the additional \$50 which is charged as provided
2 for by subsection (f) of Section 11-605 of the Illinois
3 Vehicle Code shall be disbursed by the circuit clerk to a
4 school district or districts for school safety purposes as
5 provided by subsection (f) of Section 11-605.

6 (5) When a fine for a violation of subsection (a) of
7 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
8 greater, the additional \$50 which is charged as provided
9 for by subsection (c) of Section 11-1002.5 of the Illinois
10 Vehicle Code shall be disbursed by the circuit clerk to a
11 school district or districts for school safety purposes as
12 provided by subsection (c) of Section 11-1002.5 of the
13 Illinois Vehicle Code.

14 (6) When a mandatory drug court fee of up to \$5 is
15 assessed as provided in subsection (f) of Section 5-1101 of
16 the Counties Code, it shall be disbursed by the circuit
17 clerk as provided in subsection (f) of Section 5-1101 of
18 the Counties Code.

19 (7) When a mandatory teen court, peer jury, youth
20 court, or other youth diversion program fee is assessed as
21 provided in subsection (e) of Section 5-1101 of the
22 Counties Code, it shall be disbursed by the circuit clerk
23 as provided in subsection (e) of Section 5-1101 of the
24 Counties Code.

25 (8) When a Children's Advocacy Center fee is assessed
26 pursuant to subsection (f-5) of Section 5-1101 of the

1 Counties Code, it shall be disbursed by the circuit clerk
2 as provided in subsection (f-5) of Section 5-1101 of the
3 Counties Code.

4 (9) When a victim impact panel fee is assessed pursuant
5 to subsection (b) of Section 11-501.01 of the Vehicle Code,
6 it shall be disbursed by the circuit clerk to the victim
7 impact panel to be attended by the defendant.

8 (10) When a new fee collected in traffic cases is
9 enacted after the effective date of this subsection (h), it
10 shall be excluded from the percentage disbursement
11 provisions of this Section unless otherwise indicated by
12 law.

13 (i) Of the amounts collected as fines under subsection (b)
14 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
15 deposited into the Illinois Military Family Relief Fund and 1%
16 shall be deposited into the Circuit Court Clerk Operation and
17 Administrative Fund created by the Clerk of the Circuit Court
18 to be used to offset the costs incurred by the Circuit Court
19 Clerk in performing the additional duties required to collect
20 and disburse funds to entities of State and local government as
21 provided by law.

22 (j) (Blank).

23 (k) For any conviction or disposition of court supervision
24 for a violation of Section 11-1429 of the Illinois Vehicle
25 Code, the circuit clerk shall distribute the fines paid by the
26 person as specified by subsection (h) of Section 11-1429 of the

1 Illinois Vehicle Code.

2 (1) Any person who receives a disposition of court
3 supervision for a violation of Section 11-501 of the Illinois
4 Vehicle Code or a similar provision of a local ordinance shall,
5 in addition to any other fines, fees, and court costs, pay an
6 additional fee of \$50, which shall be collected by the circuit
7 clerk and then remitted to the State Treasurer for deposit into
8 the Roadside Memorial Fund, a special fund in the State
9 treasury. However, the court may waive the fee if full
10 restitution is complied with. Subject to appropriation, all
11 moneys in the Roadside Memorial Fund shall be used by the
12 Department of Transportation to pay fees imposed under
13 subsection (f) of Section 20 of the Roadside Memorial Act. The
14 fee shall be remitted by the circuit clerk within one month
15 after receipt to the State Treasurer for deposit into the
16 Roadside Memorial Fund.

17 (m) Of the amounts collected as fines under subsection (c)
18 of Section 411.4 of the Illinois Controlled Substances Act or
19 subsection (c) of Section 90 of the Methamphetamine Control and
20 Community Protection Act, 99% shall be deposited to the law
21 enforcement agency or fund specified and 1% shall be deposited
22 into the Circuit Court Clerk Operation and Administrative Fund
23 to be used to offset the costs incurred by the Circuit Court
24 Clerk in performing the additional duties required to collect
25 and disburse funds to entities of State and local government as
26 provided by law.

1 (n) In addition to any other fines and court costs assessed
2 by the courts, any person who is convicted of or pleads guilty
3 to a violation of the Criminal Code of 1961 or the Criminal
4 Code of 2012, or a similar provision of a local ordinance, or
5 who is convicted of, pleads guilty to, or receives a
6 disposition of court supervision for a violation of the
7 Illinois Vehicle Code, or a similar provision of a local
8 ordinance, shall pay an additional fee of \$15 to the clerk of
9 the circuit court. This additional fee of \$15 shall not be
10 considered a part of the fine for purposes of any reduction in
11 the fine for time served either before or after sentencing.
12 This amount, less 2.5% that shall be used to defray
13 administrative costs incurred by the clerk, shall be remitted
14 by the clerk to the State Treasurer within 60 days after
15 receipt for deposit into the State Police Merit Board Public
16 Safety Fund.

17 (o) The amounts collected as fines under Sections 10-9,
18 11-14.1, 11-14.3, and 11-18 of the Criminal Code of 2012 shall
19 be collected by the circuit clerk and distributed as provided
20 under Section 5-9-1.21 of the Unified Code of Corrections in
21 lieu of any disbursement under subsection (a) of this Section.

22 (p) In addition to any other fees and penalties imposed,
23 any person who is convicted of or pleads guilty to a violation
24 of Section 20-1 or Section 20-1.1 of the Criminal Code of 2012
25 shall pay an additional fee of \$250 to the clerk of the circuit
26 court. This additional fee of \$250 shall not be considered a

1 part of the fine for purposes of any reduction in the fine for
2 time served either before or after sentencing. This amount,
3 less 2.5% that shall be used to defray administrative costs
4 incurred by the clerk, shall be remitted by the clerk to the
5 Department of Insurance within 60 days after receipt for
6 deposit into the George Bailey Memorial Fund.

7 (Source: P.A. 98-658, eff. 6-23-14; 98-1013, eff. 1-1-15;
8 99-78, eff. 7-20-15; 99-455, eff. 1-1-16.)

9 Section 12. The Criminal Code of 2012 is amended by
10 changing Section 32-10 as follows:

11 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

12 Sec. 32-10. Violation of conditions of pre-trial release
13 ~~bail bond~~.

14 (a) Whoever, having been released under conditions of
15 pre-trial release ~~admitted to bail~~ for appearance before any
16 court of this State, incurs a violation of conditions of
17 pre-trial release ~~forfeiture of the bail~~ and knowingly fails to
18 surrender himself or herself within 30 days following the date
19 of the violation ~~forfeiture~~, commits, if the conditions of
20 pre-trial release were ~~bail was~~ given in connection with a
21 charge of felony or pending appeal or certiorari after
22 conviction of any offense, a Class A misdemeanor if the
23 underlying offense is a felony. ~~a felony of the next lower~~
24 ~~Class or a Class A misdemeanor if the underlying offense was a~~

1 ~~Class 4 felony; or, If if the conditions of pre-trial release~~
2 ~~were bail was given in connection with a charge of committing a~~
3 ~~misdemeanor, or for appearance as a witness, commits a~~
4 ~~misdemeanor of the next lower Class, but not less than a Class~~
5 ~~C misdemeanor.~~

6 (a-5) Any person who knowingly violates a condition of
7 pre-trial release ~~bail bond~~ by possessing a firearm in
8 violation of his or her conditions of pre-trial release ~~bail~~
9 commits a Class 4 felony for a first violation and a Class 3
10 felony for a second or subsequent violation.

11 (b) Whoever, having been admitted to release under
12 conditions of pre-trial release ~~bail~~ for appearance before any
13 court of this State, while charged with a criminal offense in
14 which the victim is a family or household member as defined in
15 Article 112A of the Code of Criminal Procedure of 1963,
16 knowingly violates a condition of that release as set forth in
17 Section 110-10, subsection (d) of the Code of Criminal
18 Procedure of 1963, commits a Class A misdemeanor.

19 (c) Whoever, having been admitted to release under
20 conditions of pre-trial release ~~bail~~ for appearance before any
21 court of this State for a felony, Class A misdemeanor or a
22 criminal offense in which the victim is a family or household
23 member as defined in Article 112A of the Code of Criminal
24 Procedure of 1963, is charged with any other felony, Class A
25 misdemeanor, or a criminal offense in which the victim is a
26 family or household member as defined in Article 112A of the

1 Code of Criminal Procedure of 1963 while on this release, must
2 appear before the court before conditions of pre-trial release
3 are ~~bail is~~ statutorily set.

4 (d) Nothing in this Section shall interfere with or prevent
5 the exercise by any court of its power to punishment for
6 contempt. Any sentence imposed for violation of this Section
7 shall be served consecutive to the sentence imposed for the
8 charge for which pre-trial release ~~bail~~ had been granted and
9 with respect to which the defendant has been convicted.

10 (Source: P.A. 97-1108, eff. 1-1-13.)

11 Section 15. The Code of Criminal Procedure of 1963 is
12 amended by changing Sections 103-5, 103-7, 104-17, 106D-1,
13 107-4, 109-1, 109-2, 110-1, 110-2, 110-3, 110-4, 110-5,
14 110-5.1, 110-6, 110-6.1, 110-6.2, 110-6.3, 110-7, 110-9,
15 110-10, 110-11, 110-12, 110-16, 110-18, 112A-23, and 115-4.1
16 and by adding Section 110-1.5 as follows:

17 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

18 Sec. 103-5. Speedy trial.→

19 (a) Every person in custody in this State for an alleged
20 offense shall be tried by the court having jurisdiction within
21 120 days from the date he or she was taken into custody unless
22 delay is occasioned by the defendant, by an examination for
23 fitness ordered under ~~pursuant to~~ Section 104-13 of this Act,
24 by a fitness hearing, by an adjudication of unfitness to stand

1 trial, by a continuance allowed under ~~pursuant to~~ Section 114-4
2 of this Act after a court's determination of the defendant's
3 physical incapacity for trial, or by an interlocutory appeal.
4 Delay shall be considered to be agreed to by the defendant
5 unless he or she objects to the delay by making a written
6 demand for trial or an oral demand for trial on the record. The
7 provisions of this subsection (a) do not apply to a person on
8 pre-trial release bail or recognizance for an offense but who
9 is in custody for a violation of his or her parole, aftercare
10 release, or mandatory supervised release for another offense.

11 The 120-day term must be one continuous period of
12 incarceration. In computing the 120-day term, separate periods
13 of incarceration may not be combined. If a defendant is taken
14 into custody a second (or subsequent) time for the same
15 offense, the term will begin again at day zero.

16 (b) Every person on pre-trial release bail or recognizance
17 shall be tried by the court having jurisdiction within 160 days
18 from the date defendant demands trial unless delay is
19 occasioned by the defendant, by an examination for fitness
20 ordered under ~~pursuant to~~ Section 104-13 of this Act, by a
21 fitness hearing, by an adjudication of unfitness to stand
22 trial, by a continuance allowed under ~~pursuant to~~ Section 114-4
23 of this Act after a court's determination of the defendant's
24 physical incapacity for trial, or by an interlocutory appeal.
25 The defendant's failure to appear for any court date set by the
26 court operates to waive the defendant's demand for trial made

1 under this subsection.

2 For purposes of computing the 160 day period under this
3 subsection (b), every person who was in custody for an alleged
4 offense and demanded trial and is subsequently placed on
5 pre-trial release ~~released on bail~~ or recognizance and demands
6 trial, shall be given credit for time spent in custody
7 following the making of the demand while in custody. Any demand
8 for trial made under this subsection (b) shall be in writing;
9 and in the case of a defendant not in custody, the demand for
10 trial shall include the date of any prior demand made under
11 this provision while the defendant was in custody.

12 (c) If the court determines that the State has exercised
13 without success due diligence to obtain evidence material to
14 the case and that there are reasonable grounds to believe that
15 such evidence may be obtained at a later day the court may
16 continue the cause on application of the State for not more
17 than an additional 60 days. If the court determines that the
18 State has exercised without success due diligence to obtain
19 results of DNA testing that is material to the case and that
20 there are reasonable grounds to believe that such results may
21 be obtained at a later day, the court may continue the cause on
22 application of the State for not more than an additional 120
23 days.

24 (d) Every person not tried in accordance with subsections
25 (a), (b) and (c) of this Section shall be discharged from
26 custody or released from the obligations of his or her

1 pre-trial release ~~bail~~ or recognizance.

2 (e) If a person is simultaneously in custody upon more than
3 one charge pending against him in the same county, or
4 simultaneously demands trial upon more than one charge pending
5 against him in the same county, he shall be tried, or adjudged
6 guilty after waiver of trial, upon at least one such charge
7 before expiration relative to any of such pending charges of
8 the period prescribed by subsections (a) and (b) of this
9 Section. Such person shall be tried upon all of the remaining
10 charges thus pending within 160 days from the date on which
11 judgment relative to the first charge thus prosecuted is
12 rendered under ~~pursuant to~~ the Unified Code of Corrections or,
13 if such trial upon such first charge is terminated without
14 judgment and there is no subsequent trial of, or adjudication
15 of guilt after waiver of trial of, such first charge within a
16 reasonable time, the person shall be tried upon all of the
17 remaining charges thus pending within 160 days from the date on
18 which such trial is terminated; if either such period of 160
19 days expires without the commencement of trial of, or
20 adjudication of guilt after waiver of trial of, any of such
21 remaining charges thus pending, such charge or charges shall be
22 dismissed and barred for want of prosecution unless delay is
23 occasioned by the defendant, by an examination for fitness
24 ordered under ~~pursuant to~~ Section 104-13 of this Act, by a
25 fitness hearing, by an adjudication of unfitness for trial, by
26 a continuance allowed under ~~pursuant to~~ Section 114-4 of this

1 Act after a court's determination of the defendant's physical
2 incapacity for trial, or by an interlocutory appeal; provided,
3 however, that if the court determines that the State has
4 exercised without success due diligence to obtain evidence
5 material to the case and that there are reasonable grounds to
6 believe that such evidence may be obtained at a later day the
7 court may continue the cause on application of the State for
8 not more than an additional 60 days.

9 (f) Delay occasioned by the defendant shall temporarily
10 suspend for the time of the delay the period within which a
11 person shall be tried as prescribed by subsections (a), (b), or
12 (e) of this Section and on the day of expiration of the delay
13 the said period shall continue at the point at which it was
14 suspended. Where such delay occurs within 21 days of the end of
15 the period within which a person shall be tried as prescribed
16 by subsections (a), (b), or (e) of this Section, the court may
17 continue the cause on application of the State for not more
18 than an additional 21 days beyond the period prescribed by
19 subsections (a), (b), or (e). This subsection (f) shall become
20 effective on, and apply to persons charged with alleged
21 offenses committed on or after, March 1, 1977.

22 (Source: P.A. 98-558, eff. 1-1-14.)

23 (725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

24 Sec. 103-7. Posting notice of rights.

25 Every sheriff, chief of police or other person who is in

1 charge of any jail, police station or other building where
2 persons under arrest are held in custody pending investigation,
3 pre-trial release, ~~bail~~ or other criminal proceedings, shall
4 post in every room, other than cells, of such buildings where
5 persons are held in custody, in conspicuous places where it may
6 be seen and read by persons in custody and others, a poster,
7 printed in large type, containing a verbatim copy in the
8 English language of the provisions of Sections 103-2, 103-3,
9 103-4, 109-1, 110-2, 110-4, and sub-parts (a) and (b) of
10 Sections 110-7 and 113-3 of this Code. Each person who is in
11 charge of any courthouse or other building in which any trial
12 of an offense is conducted shall post in each room primarily
13 used for such trials and in each room in which defendants are
14 confined or wait, pending trial, in conspicuous places where it
15 may be seen and read by persons in custody and others, a
16 poster, printed in large type, containing a verbatim copy in
17 the English language of the provisions of Sections 103-6,
18 113-1, 113-4 and 115-1 and of subparts (a) and (b) of Section
19 113-3 of this Code.

20 (Source: Laws 1965, p. 2622.)

21 (725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

22 Sec. 104-17. Commitment for Treatment; Treatment Plan.

23 (a) If the defendant is eligible to be or has been released
24 on pre-trial release ~~bail~~ or on his or her own recognizance,
25 the court shall select the least physically restrictive form of

1 treatment therapeutically appropriate and consistent with the
2 treatment plan.

3 (b) If the defendant's disability is mental, the court may
4 order him or her placed for treatment in the custody of the
5 Department of Human Services, or the court may order him or her
6 placed in the custody of any other appropriate public or
7 private mental health facility or treatment program which has
8 agreed to provide treatment to the defendant. If the defendant
9 is placed in the custody of the Department of Human Services,
10 the defendant shall be placed in a secure setting. During the
11 period of time required to determine the appropriate placement
12 the defendant shall remain in jail. If upon the completion of
13 the placement process the Department of Human Services
14 determines that the defendant is currently fit to stand trial,
15 it shall immediately notify the court and shall submit a
16 written report within 7 days. In that circumstance the
17 placement shall be held pending a court hearing on the
18 Department's report. Otherwise, upon completion of the
19 placement process, the sheriff shall be notified and shall
20 transport the defendant to the designated facility. The
21 placement may be ordered either on an inpatient or an
22 outpatient basis.

23 (c) If the defendant's disability is physical, the court
24 may order him or her placed under the supervision of the
25 Department of Human Services which shall place and maintain the
26 defendant in a suitable treatment facility or program, or the

1 court may order him or her placed in an appropriate public or
2 private facility or treatment program which has agreed to
3 provide treatment to the defendant. The placement may be
4 ordered either on an inpatient or an outpatient basis.

5 (d) The clerk of the circuit court shall transmit to the
6 Department, agency or institution, if any, to which the
7 defendant is remanded for treatment, the following:

8 (1) a certified copy of the order to undergo treatment.

9 Accompanying the certified copy of the order to undergo
10 treatment shall be the complete copy of any report prepared
11 under Section 104-15 of this Code or other report prepared
12 by a forensic examiner for the court;

13 (2) the county and municipality in which the offense
14 was committed;

15 (3) the county and municipality in which the arrest
16 took place;

17 (4) a copy of the arrest report, criminal charges,
18 arrest record; and

19 (5) all additional matters which the court ~~Court~~
20 directs the clerk to transmit.

21 (e) Within 30 days of entry of an order to undergo
22 treatment, the person supervising the defendant's treatment
23 shall file with the court, the State, and the defense a report
24 assessing the facility's or program's capacity to provide
25 appropriate treatment for the defendant and indicating his or
26 her opinion as to the probability of the defendant's attaining

1 fitness within a period of time from the date of the finding of
2 unfitness. For a defendant charged with a felony, the period of
3 time shall be one year. For a defendant charged with a
4 misdemeanor, the period of time shall be no longer than the
5 sentence if convicted of the most serious offense. If the
6 report indicates that there is a substantial probability that
7 the defendant will attain fitness within the time period, the
8 treatment supervisor shall also file a treatment plan which
9 shall include:

10 (1) A diagnosis of the defendant's disability;

11 (2) A description of treatment goals with respect to
12 rendering the defendant fit, a specification of the
13 proposed treatment modalities, and an estimated timetable
14 for attainment of the goals;

15 (3) An identification of the person in charge of
16 supervising the defendant's treatment.

17 (Source: P.A. 98-1025, eff. 8-22-14; 99-140, eff. 1-1-16.)

18 (725 ILCS 5/106D-1)

19 Sec. 106D-1. Defendant's appearance by closed circuit
20 television and video conference.

21 (a) Whenever the appearance in person in court, in either a
22 civil or criminal proceeding, is required of anyone held in a
23 place of custody or confinement operated by the State or any of
24 its political subdivisions, including counties and
25 municipalities, the chief judge of the circuit by rule may

1 permit the personal appearance to be made by means of two-way
2 audio-visual communication, including closed circuit
3 television and computerized video conference, in the following
4 proceedings:

5 (1) the initial appearance before a judge on a criminal
6 complaint, at which pre-trial release ~~bail~~ will be set;

7 (2) the waiver of a preliminary hearing;

8 (3) the arraignment on an information or indictment at
9 which a plea of not guilty will be entered;

10 (4) the presentation of a jury waiver;

11 (5) any status hearing;

12 (6) any hearing conducted under the Sexually Violent
13 Persons Commitment Act at which no witness testimony will
14 be taken; and

15 (7) at any hearing conducted under the Sexually Violent
16 Persons Commitment Act at which no witness testimony will
17 be taken.

18 (b) The two-way audio-visual communication facilities must
19 provide two-way audio-visual communication between the court
20 and the place of custody or confinement, and must include a
21 secure line over which the person in custody and his or her
22 counsel, if any, may communicate.

23 (c) Nothing in this Section shall be construed to prohibit
24 other court appearances through the use of two-way audio-visual
25 communication, upon waiver of any right the person in custody
26 or confinement may have to be present physically.

1 (d) Nothing in this Section shall be construed to establish
2 a right of any person held in custody or confinement to appear
3 in court through two-way audio-visual communication or to
4 require that any governmental entity, or place of custody or
5 confinement, provide two-way audio-visual communication.

6 (Source: P.A. 95-263, eff. 8-17-07.)

7 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)
8 Sec. 107-4. Arrest by peace officer from other
9 jurisdiction.

10 (a) As used in this Section:

11 (1) "State" means any State of the United States and
12 the District of Columbia.

13 (2) "Peace Officer" means any peace officer or member
14 of any duly organized State, County, or Municipal peace
15 unit, any police force of another State, the United States
16 Department of Defense, or any police force whose members,
17 by statute, are granted and authorized to exercise powers
18 similar to those conferred upon any peace officer employed
19 by a law enforcement agency of this State.

20 (3) "Fresh pursuit" means the immediate pursuit of a
21 person who is endeavoring to avoid arrest.

22 (4) "Law enforcement agency" means a municipal police
23 department or county sheriff's office of this State.

24 (a-3) Any peace officer employed by a law enforcement
25 agency of this State may conduct temporary questioning under

1 ~~pursuant to~~ Section 107-14 of this Code and may make arrests in
2 any jurisdiction within this State: (1) if the officer is
3 engaged in the investigation of criminal activity that occurred
4 in the officer's primary jurisdiction and the temporary
5 questioning or arrest relates to, arises from, or is conducted
6 under ~~pursuant to~~ that investigation; or (2) if the officer,
7 while on duty as a peace officer, becomes personally aware of
8 the immediate commission of a felony or misdemeanor violation
9 of the laws of this State; or (3) if the officer, while on duty
10 as a peace officer, is requested by an appropriate State or
11 local law enforcement official to render aid or assistance to
12 the requesting law enforcement agency that is outside the
13 officer's primary jurisdiction; or (4) in accordance with
14 Section 2605-580 of the Department of State Police Law of the
15 Civil Administrative Code of Illinois. While acting under
16 ~~pursuant to~~ this subsection, an officer has the same authority
17 as within his or her own jurisdiction.

18 (a-7) The law enforcement agency of the county or
19 municipality in which any arrest is made under this Section
20 shall be immediately notified of the arrest.

21 (b) Any peace officer of another State who enters this
22 State in fresh pursuit and continues within this State in fresh
23 pursuit of a person in order to arrest him on the ground that
24 he has committed an offense in the other State has the same
25 authority to arrest and hold the person in custody as peace
26 officers of this State have to arrest and hold a person in

1 custody on the ground that he has committed an offense in this
2 State.

3 (c) If an arrest is made in this State by a peace officer
4 of another State under ~~in accordance with the provisions of~~
5 this Section he or she shall without unnecessary delay take the
6 person arrested before the circuit court of the county in which
7 the arrest was made. ~~The~~ ~~Such~~ court shall conduct a hearing for
8 the purpose of determining the lawfulness of the arrest. If the
9 court determines that the arrest was lawful it shall commit the
10 person arrested, to await for a reasonable time for the
11 issuance of an extradition warrant by the Governor of this
12 State, or release the person with conditions for that ~~admit him~~
13 ~~to bail for such~~ purpose. If the court determines that the
14 arrest was unlawful it shall discharge the person arrested.

15 (Source: P.A. 98-576, eff. 1-1-14.)

16 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

17 Sec. 109-1. Person arrested; release from law enforcement
18 custody and court appearance.

19 (a) A person arrested with or without a warrant on an
20 offense for which pre-trial release may be denied, unless
21 released by the arresting officer, shall be taken without
22 unnecessary delay before the nearest and most accessible judge
23 in that county, except when such county is a participant in a
24 regional jail authority, in which event such person may be
25 taken to the nearest and most accessible judge, irrespective of

1 the county where such judge presides, and a charge shall be
2 filed. An arresting officer may release a person arrested on an
3 offense for which pre-trial release may be denied, other than
4 murder, attempted murder, or violent sexual offense, without an
5 appearance before a judge if release of the person is in the
6 public interest. Whenever a person arrested either with or
7 without a warrant is required to be taken before a judge, a
8 charge may be filed against such person by way of a two-way
9 closed circuit television system, except that a hearing to deny
10 pre-trial release ~~bail~~ to the defendant may not be conducted by
11 way of closed circuit television.

12 (b) Upon initial appearance of a person before the court,
13 the ~~The~~ judge shall:

14 (1) inform ~~Inform~~ the defendant of the charge against
15 him and shall provide him with a copy of the charge;

16 (2) advise ~~Advise~~ the defendant of his right to counsel
17 and if indigent shall appoint a public defender or licensed
18 attorney at law of this State to represent him in
19 accordance with the provisions of Section 113-3 of this
20 Code;

21 (3) schedule ~~Schedule~~ a preliminary hearing in
22 appropriate cases;

23 (4) release or detain the defendant under ~~Admit the~~
24 ~~defendant to bail in accordance with~~ the provisions of
25 Article 110 of this Code; and

26 (5) order ~~Order~~ the confiscation of the person's

1 passport or impose travel restrictions on a defendant
2 arrested for first degree murder or other violent crime as
3 defined in Section 3 of the Rights of Crime Victims and
4 Witnesses Act, if the judge determines, based on the
5 factors in Section 110-5 of this Code, that this will
6 reasonably ensure the appearance of the defendant and
7 compliance by the defendant with all conditions of release.

8 (b-3) A presumption in favor of pre-trial release of a
9 person shall be applied by an arresting officer in the exercise
10 of his or her discretion under this Section.

11 (b-5) A person arrested with or without a warrant on an
12 offense for which pre-trial release may not be denied shall,
13 except as otherwise provided in this Code, be released by the
14 officer without appearing before a judge. The releasing officer
15 shall issue the person a summons to appear or a personal
16 recognizance bond that may be conditioned on a promise to pay a
17 sum, as set by Supreme Court Rule, for willful failure to
18 appear.

19 (b-7) A presumption in favor of pre-trial release of a
20 person shall be applied by a judge in exercising his or her
21 discretion under this Section.

22 (c) The court may issue an order of protection in
23 accordance with the provisions of Article 112A of this Code.

24 (d) At the initial appearance of a defendant in any
25 criminal proceeding, the court must advise the defendant in
26 open court that any foreign national who is arrested or

1 detained has the right to have notice of the arrest or
2 detention given to his or her country's consular
3 representatives and the right to communicate with those
4 consular representatives if the notice has not already been
5 provided. The court must make a written record of so advising
6 the defendant.

7 (e) If consular notification is not provided to a defendant
8 before his or her first appearance in court, the court shall
9 grant any reasonable request for a continuance of the
10 proceedings to allow contact with the defendant's consulate.
11 Any delay caused by the granting of the request by a defendant
12 shall temporarily suspend for the time of the delay the period
13 within which a person shall be tried as prescribed by
14 subsections (a), (b), or (e) of Section 103-5 of this Code and
15 on the day of the expiration of delay the period shall continue
16 at the point at which it was suspended.

17 (f) A person charged with an offense shall be allowed
18 counsel at the hearing at which bail is determined under
19 Article 110 of this Code. If the defendant desires counsel for
20 his or her initial appearance but is unable to obtain counsel,
21 the court shall appoint a public defender or licensed attorney
22 at law of this State to represent him or her for purpose of
23 that hearing.

24 (Source: P.A. 98-143, eff. 1-1-14; 99-78, eff. 7-20-15; 99-190,
25 eff. 1-1-16.)

1 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

2 Sec. 109-2. Person arrested in another county.

3 (a) Any person arrested in a county other than the one in
4 which a warrant for his or her arrest was issued shall be taken
5 without unnecessary delay before the nearest and most
6 accessible judge in the county where the arrest was made or, if
7 no additional delay is created, before the nearest and most
8 accessible judge in the county from which the warrant was
9 issued. He or she shall be released ~~admitted to bail in the~~
10 ~~amount specified in the warrant or, for offenses other than~~
11 ~~felonies, in an amount as set by the judge, and such bail shall~~
12 ~~be~~ conditioned on his or her appearing in the court issuing the
13 warrant on a certain date. The judge may hold a hearing to
14 determine if the defendant is the same person as named in the
15 warrant.

16 (b) Notwithstanding the provisions of subsection (a), any
17 person arrested in a county other than the one in which a
18 warrant for his or her arrest was issued, may waive the right
19 to be taken before a judge in the county where the arrest was
20 made. If a person so arrested waives such right, the arresting
21 agency shall surrender the ~~such~~ person to a law enforcement
22 agency of the county that issued the warrant without
23 unnecessary delay. The provisions of Section 109-1 shall then
24 apply to the person so arrested.

25 (Source: P.A. 86-298.)

1 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

2 Sec. 110-1. Definitions.

3 (a) "Bail" means a security, which may include a bond
4 without monetary conditions, required by a court for the
5 release of a person in custody set to provide reasonable
6 assurance of public safety and court appearance. "Security" is
7 ~~that which is required to be pledged to insure the payment of~~
8 ~~bail.~~

9 (a-5) "Forcible felony" has the meaning ascribed to it in
10 Section 2-8 of the Criminal Code of 2012.

11 (b) "Sureties" encompasses the ~~monetary and~~ nonmonetary
12 requirements set by the court as conditions for release either
13 before or after conviction. ~~"Surety" is one who executes a bail~~
14 ~~bond and binds himself to pay the bail if the person in custody~~
15 ~~fails to comply with all conditions of the bail bond.~~

16 (c) The phrase "for which a sentence of imprisonment,
17 without conditional and revocable release, shall be imposed by
18 law as a consequence of conviction" means an offense for which
19 a sentence of imprisonment, without probation, periodic
20 imprisonment or conditional discharge, is required by law upon
21 conviction.

22 (d) "Real and present threat to the physical safety of any
23 person or persons", as used in this Article, includes a threat
24 to the community, person, persons or class of persons.

25 (Source: P.A. 85-892.)

1 (725 ILCS 5/110-1.5 new)

2 Sec. 110-1.5. Abolishment of monetary bail. Under this
3 amendatory Act of the 100th General Assembly, the requirement
4 of posting monetary bail is abolished, except as provided in
5 the Uniform Criminal Extradition Act which is a compact that
6 has been entered between this State and its sister states.

7 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

8 Sec. 110-2. Release on own recognizance. It should be
9 presumed that a defendant is entitled to release on personal
10 recognizance on condition that he or she attend all required
11 court proceedings and that the person does not commit a
12 criminal offense. Detention or additional conditions should be
13 set only when it is determined that no other conditions of
14 release will reasonably assure the defendant's appearance in
15 court, that the defendant does not present a danger to a person
16 or the community and that the defendant will comply with all
17 conditions of bond. If the court deems that the defendant is to
18 be released on personal recognizance, the court may require
19 that ~~When from all the circumstances the court is of the~~
20 ~~opinion that the defendant will appear as required either~~
21 ~~before or after conviction and the defendant will not pose a~~
22 ~~danger to any person or the community and that the defendant~~
23 ~~will comply with all conditions of bond, which shall include~~
24 ~~the defendant's current address with a written admonishment to~~
25 be signed by the defendant requiring that he or she must comply

1 with the provisions of Section 110-12 of this Code ~~regarding~~
2 ~~any change in his or her address,~~ The the defendant may be
3 released on his or her own recognizance upon signature. The
4 defendant's address shall at all times remain a matter of
5 public record with the clerk of the court. A failure to appear
6 as required by such recognizance shall constitute an offense
7 subject to the penalty provided in Section 32-10 of the
8 Criminal Code of 2012 for violation of conditions of pre-trial
9 release ~~the bail bond,~~ and any obligated sum fixed in the
10 recognizance shall be forfeited and collected in accordance
11 with subsection (g) of Section 110-7 of this Code.

12 This Section shall be liberally construed to effectuate the
13 purpose of relying upon contempt of court proceedings or
14 criminal sanctions ~~instead of financial loss~~ to assure the
15 appearance of the defendant, and that the defendant will not
16 pose a danger to any person or the community and that the
17 defendant will comply with all conditions of pre-trial release
18 bond. ~~Monetary bail should be set only when it is determined~~
19 ~~that no other conditions of release will reasonably assure the~~
20 ~~defendant's appearance in court, that the defendant does not~~
21 ~~present a danger to any person or the community and that the~~
22 ~~defendant will comply with all conditions of bond.~~

23 The State may appeal any order permitting release by
24 personal recognizance.

25 (Source: P.A. 97-1150, eff. 1-25-13.)

1 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

2 Sec. 110-3. Issuance of warrant. Upon failure of a person
3 to comply with any condition of pre-trial release ~~a bail bond~~
4 or recognizance the court having jurisdiction at the time of
5 such failure may on its own motion or upon motion from the
6 State, issue an order to show cause as to why he or she shall
7 not be found in contempt of court or subject to revocation or
8 forfeiture of pre-trial release. The order issued by the court
9 shall state the facts alleged to constitute the hearing to show
10 cause or otherwise why the person is subject to revocation or
11 forfeiture of pre-trial release. A certified copy of the order
12 shall be served upon the person at least 48 hours in advance of
13 the scheduled hearing. If the person does not appear at the
14 hearing to show cause or absconds, the court may, in addition
15 to any other action provided by law, issue a warrant for the
16 arrest of the person at liberty on pre-trial release ~~bail~~ or
17 his or her own recognizance. The contents of such a warrant
18 shall be the same as required for an arrest warrant issued upon
19 complaint and may modify any previously imposed conditions
20 placed upon the person, rather than revoking pre-trial release
21 or issuing a warrant for the person. When a defendant is at
22 liberty on pre-trial release ~~bail~~ or his or her own
23 recognizance on a felony charge and fails to appear in court as
24 directed, the court shall issue a warrant for the arrest of
25 such person after his or her failure to appear at the show for
26 cause hearing as provided in this Section. Such warrant shall

1 be noted with a directive to peace officers to arrest the
2 person and hold such person without pre-trial release ~~bail~~ and
3 to deliver such person before the court for further
4 proceedings. The court may not revoke pretrial release and
5 order the defendant detained pending trial unless, after
6 considering all relevant circumstances including, but not
7 limited to, the nature and seriousness of the violation or
8 criminal act alleged, the court finds clear and convincing
9 evidence that no condition or combination of conditions of
10 release would reasonably assure the appearance of the defendant
11 for later hearings and protect the integrity of the judicial
12 proceedings from a specific threat to a witness or participant.
13 ~~A defendant who is arrested or surrenders within 30 days of the~~
14 ~~issuance of such warrant shall not be bailable in the case in~~
15 ~~question unless he shows by the preponderance of the evidence~~
16 ~~that his failure to appear was not intentional.~~

17 (Source: P.A. 86-298; 86-984; 86-1028.)

18 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

19 Sec. 110-4. ~~Bailable~~ Offenses for which pre-trial release
20 may be denied.

21 (a) All persons shall be presumed to be subject to release
22 ~~bailable~~ before conviction, but the presumption may be overcome
23 by clear and convincing evidence for ~~except~~ the following
24 offenses where the proof is evident or the presumption great
25 that the defendant is guilty of the offense:

1 (1) capital offenses;

2 (2) offenses for which a sentence of life imprisonment
3 may be imposed as a consequence of conviction;

4 (3) forcible felony offenses for which a sentence of
5 imprisonment, without conditional and revocable release,
6 shall be imposed by law as a consequence of conviction,
7 where the court after a hearing, determines that the
8 release of the defendant would pose a real and present
9 threat to the physical safety of any person or persons;

10 (4) a forcible felony without mandatory imprisonment
11 as a consequence of conviction or stalking or aggravated
12 stalking, where the court, after a hearing, determines that
13 the release of the defendant would pose a real and present
14 threat to the physical safety of the alleged victim of the
15 offense and the denial of release ~~denial of bail~~ is
16 necessary to prevent fulfillment of the threat upon which
17 the charge is based; ~~or~~

18 (5) unlawful use of weapons in violation of item (4) of
19 subsection (a) of Section 24-1 of the Criminal Code of 1961
20 or the Criminal Code of 2012 when that offense occurred in
21 a school or in any conveyance owned, leased, or contracted
22 by a school to transport students to or from school or a
23 school-related activity, or on any public way within 1,000
24 feet of real property comprising any school or felony
25 unlawful use of weapons, where the court, after a hearing,
26 determines that the release of the defendant would pose a

1 real and present threat to the physical safety of any
2 person and denial of release bail is necessary to prevent
3 fulfillment of that threat; ~~or~~

4 (6) making a terrorist threat in violation of Section
5 29D-20 of the Criminal Code of 1961 or the Criminal Code of
6 2012 or an attempt to commit the offense of making a
7 terrorist threat, where the court, after a hearing,
8 determines that the release of the defendant would pose a
9 real and present threat to the physical safety of any
10 person and denial of release bail is necessary to prevent
11 fulfillment of that threat; or

12 (7) a felony other than a forcible felony, where the
13 court after a hearing, determines that the release of the
14 defendant would pose a real and present threat to the
15 physical safety of the alleged victim of the offense and
16 that denial of release is necessary to prevent fulfillment
17 of the threat upon which that charge is based.

18 (b) (Blank). ~~A person seeking release on bail who is~~
19 ~~charged with a capital offense or an offense for which a~~
20 ~~sentence of life imprisonment may be imposed shall not be~~
21 ~~bailable until a hearing is held wherein such person has the~~
22 ~~burden of demonstrating that the proof of his guilt is not~~
23 ~~evident and the presumption is not great.~~

24 (c) Where it is alleged that pre-trial release bail should
25 be denied to a person upon the grounds that the person presents
26 a real and present threat to the physical safety of any person

1 or persons, the burden of proof of such allegations shall be
2 upon the State to overcome by clear and convincing evidence
3 that no condition or combination of conditions short of
4 detention could protect the community and preserve the
5 integrity of the judicial proceedings from an articulable
6 threat to a witness or participant.

7 (d) When it is alleged that pre-trial release ~~bail~~ should
8 be denied to a person charged with stalking or aggravated
9 stalking upon the grounds set forth in Section 110-6.3 of this
10 Code, the burden of proof of those allegations shall be upon
11 the State.

12 (e) If pre-trial release is denied, the court must issue in
13 writing a statement of reasons explaining the specific risks
14 posed by the person and findings of fact concerning why no
15 condition or combination of conditions could reasonably
16 mitigate those risks.

17 (f) If pre-trial release is denied, the defendant shall be
18 granted the right to an appeal upon motion of the defendant.

19 (Source: P.A. 97-1150, eff. 1-25-13.)

20 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

21 Sec. 110-5. Determining ~~the amount of bail and~~ conditions
22 of pre-trial release.

23 (a) In determining the ~~amount of monetary bail or~~
24 conditions of pre-trial release, if any, which will reasonably
25 assure the appearance of a defendant as required or the safety

1 of any other person or the community and the likelihood of
2 compliance by the defendant with all the conditions of
3 pre-trial release bail, the court may shall, on the basis of
4 available information, take into account such matters as:

5 (1) the nature and circumstances of the offense
6 charged;

7 (2) the weight of the evidence against the eligible
8 defendant, except that the court may consider the
9 admissibility of any evidence sought to be excluded;

10 (3) the history and characteristics of the eligible
11 defendant, including (i) the eligible defendant's
12 character, physical and mental condition, family ties,
13 employment, financial resources, length of residence in
14 the community, community ties, past conduct, history
15 relating to drug or alcohol abuse, criminal history, and
16 record concerning appearance at court proceedings; and
17 (ii) whether, at the time of the current offense or arrest,
18 the eligible defendant was on probation, parole, mandatory
19 supervised release, or on other release pending trial,
20 sentencing, appeal, or completion of sentence for an
21 offense under federal law, or the law of this or any other
22 state;

23 (4) the nature and seriousness of the danger to any
24 other person or the community that would be posed by the
25 eligible defendant's release, if applicable;

26 (5) the nature and seriousness of the risk of

1 obstructing or attempting to obstruct the criminal justice
2 process that would be posed by the eligible defendant's
3 release, if applicable; and

4 (6) the release recommendation of the pretrial
5 services program obtained using a risk assessment
6 instrument under subsection (b-5) of Section 110-5.1 of
7 this Article.

8 (a-3) If the court determines that defendant is not to be
9 released on personal recognizance, the court shall impose the
10 least restrictive conditions or combination of conditions that
11 the court determines will reasonably assure the appearance of
12 the defendant for later hearings and protect the integrity of
13 the judicial proceedings from a specific threat to a witness or
14 participant.

15 (a-5) Access to money shall not be a factor in what
16 conditions are made available to the defendant nor shall
17 inability to pay fees or costs prevent a defendant from being
18 eligible for or accessing the least restrictive conditions
19 ordered by the court. ~~the nature and circumstances of the~~
20 ~~offense charged, whether the evidence shows that as part of the~~
21 ~~offense there was a use of violence or threatened use of~~
22 ~~violence, whether the offense involved corruption of public~~
23 ~~officials or employees, whether there was physical harm or~~
24 ~~threats of physical harm to any public official, public~~
25 ~~employee, judge, prosecutor, juror or witness, senior citizen,~~
26 ~~child, or person with a disability, whether evidence shows that~~

1 ~~during the offense or during the arrest the defendant possessed~~
2 ~~or used a firearm, machine gun, explosive or metal piercing~~
3 ~~ammunition or explosive bomb device or any military or~~
4 ~~paramilitary armament, whether the evidence shows that the~~
5 ~~offense committed was related to or in furtherance of the~~
6 ~~criminal activities of an organized gang or was motivated by~~
7 ~~the defendant's membership in or allegiance to an organized~~
8 ~~gang, the condition of the victim, any written statement~~
9 ~~submitted by the victim or proffer or representation by the~~
10 ~~State regarding the impact which the alleged criminal conduct~~
11 ~~has had on the victim and the victim's concern, if any, with~~
12 ~~further contact with the defendant if released on bail, whether~~
13 ~~the offense was based on racial, religious, sexual orientation~~
14 ~~or ethnic hatred, the likelihood of the filing of a greater~~
15 ~~charge, the likelihood of conviction, the sentence applicable~~
16 ~~upon conviction, the weight of the evidence against such~~
17 ~~defendant, whether there exists motivation or ability to flee,~~
18 ~~whether there is any verification as to prior residence,~~
19 ~~education, or family ties in the local jurisdiction, in another~~
20 ~~county, state or foreign country, the defendant's employment,~~
21 ~~financial resources, character and mental condition, past~~
22 ~~conduct, prior use of alias names or dates of birth, and length~~
23 ~~of residence in the community, the consent of the defendant to~~
24 ~~periodic drug testing in accordance with Section 110-6.5,~~
25 ~~whether a foreign national defendant is lawfully admitted in~~
26 ~~the United States of America, whether the government of the~~

1 ~~foreign national maintains an extradition treaty with the~~
2 ~~United States by which the foreign government will extradite to~~
3 ~~the United States its national for a trial for a crime~~
4 ~~allegedly committed in the United States, whether the defendant~~
5 ~~is currently subject to deportation or exclusion under the~~
6 ~~immigration laws of the United States, whether the defendant,~~
7 ~~although a United States citizen, is considered under the law~~
8 ~~of any foreign state a national of that state for the purposes~~
9 ~~of extradition or non-extradition to the United States, the~~
10 ~~amount of unrecovered proceeds lost as a result of the alleged~~
11 ~~offense, the source of bail funds tendered or sought to be~~
12 ~~tendered for bail, whether from the totality of the court's~~
13 ~~consideration, the loss of funds posted or sought to be posted~~
14 ~~for bail will not deter the defendant from flight, whether the~~
15 ~~evidence shows that the defendant is engaged in significant~~
16 ~~possession, manufacture, or delivery of a controlled substance~~
17 ~~or cannabis, either individually or in consort with others,~~
18 ~~whether at the time of the offense charged he or she was on~~
19 ~~bond or pre trial release pending trial, probation, periodic~~
20 ~~imprisonment or conditional discharge pursuant to this Code or~~
21 ~~the comparable Code of any other state or federal jurisdiction,~~
22 ~~whether the defendant is on bond or pre trial release pending~~
23 ~~the imposition or execution of sentence or appeal of sentence~~
24 ~~for any offense under the laws of Illinois or any other state~~
25 ~~or federal jurisdiction, whether the defendant is under parole,~~
26 ~~aftercare release, mandatory supervised release, or work~~

1 ~~release from the Illinois Department of Corrections or Illinois~~
2 ~~Department of Juvenile Justice or any penal institution or~~
3 ~~corrections department of any state or federal jurisdiction,~~
4 ~~the defendant's record of convictions, whether the defendant~~
5 ~~has been convicted of a misdemeanor or ordinance offense in~~
6 ~~Illinois or similar offense in other state or federal~~
7 ~~jurisdiction within the 10 years preceding the current charge~~
8 ~~or convicted of a felony in Illinois, whether the defendant was~~
9 ~~convicted of an offense in another state or federal~~
10 ~~jurisdiction that would be a felony if committed in Illinois~~
11 ~~within the 20 years preceding the current charge or has been~~
12 ~~convicted of such felony and released from the penitentiary~~
13 ~~within 20 years preceding the current charge if a penitentiary~~
14 ~~sentence was imposed in Illinois or other state or federal~~
15 ~~jurisdiction, the defendant's records of juvenile adjudication~~
16 ~~of delinquency in any jurisdiction, any record of appearance or~~
17 ~~failure to appear by the defendant at court proceedings,~~
18 ~~whether there was flight to avoid arrest or prosecution,~~
19 ~~whether the defendant escaped or attempted to escape to avoid~~
20 ~~arrest, whether the defendant refused to identify himself or~~
21 ~~herself, or whether there was a refusal by the defendant to be~~
22 ~~fingerprinted as required by law. Information used by the court~~
23 ~~in its findings or stated in or offered in connection with this~~
24 ~~Section may be by way of proffer based upon reliable~~
25 ~~information offered by the State or defendant. All evidence~~
26 ~~shall be admissible if it is relevant and reliable regardless~~

1 ~~of whether it would be admissible under the rules of evidence~~
2 ~~applicable at criminal trials. If the State presents evidence~~
3 ~~that the offense committed by the defendant was related to or~~
4 ~~in furtherance of the criminal activities of an organized gang~~
5 ~~or was motivated by the defendant's membership in or allegiance~~
6 ~~to an organized gang, and if the court determines that the~~
7 ~~evidence may be substantiated, the court shall prohibit the~~
8 ~~defendant from associating with other members of the organized~~
9 ~~gang as a condition of bail or release. For the purposes of~~
10 ~~this Section, "organized gang" has the meaning ascribed to it~~
11 ~~in Section 10 of the Illinois Streetgang Terrorism Omnibus~~
12 ~~Prevention Act.~~

13 (b) (Blank). ~~The amount of bail shall be:~~

14 ~~(1) Sufficient to assure compliance with the~~
15 ~~conditions set forth in the bail bond, which shall include~~
16 ~~the defendant's current address with a written~~
17 ~~admonishment to the defendant that he or she must comply~~
18 ~~with the provisions of Section 110-12 regarding any change~~
19 ~~in his or her address. The defendant's address shall at all~~
20 ~~times remain a matter of public record with the clerk of~~
21 ~~the court.~~

22 ~~(2) Not oppressive.~~

23 ~~(3) Considerate of the financial ability of the~~
24 ~~accused.~~

25 ~~(4) When a person is charged with a drug related~~
26 ~~offense involving possession or delivery of cannabis or~~

1 ~~possession or delivery of a controlled substance as defined~~
2 ~~in the Cannabis Control Act, the Illinois Controlled~~
3 ~~Substances Act, or the Methamphetamine Control and~~
4 ~~Community Protection Act, the full street value of the~~
5 ~~drugs seized shall be considered. "Street value" shall be~~
6 ~~determined by the court on the basis of a proffer by the~~
7 ~~State based upon reliable information of a law enforcement~~
8 ~~official contained in a written report as to the amount~~
9 ~~seized and such proffer may be used by the court as to the~~
10 ~~current street value of the smallest unit of the drug~~
11 ~~seized.~~

12 (b-5) (Blank). ~~Upon the filing of a written request~~
13 ~~demonstrating reasonable cause, the State's Attorney may~~
14 ~~request a source of bail hearing either before or after the~~
15 ~~posting of any funds. If the hearing is granted, before the~~
16 ~~posting of any bail, the accused must file a written notice~~
17 ~~requesting that the court conduct a source of bail hearing. The~~
18 ~~notice must be accompanied by justifying affidavits stating the~~
19 ~~legitimate and lawful source of funds for bail. At the hearing,~~
20 ~~the court shall inquire into any matters stated in any~~
21 ~~justifying affidavits, and may also inquire into matters~~
22 ~~appropriate to the determination which shall include, but are~~
23 ~~not limited to, the following:~~

24 ~~(1) the background, character, reputation, and~~
25 ~~relationship to the accused of any surety; and~~

26 ~~(2) the source of any money or property deposited by~~

1 ~~any surety, and whether any such money or property~~
2 ~~constitutes the fruits of criminal or unlawful conduct; and~~
3 ~~(3) the source of any money posted as cash bail, and~~
4 ~~whether any such money constitutes the fruits of criminal~~
5 ~~or unlawful conduct; and~~

6 ~~(4) the background, character, reputation, and~~
7 ~~relationship to the accused of the person posting cash~~
8 ~~bail.~~

9 ~~Upon setting the hearing, the court shall examine, under~~
10 ~~oath, any persons who may possess material information.~~

11 ~~The State's Attorney has a right to attend the hearing, to~~
12 ~~call witnesses and to examine any witness in the proceeding.~~
13 ~~The court shall, upon request of the State's Attorney, continue~~
14 ~~the proceedings for a reasonable period to allow the State's~~
15 ~~Attorney to investigate the matter raised in any testimony or~~
16 ~~affidavit. If the hearing is granted after the accused has~~
17 ~~posted bail, the court shall conduct a hearing consistent with~~
18 ~~this subsection (b 5). At the conclusion of the hearing, the~~
19 ~~court must issue an order either approving of disapproving the~~
20 ~~bail.~~

21 ~~(c) (Blank). When a person is charged with an offense~~
22 ~~punishable by fine only the amount of the bail shall not exceed~~
23 ~~double the amount of the maximum penalty.~~

24 ~~(d) (Blank). When a person has been convicted of an offense~~
25 ~~and only a fine has been imposed the amount of the bail shall~~
26 ~~not exceed double the amount of the fine.~~

1 (e) (Blank). ~~The State may appeal any order granting bail~~
2 ~~or setting a given amount for bail.~~

3 (f) When a person is charged with a violation of an order
4 of protection under Section 12-3.4 or 12-30 of the Criminal
5 Code of 1961 or the Criminal Code of 2012 or when a person is
6 charged with domestic battery, aggravated domestic battery,
7 kidnapping, aggravated kidnaping, unlawful restraint,
8 aggravated unlawful restraint, stalking, aggravated stalking,
9 cyberstalking, harassment by telephone, harassment through
10 electronic communications, or an attempt to commit first degree
11 murder committed against an intimate partner regardless
12 whether an order of protection has been issued against the
13 person,

14 (1) whether the alleged incident involved harassment
15 or abuse, as defined in the Illinois Domestic Violence Act
16 of 1986;

17 (2) whether the person has a history of domestic
18 violence, as defined in the Illinois Domestic Violence Act,
19 or a history of other criminal acts;

20 (3) based on the mental health of the person;

21 (4) whether the person has a history of violating the
22 orders of any court or governmental entity;

23 (5) whether the person has been, or is, potentially a
24 threat to any other person;

25 (6) whether the person has access to deadly weapons or
26 a history of using deadly weapons;

1 (7) whether the person has a history of abusing alcohol
2 or any controlled substance;

3 (8) based on the severity of the alleged incident that
4 is the basis of the alleged offense, including, but not
5 limited to, the duration of the current incident, and
6 whether the alleged incident involved the use of a weapon,
7 physical injury, sexual assault, strangulation, abuse
8 during the alleged victim's pregnancy, abuse of pets, or
9 forcible entry to gain access to the alleged victim;

10 (9) whether a separation of the person from the alleged
11 victim or a termination of the relationship between the
12 person and the alleged victim has recently occurred or is
13 pending;

14 (10) whether the person has exhibited obsessive or
15 controlling behaviors toward the alleged victim,
16 including, but not limited to, stalking, surveillance, or
17 isolation of the alleged victim or victim's family member
18 or members;

19 (11) whether the person has expressed suicidal or
20 homicidal ideations;

21 (12) based on any information contained in the
22 complaint and any police reports, affidavits, or other
23 documents accompanying the complaint,

24 the court may, in its discretion, order the respondent to
25 undergo a risk assessment evaluation using a recognized,
26 evidence-based instrument conducted by an Illinois Department

1 of Human Services approved partner abuse intervention program
2 provider, pretrial service, probation, or parole agency. These
3 agencies shall have access to summaries of the defendant's
4 criminal history, which shall not include victim interviews or
5 information, for the risk evaluation. Based on the information
6 collected from the 12 points to be considered at a pre-trial
7 release bail hearing under this subsection (f), the results of
8 any risk evaluation conducted and the other circumstances of
9 the violation, the court may order that the person, as a
10 condition of pre-trial release bail, be placed under electronic
11 surveillance as provided in Section 5-8A-7 of the Unified Code
12 of Corrections. Upon making a determination whether or not to
13 order the respondent to undergo a risk assessment evaluation or
14 to be placed under electronic surveillance and risk assessment,
15 the court shall document in the record the court's reasons for
16 making those determinations. The cost of the electronic
17 surveillance and risk assessment shall be paid by, or on
18 behalf, of the defendant. As used in this subsection (f),
19 "intimate partner" means a spouse or a current or former
20 partner in a cohabitation or dating relationship.

21 (Source: P.A. 98-558, eff. 1-1-14; 98-1012, eff. 1-1-15;
22 99-143, eff. 7-27-15.)

23 (725 ILCS 5/110-5.1)

24 Sec. 110-5.1. ~~Bail~~, Pre-trial release of certain persons
25 charged with violent crimes against family or household

1 members.

2 (a) Subject to subsection (c), a person who is charged with
3 a violent crime shall appear before the court for the setting
4 of conditions of pre-trial release ~~bail~~ if the alleged victim
5 was a family or household member at the time of the alleged
6 offense, and if any of the following applies:

7 (1) the person charged, at the time of the alleged
8 offense, was subject to the terms of an order of protection
9 issued under Section 112A-14 of this Code or Section 214 of
10 the Illinois Domestic Violence Act of 1986 or previously
11 was convicted of a violation of an order of protection
12 under Section 12-3.4 or 12-30 of the Criminal Code of 1961
13 or the Criminal Code of 2012 or a violent crime if the
14 victim was a family or household member at the time of the
15 offense or a violation of a substantially similar municipal
16 ordinance or law of this or any other state or the United
17 States if the victim was a family or household member at
18 the time of the offense;

19 (2) the arresting officer indicates in a police report
20 or other document accompanying the complaint any of the
21 following:

22 (A) that the arresting officer observed on the
23 alleged victim objective manifestations of physical
24 harm that the arresting officer reasonably believes
25 are a result of the alleged offense;

26 (B) that the arresting officer reasonably believes

1 that the person had on the person's person at the time
2 of the alleged offense a deadly weapon;

3 (C) that the arresting officer reasonably believes
4 that the person presents a credible threat of serious
5 physical harm to the alleged victim or to any other
6 person if released ~~on bail~~ before trial.

7 (b) To the extent that information about any of the
8 following is available to the court, the court shall consider
9 all of the following, in addition to any other circumstances
10 considered by the court, before determining conditions of
11 pre-trial release ~~setting bail~~ for a person who appears before
12 the court under ~~pursuant to~~ subsection (a):

13 (1) whether the person has a history of domestic
14 violence or a history of other violent acts;

15 (2) the mental health of the person;

16 (3) whether the person has a history of violating the
17 orders of any court or governmental entity;

18 (4) whether the person is potentially a threat to any
19 other person;

20 (5) whether the person has access to deadly weapons or
21 a history of using deadly weapons;

22 (6) whether the person has a history of abusing alcohol
23 or any controlled substance;

24 (7) the severity of the alleged violence that is the
25 basis of the alleged offense, including, but not limited
26 to, the duration of the alleged violent incident, and

1 whether the alleged violent incident involved serious
2 physical injury, sexual assault, strangulation, abuse
3 during the alleged victim's pregnancy, abuse of pets, or
4 forcible entry to gain access to the alleged victim;

5 (8) whether a separation of the person from the alleged
6 victim or a termination of the relationship between the
7 person and the alleged victim has recently occurred or is
8 pending;

9 (9) whether the person has exhibited obsessive or
10 controlling behaviors toward the alleged victim,
11 including, but not limited to, stalking, surveillance, or
12 isolation of the alleged victim;

13 (10) whether the person has expressed suicidal or
14 homicidal ideations; and

15 (11) any information contained in the complaint and any
16 police reports, affidavits, or other documents
17 accompanying the complaint.

18 (b-5) The court may use a regularly validated risk
19 assessment tool. If a risk assessment tool is used, the
20 defendant's counsel shall be provided with the information and
21 scoring system of the risk assessment tool used to arrive at
22 the determination. The defendant retains the right to challenge
23 the validity of a risk assessment tool used by the court and to
24 present evidence relevant to the defendant's challenge.

25 (c) Upon the court's own motion or the motion of a party
26 and upon any terms that the court may direct, a court may

1 permit a person who is required to appear before it by
2 subsection (a) to appear by video conferencing equipment. If,
3 in the opinion of the court, the appearance in person or by
4 video conferencing equipment of a person who is charged with a
5 misdemeanor and who is required to appear before the court by
6 subsection (a) is not practicable, the court may waive the
7 appearance and release the person. ~~on bail on one or both of~~
8 ~~the following types of bail in an amount set by the court:~~

9 ~~(1) a bail bond secured by a deposit of 10% of the~~
10 ~~amount of the bond in cash;~~

11 ~~(2) a surety bond, a bond secured by real estate or~~
12 ~~securities as allowed by law, or the deposit of cash, at~~
13 ~~the option of the person.~~

14 (d) The pre-trial release hearing may be reopened before or
15 after a determination by the court under this Section before
16 trial begins at the request of the defendant if 2 court days
17 notice is given to the State.

18 Subsection (a) does not create a right in a person to
19 appear before the court for determining conditions of pre-trial
20 release ~~the setting of bail~~ or prohibit a court from requiring
21 any person charged with a violent crime who is not described in
22 subsection (a) from appearing before the court for the setting
23 of conditions of pre-trial release ~~bail~~.

24 (d) As used in this Section:

25 (1) "Violent crime" has the meaning ascribed to it in
26 Section 3 of the Rights of Crime Victims and Witnesses Act.

1 (2) "Family or household member" has the meaning
2 ascribed to it in Section 112A-3 of this Code.

3 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

4 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

5 Sec. 110-6. Order to show cause; issuance of warrant.

6 (a) Upon verified application by the State or the defendant
7 or on its own motion the court before which the proceeding is
8 pending ~~may increase or reduce the amount of bail or~~ may alter
9 the conditions of pre-trial release ~~the bail bond~~ or grant
10 pre-trial release bail where it has been previously revoked or
11 denied. If pre-trial release bail has been previously revoked
12 under ~~pursuant to~~ subsection (f) of this Section or if
13 pre-trial release bail has been denied to the defendant under
14 ~~pursuant to~~ subsection (e) of Section 110-6.1 or subsection (e)
15 of Section 110-6.3, the defendant shall be required to present
16 a verified application setting forth in detail any new facts
17 not known or obtainable at the time of the previous revocation
18 or denial of pre-trial release bail proceedings. If the court
19 grants pre-trial release bail where it has been previously
20 revoked or denied, the court shall state on the record of the
21 proceedings the findings of facts and conclusion of law upon
22 which such order is based.

23 (b) Violation of the conditions of Section 110-10 of this
24 Code or any special conditions of pre-trial release bail as
25 ordered by the court shall constitute grounds for the court to

1 ~~increase the amount of bail, or otherwise~~ alter the conditions
2 of pre-trial release bail, or, where the alleged offense
3 committed on pre-trial release bail is a forcible felony in
4 Illinois ~~or a Class 2 or greater offense under the Illinois~~
5 ~~Controlled Substances Act, the Cannabis Control Act, or the~~
6 ~~Methamphetamine Control and Community Protection Act,~~ revoke
7 pre-trial release under bail pursuant to the appropriate
8 provisions of subsection (e) of this Section.

9 (c) Reasonable notice of such application by the defendant
10 shall be given to the State.

11 (d) Reasonable notice of such application by the State
12 shall be given to the defendant, except as provided in
13 subsection (e).

14 (e) Upon verified application by the State stating facts or
15 circumstances constituting a violation or a threatened
16 violation by a person of any of the conditions of pre-trial
17 release ~~the bail bond~~ the court may on its own motion or upon
18 motion of the State, issue an order to show cause as to why he
19 or she shall not be found in contempt of court or subject to
20 revocation or forfeiture of pre-trial release. The order issued
21 by the court shall state the facts alleged to constitute the
22 hearing to show cause or otherwise why the person is subject to
23 revocation or forfeiture of pre-trial release. A certified copy
24 of the order shall be served upon the person at least 48 hours
25 in advance of the scheduled hearing. If the person does not
26 appear at the hearing to show cause or absconds, the court may

1 issue a warrant commanding any peace officer to bring the
2 defendant without unnecessary delay before the court for a
3 hearing on the matters set forth in the application. If the
4 actual court before which the proceeding is pending is absent
5 or otherwise unavailable another court may issue a warrant
6 under ~~pursuant to~~ this Section. When the defendant is charged
7 with a felony offense and while free on pre-trial release ~~bail~~
8 is charged with a subsequent felony offense and is the subject
9 of a proceeding under ~~set forth~~ in Section 109-1 or 109-3 of
10 this Code, upon the filing of a verified petition by the State
11 alleging a violation of Section 110-10 (a) (4) of this Code,
12 the court shall without prior notice to the defendant, grant
13 leave to file such application and shall order the transfer of
14 the defendant and the application without unnecessary delay to
15 the court before which the previous felony matter is pending
16 for a hearing as provided in subsection (b) or this subsection
17 of this Section. The defendant shall be held without pre-trial
18 release ~~and~~ pending transfer to and a hearing before such
19 court. At the conclusion of the hearing based on a violation of
20 the conditions of Section 110-10 of this Code or any special
21 conditions of pre-trial release ~~bail~~ as ordered by the court
22 the court may enter an order altering ~~increasing the amount of~~
23 ~~bail or alter~~ the conditions of pre-trial release ~~bail~~ as
24 deemed appropriate.

25 (f) Where the alleged violation consists of the violation
26 of one or more felony statutes of any jurisdiction which would

1 be a forcible felony in Illinois ~~or a Class 2 or greater~~
2 ~~offense under the Illinois Controlled Substances Act, the~~
3 ~~Cannabis Control Act, or the Methamphetamine Control and~~
4 ~~Community Protection Act~~ and the defendant is on pre-trial
5 release bail for the alleged commission of a felony, or where
6 the defendant is on bail for a felony domestic battery
7 (enhanced pursuant to subsection (b) of Section 12-3.2 of the
8 Criminal Code of 1961 or the Criminal Code of 2012), aggravated
9 domestic battery, aggravated battery, unlawful restraint,
10 aggravated unlawful restraint or domestic battery in violation
11 of item (1) of subsection (a) of Section 12-3.2 of the Criminal
12 Code of 1961 or the Criminal Code of 2012 against a family or
13 household member as defined in Section 112A-3 of this Code and
14 the violation is an offense of domestic battery against the
15 same victim the court shall, on the motion of the State or its
16 own motion, revoke pre-trial release bail in accordance with
17 the following provisions:

18 (1) The court shall hold the defendant without
19 pre-trial release bail pending the hearing on the alleged
20 breach; however, if the defendant is not released ~~admitted~~
21 ~~to bail~~ the hearing shall be commenced within 10 days from
22 the date the defendant is taken into custody or the
23 defendant may not be held any longer without pre-trial
24 release bail, unless delay is occasioned by the defendant.
25 Where defendant occasions the delay, the running of the 10
26 day period is temporarily suspended and resumes at the

1 termination of the period of delay. Where defendant
2 occasions the delay with 5 or fewer days remaining in the
3 10 day period, the court may grant a period of up to 5
4 additional days to the State for good cause shown. The
5 State, however, shall retain the right to proceed to
6 hearing on the alleged violation at any time, upon
7 reasonable notice to the defendant and the court.

8 (2) At a hearing on the alleged violation the State has
9 the burden of going forward and proving the violation by
10 clear and convincing evidence. The evidence shall be
11 presented in open court with the opportunity to testify, to
12 present witnesses in his behalf, and to cross-examine
13 witnesses if any are called by the State, and
14 representation by counsel and if the defendant is indigent
15 to have counsel appointed for him or her. The rules of
16 evidence applicable in criminal trials in this State shall
17 not govern the admissibility of evidence at such hearing.
18 Information used by the court in its findings or stated in
19 or offered in connection with hearings for increase of
20 conditions or revocation of pre-trial release ~~bail~~ may be
21 by way of proffer based upon reliable information offered
22 by the State or defendant. All evidence shall be admissible
23 if it is relevant and reliable regardless of whether it
24 would be admissible under the rules of evidence applicable
25 at criminal trials. A motion by the defendant to suppress
26 evidence or to suppress a confession shall not be

1 entertained at such a hearing. Evidence that proof may have
2 been obtained as a result of an unlawful search and seizure
3 or through improper interrogation is not relevant to this
4 hearing.

5 (3) Upon a finding by the court that the State has
6 established by clear and convincing evidence that the
7 defendant has committed a forcible felony ~~or a Class 2 or~~
8 ~~greater offense under the Illinois Controlled Substances~~
9 ~~Act, the Cannabis Control Act, or the Methamphetamine~~
10 ~~Control and Community Protection Act~~ while released
11 ~~admitted to bail~~, or where the defendant is on pre-trial
12 release ~~bail~~ for a felony domestic battery (enhanced
13 pursuant to subsection (b) of Section 12-3.2 of the
14 Criminal Code of 1961 or the Criminal Code of 2012),
15 aggravated domestic battery, aggravated battery, unlawful
16 restraint, aggravated unlawful restraint or domestic
17 battery in violation of item (1) of subsection (a) of
18 Section 12-3.2 of the Criminal Code of 1961 or the Criminal
19 Code of 2012 against a family or household member as
20 defined in Section 112A-3 of this Code and the violation is
21 an offense of domestic battery, against the same victim,
22 the court shall ~~revoke the bail of the defendant and~~ hold
23 the defendant for trial without pre-trial release ~~bail~~.
24 Neither the finding of the court nor any transcript or
25 other record of the hearing shall be admissible in the
26 State's case in chief, but shall be admissible for

1 impeachment, or as provided in Section 115-10.1 of this
2 Code or in a perjury proceeding.

3 (4) If pre-trial release ~~the bail~~ of any defendant is
4 revoked under ~~pursuant to~~ paragraph (f) (3) of this
5 Section, the defendant may demand and shall be entitled to
6 be brought to trial on the offense with respect to which he
7 or she was formerly released ~~on bail~~ within 90 days after
8 the date on which his or her pre-trial release ~~bail~~ was
9 revoked. If the defendant is not brought to trial within
10 the 90 day period required by the preceding sentence, he or
11 she shall not be held longer without pre-trial release
12 ~~bail~~. In computing the 90 day period, the court shall omit
13 any period of delay resulting from a continuance granted at
14 the request of the defendant.

15 (5) If the defendant either is arrested on a warrant
16 issued under ~~pursuant to~~ this Code or is arrested for an
17 unrelated offense and it is subsequently discovered that
18 the defendant is a subject of another warrant or warrants
19 issued under ~~pursuant to~~ this Code, the defendant shall be
20 transferred promptly to the court which issued the ~~such~~
21 warrant. If, however, the defendant appears initially
22 before a court other than the court which issued the ~~such~~
23 warrant, the non-issuing court shall not alter the
24 conditions of pre-trial release previously ~~amount of bail~~
25 ~~heretofore~~ set on the ~~such~~ warrant unless the court sets
26 forth on the record of proceedings the conclusions of law

1 and facts which are the basis for such altering of another
2 court's conditions of pre-trial release ~~bond~~. The
3 non-issuing court shall not alter another court's
4 conditions of pre-trial release previously ~~courts bail~~ set
5 on a warrant unless the interests of justice and public
6 safety are served by such action.

7 (g) The State may appeal any order where the court has
8 ~~increased or reduced the amount of bail or~~ altered the
9 conditions of pre-trial release ~~the bail bond~~ or granted
10 pre-trial release ~~bail~~ where it has previously been revoked.

11 (Source: P.A. 97-1150, eff. 1-25-13.)

12 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

13 Sec. 110-6.1. Denial of pre-trial release ~~bail~~ in
14 non-probationable felony offenses.

15 (a) Upon verified petition by the State, the court shall
16 hold a hearing to determine whether pre-trial release ~~bail~~
17 should be denied to a defendant who is charged with a forcible
18 felony offense for which a sentence of imprisonment, without
19 probation, periodic imprisonment or conditional discharge, is
20 required by law upon conviction, when it is alleged that the
21 defendant's ~~admission~~ pre-trial release ~~to bail~~ poses a real
22 and present threat to the physical safety of any person or
23 persons.

24 (1) A petition may be filed without prior notice to the
25 defendant at the first appearance before a judge, or within

1 the 21 calendar days, except as provided in Section 110-6,
2 after arrest and release of the defendant upon reasonable
3 notice to defendant; provided that while such petition is
4 pending before the court, the defendant if previously
5 released shall not be detained.

6 (2) The hearing shall be held immediately upon the
7 defendant's appearance before the court, unless for good
8 cause shown the defendant or the State seeks a continuance.
9 A continuance on motion of the defendant may not exceed 5
10 calendar days, and a continuance on the motion of the State
11 may not exceed 3 calendar days. The defendant may be held
12 in custody during such continuance.

13 (b) The court may deny pre-trial release ~~bail~~ to the
14 defendant where, after the hearing, it is determined that:

15 (1) the proof is evident or the presumption great that
16 the defendant has committed an offense for which a sentence
17 of imprisonment, without probation, periodic imprisonment
18 or conditional discharge, must be imposed by law as a
19 consequence of conviction, and

20 (2) the defendant poses a real and present threat to
21 the physical safety of any person or persons, by conduct
22 which may include, but is not limited to, a forcible
23 felony, the obstruction of justice, intimidation, injury,
24 physical harm, an offense under the Illinois Controlled
25 Substances Act which is a Class X felony, or an offense
26 under the Methamphetamine Control and Community Protection

1 Act which is a Class X felony, and

2 (3) the court finds that no condition or combination of
3 conditions set forth in subsection (b) of Section 110-10 of
4 this Article, can reasonably assure the physical safety of
5 any other person or persons.

6 (c) Conduct of the hearings.

7 (1) The hearing on the defendant's culpability and
8 dangerousness shall be conducted in accordance with the
9 following provisions:

10 (A) Information used by the court in its findings
11 or stated in or offered at such hearing may be by way
12 of proffer based upon reliable information offered by
13 the State or by defendant. The defendant ~~Defendant~~ has
14 the right to be represented by counsel, and if he or
15 she is indigent, to have counsel appointed for him or
16 her. The defendant ~~Defendant~~ shall have the
17 opportunity to testify, to present witnesses in his own
18 behalf, and to cross-examine witnesses if any are
19 called by the State. The defendant has the right to
20 present witnesses in his or her favor. When the ends of
21 justice so require, the court may exercise ~~exercises~~
22 its discretion and compel the appearance of a
23 complaining witness. The court shall state on the
24 record reasons for granting a defense request to compel
25 the presence of a complaining witness.
26 Cross-examination of a complaining witness at the

1 pre-trial ~~pre-trial~~ detention hearing for the purpose
2 of impeaching the witness' credibility is insufficient
3 reason to compel the presence of the witness. In
4 deciding whether to compel the appearance of a
5 complaining witness, the court shall be considerate of
6 the emotional and physical well-being of the witness.
7 The pre-trial detention hearing is not to be used for
8 purposes of discovery, and the post arraignment rules
9 of discovery do not apply. The State shall tender to
10 the defendant, prior to the hearing, copies of
11 defendant's criminal history, if any, if available,
12 and any written or recorded statements and the
13 substance of any oral statements made by any person, if
14 relied upon by the State in its petition. The court may
15 use a regularly validated risk assessment tool. If a
16 risk assessment tool is used, the defendant's counsel
17 shall be provided with the information and scoring
18 system of the risk assessment tool used to arrive at
19 the determination. The defendant retains the right to
20 challenge the validity of a risk assessment tool used
21 by the court and to present evidence relevant to the
22 defendant's challenge. The rules concerning the
23 admissibility of evidence in criminal trials do not
24 apply to the presentation and consideration of
25 information at the hearing. At the trial concerning the
26 offense for which the hearing was conducted neither the

1 finding of the court nor any transcript or other record
2 of the hearing shall be admissible in the State's case
3 in chief, but shall be admissible for impeachment, or
4 as provided in Section 115-10.1 of this Code, or in a
5 perjury proceeding.

6 (B) A motion by the defendant to suppress evidence
7 or to suppress a confession shall not be entertained.
8 Evidence that proof may have been obtained as the
9 result of an unlawful search and seizure or through
10 improper interrogation is not relevant to this state of
11 the prosecution.

12 (2) The facts relied upon by the court to support a
13 finding that the defendant poses a real and present threat
14 to the physical safety of any person or persons shall be
15 supported by clear and convincing evidence presented by the
16 State.

17 (d) Factors to be considered in making a determination of
18 dangerousness. The court may, in determining whether the
19 defendant poses a real and present threat to the physical
20 safety of any person or persons, consider but shall not be
21 limited to evidence or testimony concerning:

22 (1) The nature and circumstances of any offense
23 charged, including whether the offense is a crime of
24 violence, involving a weapon.

25 (2) The history and characteristics of the defendant
26 including:

1 (A) Any evidence of the defendant's prior criminal
2 history indicative of violent, abusive or assaultive
3 behavior, or lack of such behavior. ~~The~~ ~~Such~~ evidence
4 may include testimony or documents received in
5 juvenile proceedings, criminal, quasi-criminal, civil
6 commitment, domestic relations, or other proceedings.

7 (B) Any evidence of the defendant's psychological,
8 psychiatric, or other similar social history which
9 tends to indicate a violent, abusive, or assaultive
10 nature, or lack of any such history.

11 (3) The identity of any person or persons to whose
12 safety the defendant is believed to pose a threat, and the
13 nature of the threat;

14 (4) Any statements made by, or attributed to the
15 defendant, together with the circumstances surrounding
16 them;

17 (5) The age and physical condition of any person
18 assaulted by the defendant;

19 (6) Whether the defendant is known to possess or have
20 access to any weapon or weapons;

21 (7) Whether, at the time of the current offense or any
22 other offense or arrest, the defendant was on probation,
23 parole, aftercare release, mandatory supervised release or
24 other release from custody pending trial, sentencing,
25 appeal or completion of sentence for an offense under
26 federal or state law;

1 (8) Any other factors, including those listed in
2 Section 110-5 of this Article deemed by the court to have a
3 reasonable bearing upon the defendant's propensity or
4 reputation for violent, abusive or assaultive behavior, or
5 lack of such behavior.

6 (e) Detention order. The court shall, in any order for
7 detention:

8 (1) briefly summarize the evidence of the defendant's
9 culpability and its reasons for concluding that the
10 defendant should be held without pre-trial release ~~bail~~;

11 (2) direct that the defendant be committed to the
12 custody of the sheriff for confinement in the county jail
13 pending trial;

14 (3) direct that the defendant be given a reasonable
15 opportunity for private consultation with counsel, and for
16 communication with others of his or her choice by
17 visitation, mail and telephone; and

18 (4) direct that the sheriff deliver the defendant as
19 required for appearances in connection with court
20 proceedings.

21 (f) If the court enters an order for the detention of the
22 defendant under ~~pursuant to~~ subsection (e) of this Section, the
23 defendant shall be brought to trial on the offense for which he
24 or she is detained within 90 days after the date on which the
25 order for detention was entered. If the defendant is not
26 brought to trial within the 90-day period required by the

1 preceding sentence, he or she shall not be held longer without
2 pre-trial release bail. In computing the 90-day period, the
3 court shall omit any period of delay resulting from a
4 continuance granted at the request of the defendant.

5 (g) The pre-trial release hearing may be reopened before or
6 after a determination by the court under this Section before
7 trial begins at the request of the defendant if 2 court days
8 notice is given to the State. Rights of the defendant. The
9 defendant ~~Any person~~ shall be entitled to appeal any order
10 entered under this Section denying bail to the defendant.

11 (h) The State may appeal any order entered under this
12 Section denying any motion for denial of bail.

13 (i) Nothing in this Section shall be construed as modifying
14 or limiting in any way the defendant's presumption of innocence
15 in further criminal proceedings.

16 (Source: P.A. 98-558, eff. 1-1-14.)

17 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

18 Sec. 110-6.2. Post-conviction Detention.

19 (a) The court may order that a person who has been found
20 guilty of an offense and who is waiting imposition or execution
21 of sentence be held without pre-trial release bond unless the
22 court finds by clear and convincing evidence that the person is
23 not likely to flee or pose a danger to any other person or the
24 community if released under Sections 110-5 and 110-10 of this
25 Act.

1 (b) (Blank). ~~The court may order that person who has been~~
2 ~~found guilty of an offense and sentenced to a term of~~
3 ~~imprisonment be held without bond unless the court finds by~~
4 ~~clear and convincing evidence that:~~

5 ~~(1) the person is not likely to flee or pose a danger~~
6 ~~to the safety of any other person or the community if~~
7 ~~released on bond pending appeal; and~~

8 ~~(2) that the appeal is not for purpose of delay and~~
9 ~~raises a substantial question of law or fact likely to~~
10 ~~result in reversal or an order for a new trial.~~

11 (Source: P.A. 96-1200, eff. 7-22-10.)

12 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

13 Sec. 110-6.3. Denial of pre-trial release ~~bail~~ in stalking
14 and aggravated stalking offenses.

15 (a) Upon verified petition by the State, the court shall
16 hold a hearing to determine whether pre-trial release ~~bail~~
17 should be denied to a defendant who is charged with stalking or
18 aggravated stalking, when it is alleged that the defendant's
19 pre-trial release ~~admission to bail~~ poses a real and present
20 threat to the physical safety of the alleged victim of the
21 offense, and denial of pre-trial release ~~on bail or personal~~
22 ~~recognizance~~ is necessary to prevent fulfillment of the threat
23 upon which the charge is based.

24 (1) A petition may be filed without prior notice to the
25 defendant at the first appearance before a judge, or within

1 21 calendar days, except as provided in Section 110-6,
2 after arrest and release of the defendant upon reasonable
3 notice to defendant; provided that while the petition is
4 pending before the court, the defendant if previously
5 released shall not be detained.

6 (2) The hearing shall be held immediately upon the
7 defendant's appearance before the court, unless for good
8 cause shown the defendant or the State seeks a continuance.
9 A continuance on motion of the defendant may not exceed 5
10 calendar days, and the defendant may be held in custody
11 during the continuance. A continuance on the motion of the
12 State may not exceed 3 calendar days; however, the
13 defendant may be held in custody during the continuance
14 under this provision if the defendant has been previously
15 found to have violated an order of protection or has been
16 previously convicted of, or granted court supervision for,
17 any of the offenses set forth in Sections 11-1.20, 11-1.30,
18 11-1.40, 11-1.50, 11-1.60, 12-2, 12-3.05, 12-3.2, 12-3.3,
19 12-4, 12-4.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15
20 or 12-16 of the Criminal Code of 1961 or the Criminal Code
21 of 2012, against the same person as the alleged victim of
22 the stalking or aggravated stalking offense.

23 (b) The court may deny pre-trial release ~~bail~~ to the
24 defendant when, after the hearing, it is determined that:

25 (1) the proof is evident or the presumption great that
26 the defendant has committed the offense of stalking or

1 aggravated stalking; and

2 (2) the defendant poses a real and present threat to
3 the physical safety of the alleged victim of the offense;
4 and

5 (3) the denial of pre-trial release ~~on bail or personal~~
6 ~~recognizance~~ is necessary to prevent fulfillment of the
7 threat upon which the charge is based; and

8 (4) the court finds that no condition or combination of
9 conditions set forth in subsection (b) of Section 110-10 of
10 this Code, including mental health treatment at a community
11 mental health center, hospital, or facility of the
12 Department of Human Services, can reasonably assure the
13 physical safety of the alleged victim of the offense.

14 (c) Conduct of the hearings.

15 (1) The hearing on the defendant's culpability and
16 threat to the alleged victim of the offense shall be
17 conducted in accordance with the following provisions:

18 (A) Information used by the court in its findings
19 or stated in or offered at the hearing may be by way of
20 proffer based upon reliable information offered by the
21 State or by defendant. The defendant ~~Defendant~~ has the
22 right to be represented by counsel, and if he is
23 indigent, to have counsel appointed for him or her. The
24 defendant ~~Defendant~~ shall have the opportunity to
25 testify, to present witnesses in his or her own behalf,
26 and to cross-examine witnesses if any are called by the

1 State. The defendant has the right to present witnesses
2 in his or her favor. When the ends of justice so
3 require, the court may exercise its discretion and
4 compel the appearance of a complaining witness. The
5 court shall state on the record reasons for granting a
6 defense request to compel the presence of a complaining
7 witness. Cross-examination of a complaining witness at
8 the pretrial detention hearing for the purpose of
9 impeaching the witness' credibility is insufficient
10 reason to compel the presence of the witness. In
11 deciding whether to compel the appearance of a
12 complaining witness, the court shall be considerate of
13 the emotional and physical well-being of the witness.
14 The pre-trial ~~pretrial~~ detention hearing is not to be
15 used for the purposes of discovery, and the post
16 arraignment rules of discovery do not apply. The State
17 shall tender to the defendant, prior to the hearing,
18 copies of defendant's criminal history, if any, if
19 available, and any written or recorded statements and
20 the substance of any oral statements made by any
21 person, if relied upon by the State. The court may use
22 a regularly validated risk assessment tool. If a risk
23 assessment tool is used, the defendant's counsel shall
24 be provided with the information and scoring system of
25 the risk assessment tool used to arrive at the
26 determination. The defendant retains the right to

1 challenge the validity of a risk assessment tool used
2 by the court and to present evidence relevant to the
3 defendant's challenge. The rules concerning the
4 admissibility of evidence in criminal trials do not
5 apply to the presentation and consideration of
6 information at the hearing. At the trial concerning the
7 offense for which the hearing was conducted neither the
8 finding of the court nor any transcript or other record
9 of the hearing shall be admissible in the State's case
10 in chief, but shall be admissible for impeachment, or
11 as provided in Section 115-10.1 of this Code, or in a
12 perjury proceeding.

13 (B) A motion by the defendant to suppress evidence
14 or to suppress a confession shall not be entertained.
15 Evidence that proof may have been obtained as the
16 result of an unlawful search and seizure or through
17 improper interrogation is not relevant to this state of
18 the prosecution.

19 (2) The facts relied upon by the court to support a
20 finding that:

21 (A) the defendant poses a real and present threat
22 to the physical safety of the alleged victim of the
23 offense; and

24 (B) the denial of pre-trial release ~~on bail or~~
25 ~~personal recognizance~~ is necessary to prevent
26 fulfillment of the threat upon which the charge is

1 based;

2 shall be supported by clear and convincing evidence
3 presented by the State.

4 (d) Factors to be considered in making a determination of
5 the threat to the alleged victim of the offense. The court may,
6 in determining whether the defendant poses, at the time of the
7 hearing, a real and present threat to the physical safety of
8 the alleged victim of the offense, consider but shall not be
9 limited to evidence or testimony concerning:

10 (1) The nature and circumstances of the offense
11 charged;

12 (2) The history and characteristics of the defendant
13 including:

14 (A) Any evidence of the defendant's prior criminal
15 history indicative of violent, abusive or assaultive
16 behavior, or lack of that behavior. The evidence may
17 include testimony or documents received in juvenile
18 proceedings, criminal, quasi-criminal, civil
19 commitment, domestic relations or other proceedings;

20 (B) Any evidence of the defendant's psychological,
21 psychiatric or other similar social history that tends
22 to indicate a violent, abusive, or assaultive nature,
23 or lack of any such history.

24 (3) The nature of the threat which is the basis of the
25 charge against the defendant;

26 (4) Any statements made by, or attributed to the

1 defendant, together with the circumstances surrounding
2 them;

3 (5) The age and physical condition of any person
4 assaulted by the defendant;

5 (6) Whether the defendant is known to possess or have
6 access to any weapon or weapons;

7 (7) Whether, at the time of the current offense or any
8 other offense or arrest, the defendant was on probation,
9 parole, aftercare release, mandatory supervised release or
10 other release from custody pending trial, sentencing,
11 appeal or completion of sentence for an offense under
12 federal or state law;

13 (8) Any other factors, including those listed in
14 Section 110-5 of this Code, deemed by the court to have a
15 reasonable bearing upon the defendant's propensity or
16 reputation for violent, abusive or assaultive behavior, or
17 lack of that behavior.

18 (e) The court shall, in any order denying pre-trial release
19 ~~bail~~ to a person charged with stalking or aggravated stalking:

20 (1) briefly summarize the evidence of the defendant's
21 culpability and its reasons for concluding that the
22 defendant should be held without pre-trial release ~~bail~~;

23 (2) direct that the defendant be committed to the
24 custody of the sheriff for confinement in the county jail
25 pending trial;

26 (3) direct that the defendant be given a reasonable

1 opportunity for private consultation with counsel, and for
2 communication with others of his or her choice by
3 visitation, mail and telephone; and

4 (4) direct that the sheriff deliver the defendant as
5 required for appearances in connection with court
6 proceedings.

7 (f) If the court enters an order for the detention of the
8 defendant under subsection (e) of this Section, the defendant
9 shall be brought to trial on the offense for which he or she is
10 detained within 90 days after the date on which the order for
11 detention was entered. If the defendant is not brought to trial
12 within the 90-day period required by this subsection (f), he or
13 she shall not be held longer without pre-trial release ~~bail~~. In
14 computing the 90-day period, the court shall omit any period of
15 delay resulting from a continuance granted at the request of
16 the defendant. The court shall immediately notify the alleged
17 victim of the offense that the defendant has been released
18 ~~admitted to bail~~ under this subsection.

19 (g) The pre-trial release hearing may be reopened before or
20 after a determination by the court under this Section before
21 trial begins at the request of the defendant if 2 court days
22 notice is given to the State. The defendant ~~Any person~~ shall be
23 entitled to appeal any order entered under this Section denying
24 pre-trial release ~~bail~~ to the defendant.

25 (h) The State may appeal any order entered under this
26 Section denying any motion for denial of bail.

1 (i) Nothing in this Section shall be construed as modifying
2 or limiting in any way the defendant's presumption of innocence
3 in further criminal proceedings.

4 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
5 98-558, eff. 1-1-14.)

6 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

7 Sec. 110-7. Process Deposit of bail security.

8 ~~(a) The person for whom bail has been set shall execute the~~
9 ~~bail bond and deposit with the clerk of the court before which~~
10 ~~the proceeding is pending a sum of money equal to 10% of the~~
11 ~~bail, but in no event shall such deposit be less than \$25. The~~
12 ~~clerk of the court shall provide a space on each form for a~~
13 ~~person other than the accused who has provided the money for~~
14 ~~the posting of bail to so indicate and a space signed by an~~
15 ~~accused who has executed the bail bond indicating whether a~~
16 ~~person other than the accused has provided the money for the~~
17 ~~posting of bail. The form shall also include a written notice~~
18 ~~to such person who has provided the defendant with the money~~
19 ~~for the posting of bail indicating that the bail may be used to~~
20 ~~pay costs, attorney's fees, fines, or other purposes authorized~~
21 ~~by the court and if the defendant fails to comply with the~~
22 ~~conditions of the bail bond, the court shall enter an order~~
23 ~~declaring the bail to be forfeited. The written notice must be:~~
24 ~~(1) distinguishable from the surrounding text; (2) in bold type~~
25 ~~or underscored; and (3) in a type size at least 2 points larger~~

1 ~~than the surrounding type. When a person for whom bail has been~~
2 ~~set is charged with an offense under the Illinois Controlled~~
3 ~~Substances Act or the Methamphetamine Control and Community~~
4 ~~Protection Act which is a Class X felony, or making a terrorist~~
5 ~~threat in violation of Section 29D-20 of the Criminal Code of~~
6 ~~1961 or the Criminal Code of 2012 or an attempt to commit the~~
7 ~~offense of making a terrorist threat, the court may require the~~
8 ~~defendant to deposit a sum equal to 100% of the bail. Where any~~
9 person is charged with a forcible felony while on pre-trial
10 release free on bail and is the subject of proceedings under
11 Section 109-3 of this Code the judge conducting the preliminary
12 examination may also conduct a hearing upon the application of
13 the State under ~~pursuant to~~ the provisions of Section 110-6 of
14 this Code to increase or revoke conditions of pre-trial release
15 ~~the bail~~ for that person's prior alleged offense.

16 (b) (Blank). ~~Upon depositing this sum and any bond fee~~
17 ~~authorized by law, the person shall be released from custody~~
18 ~~subject to the conditions of the bail bond.~~

19 (c) Once pre-trial release bail has been given and a charge
20 is pending or is thereafter filed in or transferred to a court
21 of competent jurisdiction the latter court shall continue the
22 original conditions of pre-trial release bail in that court
23 subject to the provisions of Section 110-6 of this Code.

24 (d) After conviction the court may order that the original
25 conditions of pre-trial release bail stand ~~as bail~~ pending
26 appeal or deny, increase, or reduce conditions of pre-trial

1 release bail subject to the provisions of Section 110-6.2.

2 (e) After the entry of an order by the trial court allowing
3 or denying pre-trial release bail pending appeal either party
4 may apply to the reviewing court having jurisdiction or to a
5 justice thereof sitting in vacation for an order increasing or
6 decreasing the the conditions of pre-trial release amount of
7 bail or allowing or denying pre-trial release bail pending
8 appeal subject to the provisions of Section 110-6.2.

9 (f) (Blank). ~~When the conditions of the bail bond have been~~
10 ~~performed and the accused has been discharged from all~~
11 ~~obligations in the cause the clerk of the court shall return to~~
12 ~~the accused or to the defendant's designee by an assignment~~
13 ~~executed at the time the bail amount is deposited, unless the~~
14 ~~court orders otherwise, 90% of the sum which had been deposited~~
15 ~~and shall retain as bail bond costs 10% of the amount~~
16 ~~deposited. However, in no event shall the amount retained by~~
17 ~~the clerk as bail bond costs be less than \$5. Notwithstanding~~
18 ~~the foregoing, in counties with a population of 3,000,000 or~~
19 ~~more, in no event shall the amount retained by the clerk as~~
20 ~~bail bond costs exceed \$100. Bail bond deposited by or on~~
21 ~~behalf of a defendant in one case may be used, in the court's~~
22 ~~discretion, to satisfy financial obligations of that same~~
23 ~~defendant incurred in a different case due to a fine, court~~
24 ~~costs, restitution or fees of the defendant's attorney of~~
25 ~~record. In counties with a population of 3,000,000 or more, the~~
26 ~~court shall not order bail bond deposited by or on behalf of a~~

1 ~~defendant in one case to be used to satisfy financial~~
2 ~~obligations of that same defendant in a different case until~~
3 ~~the bail bond is first used to satisfy court costs and~~
4 ~~attorney's fees in the case in which the bail bond has been~~
5 ~~deposited and any other unpaid child support obligations are~~
6 ~~satisfied. In counties with a population of less than~~
7 ~~3,000,000, the court shall not order bail bond deposited by or~~
8 ~~on behalf of a defendant in one case to be used to satisfy~~
9 ~~financial obligations of that same defendant in a different~~
10 ~~case until the bail bond is first used to satisfy court costs~~
11 ~~in the case in which the bail bond has been deposited.~~

12 ~~At the request of the defendant the court may order such~~
13 ~~90% of defendant's bail deposit, or whatever amount is~~
14 ~~repayable to defendant from such deposit, to be paid to~~
15 ~~defendant's attorney of record.~~

16 (g) (Blank). ~~If the accused does not comply with the~~
17 ~~conditions of the bail bond the court having jurisdiction shall~~
18 ~~enter an order declaring the bail to be forfeited. Notice of~~
19 ~~such order of forfeiture shall be mailed forthwith to the~~
20 ~~accused at his last known address. If the accused does not~~
21 ~~appear and surrender to the court having jurisdiction within 30~~
22 ~~days from the date of the forfeiture or within such period~~
23 ~~satisfy the court that appearance and surrender by the accused~~
24 ~~is impossible and without his fault the court shall enter~~
25 ~~judgment for the State if the charge for which the bond was~~
26 ~~given was a felony or misdemeanor, or if the charge was~~

1 ~~quasi criminal or traffic, judgment for the political~~
2 ~~subdivision of the State which prosecuted the case, against the~~
3 ~~accused for the amount of the bail and costs of the court~~
4 ~~proceedings; however, in counties with a population of less~~
5 ~~than 3,000,000, instead of the court entering a judgment for~~
6 ~~the full amount of the bond the court may, in its discretion,~~
7 ~~enter judgment for the cash deposit on the bond, less costs,~~
8 ~~retain the deposit for further disposition or, if a cash bond~~
9 ~~was posted for failure to appear in a matter involving~~
10 ~~enforcement of child support or maintenance, the amount of the~~
11 ~~cash deposit on the bond, less outstanding costs, may be~~
12 ~~awarded to the person or entity to whom the child support or~~
13 ~~maintenance is due. The deposit made in accordance with~~
14 ~~paragraph (a) shall be applied to the payment of costs. If~~
15 ~~judgment is entered and any amount of such deposit remains~~
16 ~~after the payment of costs it shall be applied to payment of~~
17 ~~the judgment and transferred to the treasury of the municipal~~
18 ~~corporation wherein the bond was taken if the offense was a~~
19 ~~violation of any penal ordinance of a political subdivision of~~
20 ~~this State, or to the treasury of the county wherein the bond~~
21 ~~was taken if the offense was a violation of any penal statute~~
22 ~~of this State. The balance of the judgment may be enforced and~~
23 ~~collected in the same manner as a judgment entered in a civil~~
24 ~~action.~~

25 (h) (Blank). ~~After a judgment for a fine and court costs or~~
26 ~~either is entered in the prosecution of a cause in which a~~

1 ~~deposit had been made in accordance with paragraph (a) the~~
2 ~~balance of such deposit, after deduction of bail bond costs,~~
3 ~~shall be applied to the payment of the judgment.~~

4 (i) When a court appearance is required for an alleged
5 violation of the Criminal Code of 1961, the Criminal Code of
6 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish
7 and Aquatic Life Code, the Child Passenger Protection Act, or a
8 comparable offense of a unit of local government as specified
9 in Supreme Court Rule 551, and if the accused does not appear
10 in court on the date set for appearance or any date to which
11 the case may be continued and the court issues an arrest
12 warrant for the accused, based upon his or her failure to
13 appear when having so previously been ordered to appear by the
14 court, the accused ~~upon his or her admission to bail~~ shall be
15 assessed by the court a fee of \$75. Payment of the fee shall be
16 a condition of release unless otherwise ordered by the court.
17 ~~The fee shall be in addition to any bail that the accused is~~
18 ~~required to deposit for the offense for which the accused has~~
19 ~~been charged and may not be used for the payment of court costs~~
20 ~~or fines assessed for the offense.~~ The clerk of the court shall
21 remit \$70 of the fee assessed to the arresting agency who
22 brings the offender in on the arrest warrant. If the Department
23 of State Police is the arresting agency, \$70 of the fee
24 assessed shall be remitted by the clerk of the court to the
25 State Treasurer within one month after receipt for deposit into
26 the State Police Operations Assistance Fund. The clerk of the

1 court shall remit \$5 of the fee assessed to the Circuit Court
2 Clerk Operation and Administrative Fund as provided in Section
3 27.3d of the Clerks of Courts Act.

4 (Source: P.A. 99-412, eff. 1-1-16.)

5 (725 ILCS 5/110-9) (from Ch. 38, par. 110-9)

6 Sec. 110-9. Pre-trial release ~~Taking of bail~~ by peace
7 officer. A peace officer shall ~~When bail has been set by a~~
8 ~~judicial officer for a particular offense or offender any~~
9 ~~sheriff or other peace officer may take bail in accordance with~~
10 ~~the provisions of Section 110-7 or 110-8 of this Code and~~
11 release the offender to appear in accordance with the
12 conditions of pre-trial release ~~the bail bond~~, the Notice to
13 Appear, or the Summons. ~~The officer shall give a receipt to the~~
14 ~~offender for the bail so taken and within a reasonable time~~
15 ~~deposit such bail with the clerk of the court having~~
16 ~~jurisdiction of the offense. A sheriff or other peace officer~~
17 ~~taking bail in accordance with the provisions of Section 110-7~~
18 ~~or 110-8 of this Code shall accept payments made in the form of~~
19 ~~currency, and may accept other forms of payment as the sheriff~~
20 ~~shall by rule authorize. For purposes of this Section,~~
21 ~~"currency" has the meaning provided in subsection (a) of~~
22 ~~Section 3 of the Currency Reporting Act.~~

23 (Source: P.A. 99-618, eff. 1-1-17.)

24 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

1 Sec. 110-10. Conditions of pre-trial release ~~bail bond~~.

2 (a) If a person is released prior to conviction, either
3 upon setting of conditions of pre-trial release ~~payment of bail~~
4 ~~security~~ or on his or her own recognizance, the conditions of
5 the pre-trial release ~~bail bond~~ shall be that he or she shall
6 ~~will~~:

7 (1) Appear to answer the charge in the court having
8 jurisdiction on a day certain and thereafter as ordered by
9 the court until discharged or final order of the court;

10 (2) Submit himself or herself to the orders and process
11 of the court;

12 (3) Not depart this State without leave of the court;

13 (4) Not violate any criminal statute of any
14 jurisdiction;

15 (5) At a time and place designated by the court,
16 surrender all firearms in his or her possession to a law
17 enforcement officer designated by the court to take custody
18 of and impound the firearms and physically surrender his or
19 her Firearm Owner's Identification Card to the clerk of the
20 circuit court when the offense the person has been charged
21 with is a forcible felony, stalking, aggravated stalking,
22 domestic battery, ~~any violation of the Illinois Controlled~~
23 ~~Substances Act, the Methamphetamine Control and Community~~
24 ~~Protection Act, or the Cannabis Control Act that is~~
25 ~~classified as a Class 2 or greater felony,~~ or any felony
26 violation of Article 24 of the Criminal Code of 1961 or the

1 Criminal Code of 2012; the court may, however, forgo the
2 imposition of this condition when the circumstances of the
3 case clearly do not warrant it or when its imposition would
4 be impractical; if the Firearm Owner's Identification Card
5 is confiscated, the clerk of the circuit court shall mail
6 the confiscated card to the Department of Illinois State
7 Police; all legally possessed firearms shall be returned to
8 the person upon the charges being dismissed, or if the
9 person is found not guilty, unless the finding of not
10 guilty is by reason of insanity; and

11 (6) At a time and place designated by the court, submit
12 to a psychological evaluation when the person has been
13 charged with a violation of item (4) of subsection (a) of
14 Section 24-1 of the Criminal Code of 1961 or the Criminal
15 Code of 2012 and that violation occurred in a school or in
16 any conveyance owned, leased, or contracted by a school to
17 transport students to or from school or a school-related
18 activity, or on any public way within 1,000 feet of real
19 property comprising any school.

20 Psychological evaluations ordered under ~~pursuant to~~ this
21 Section shall be completed promptly and made available to the
22 State, the defendant, and the court. As a further condition of
23 pre-trial release ~~bail~~ under these circumstances, the court
24 shall order the defendant to refrain from entering upon the
25 property of the school, including any conveyance owned, leased,
26 or contracted by a school to transport students to or from

1 school or a school-related activity, or on any public way
2 within 1,000 feet of real property comprising any school. Upon
3 receipt of the psychological evaluation, either the State or
4 the defendant may request a change in the conditions of
5 pre-trial release bail, under ~~pursuant to~~ Section 110-6 of this
6 Code. The court may change the conditions of pre-trial release
7 ~~bail~~ to include a requirement that the defendant follow the
8 recommendations of the psychological evaluation, including
9 undergoing psychiatric treatment. The conclusions of the
10 psychological evaluation and any statements elicited from the
11 defendant during its administration are not admissible as
12 evidence of guilt during the course of any trial on the charged
13 offense, unless the defendant places his or her mental
14 competency in issue.

15 (b) The court may impose other conditions, such as the
16 following, if the court finds that those ~~such~~ conditions are
17 reasonably necessary to assure the defendant's appearance in
18 court, protect the public from the defendant, or prevent the
19 defendant's unlawful interference with the orderly
20 administration of justice:

21 (1) Report to or appear in person before a a ~~such~~ person
22 or agency as the court may direct;

23 (2) Refrain from possessing a firearm or other
24 dangerous weapon;

25 (3) Refrain from approaching or communicating with
26 particular persons or classes of persons;

1 (4) Refrain from going to certain described
2 geographical areas or premises;

3 (5) Refrain from engaging in certain activities or
4 indulging in intoxicating liquors or in certain drugs;

5 (6) Undergo treatment for drug addiction or
6 alcoholism;

7 (7) Undergo medical or psychiatric treatment;

8 (8) Work or pursue a course of study or vocational
9 training;

10 (9) Attend or reside in a facility designated by the
11 court;

12 (10) Support his or her dependents;

13 (11) If a minor resides with his or her parents or in a
14 foster home, attend school, attend a non-residential
15 program for youths, and contribute to his or her own
16 support at home or in a foster home;

17 (12) Observe any curfew ordered by the court;

18 (13) Remain in the custody of a ~~such~~ designated person
19 or organization agreeing to supervise his or her release.
20 The ~~Such~~ third party custodian shall be responsible for
21 notifying the court if the defendant fails to observe the
22 conditions of release which the custodian has agreed to
23 monitor, and shall be subject to contempt of court for
24 failure ~~to~~ to notify the court;

25 (14) Be placed under direct supervision of the Pretrial
26 Services Agency, Probation Department or Court Services

1 Department in a pretrial ~~bond~~ home supervision capacity
2 with or without the use of an approved electronic
3 monitoring device subject to Article 8A of Chapter V of the
4 Unified Code of Corrections;

5 (14.1) The court shall impose upon a defendant who is
6 charged with any alcohol, cannabis, methamphetamine, or
7 controlled substance violation and is placed under direct
8 supervision of the Pretrial Services Agency, Probation
9 Department or Court Services Department in a pretrial ~~bond~~
10 home supervision capacity with the use of an approved
11 monitoring device, as a condition of pre-trial release ~~such~~
12 ~~bail-bond~~, a fee that represents costs incidental to the
13 electronic monitoring for each day of ~~such bail~~ supervision
14 ordered by the court, unless after determining the
15 inability of the defendant to pay the fee, the court
16 assesses a lesser fee or no fee as the case may be. The fee
17 shall be collected by the clerk of the circuit court,
18 except as provided in an administrative order of the Chief
19 Judge of the circuit court. The clerk of the circuit court
20 shall pay all monies collected from this fee to the county
21 treasurer for deposit in the substance abuse services fund
22 under Section 5-1086.1 of the Counties Code, except as
23 provided in an administrative order of the Chief Judge of
24 the circuit court.

25 The Chief Judge of the circuit court of the county may
26 by administrative order establish a program for electronic

1 monitoring of offenders with regard to drug-related and
2 alcohol-related offenses, in which a vendor supplies and
3 monitors the operation of the electronic monitoring
4 device, and collects the fees on behalf of the county. The
5 program shall include provisions for indigent offenders
6 and the collection of unpaid fees. The program shall not
7 unduly burden the offender and shall be subject to review
8 by the Chief Judge.

9 The Chief Judge of the circuit court may suspend any
10 additional charges or fees for late payment, interest, or
11 damage to any device;

12 (14.2) The court shall impose upon all defendants,
13 including those defendants subject to paragraph (14.1)
14 above, placed under direct supervision of the Pretrial
15 Services Agency, Probation Department or Court Services
16 Department in a pretrial ~~bond~~ home supervision capacity
17 with the use of an approved monitoring device, as a
18 condition of pre-trial release ~~such bail bond~~, a fee which
19 shall represent costs incidental to the ~~such~~ electronic
20 monitoring for each day of ~~such bail~~ supervision ordered by
21 the court, unless after determining the inability of the
22 defendant to pay the fee, the court assesses a lesser fee
23 or no fee as the case may be. The fee shall be collected by
24 the clerk of the circuit court, except as provided in an
25 administrative order of the Chief Judge of the circuit
26 court. The clerk of the circuit court shall pay all monies

1 collected from this fee to the county treasurer who shall
2 use the monies collected to defray the costs of
3 corrections. The county treasurer shall deposit the fee
4 collected in the county working cash fund under Section
5 6-27001 or Section 6-29002 of the Counties Code, as the
6 case may be, except as provided in an administrative order
7 of the Chief Judge of the circuit court.

8 The Chief Judge of the circuit court of the county may
9 by administrative order establish a program for electronic
10 monitoring of offenders with regard to drug-related and
11 alcohol-related offenses, in which a vendor supplies and
12 monitors the operation of the electronic monitoring
13 device, and collects the fees on behalf of the county. The
14 program shall include provisions for indigent offenders
15 and the collection of unpaid fees. The program shall not
16 unduly burden the offender and shall be subject to review
17 by the Chief Judge.

18 The Chief Judge of the circuit court may suspend any
19 additional charges or fees for late payment, interest, or
20 damage to any device;

21 (14.3) The Chief Judge of the Judicial Circuit may
22 establish reasonable fees to be paid by a person receiving
23 pretrial services while under supervision of a pretrial
24 services agency, probation department, or court services
25 department. Reasonable fees may be charged for pretrial
26 services including, but not limited to, pretrial

1 supervision, diversion programs, electronic monitoring,
2 victim impact services, drug and alcohol testing, DNA
3 testing, GPS electronic monitoring, assessments and
4 evaluations related to domestic violence and other
5 victims, and victim mediation services. The person
6 receiving pretrial services may be ordered to pay all costs
7 incidental to pretrial services in accordance with his or
8 her ability to pay those costs;

9 (14.4) For persons charged with violating Section
10 11-501 of the Illinois Vehicle Code, refrain from operating
11 a motor vehicle not equipped with an ignition interlock
12 device, as defined in Section 1-129.1 of the Illinois
13 Vehicle Code, under ~~pursuant to~~ the rules promulgated by
14 the Secretary of State for the installation of ignition
15 interlock devices. Under this condition the court may allow
16 a defendant who is not self-employed to operate a vehicle
17 owned by the defendant's employer that is not equipped with
18 an ignition interlock device in the course and scope of the
19 defendant's employment;

20 (15) Comply with the terms and conditions of an order
21 of protection issued by the court under the Illinois
22 Domestic Violence Act of 1986 or an order of protection
23 issued by the court of another state, tribe, or United
24 States territory;

25 (16) Under Section 110-6.5 comply with the conditions
26 of the drug testing program; and

1 (17) Other ~~Such other~~ reasonable conditions as the
2 court may impose.

3 (c) When a person is charged with an offense under Section
4 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
5 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
6 Criminal Code of 2012, involving a victim who is a minor under
7 18 years of age living in the same household with the defendant
8 at the time of the offense, in setting conditions of pre-trial
9 release or ~~granting bail or~~ releasing the defendant on his own
10 recognizance, the judge shall impose conditions to restrict the
11 defendant's access to the victim which may include, but are not
12 limited to conditions that he or she will:

13 (1) ~~1.~~ Vacate the household.

14 (2) ~~2.~~ Make payment of temporary support to his or her
15 dependents.

16 (3) ~~3.~~ Refrain from contact or communication with the
17 child victim, except as ordered by the court.

18 (d) When a person is charged with a criminal offense and
19 the victim is a family or household member as defined in
20 Article 112A, conditions shall be imposed at the time of the
21 defendant's release ~~on bond~~ that restrict the defendant's
22 access to the victim. Unless provided otherwise by the court,
23 the restrictions shall include requirements that the defendant
24 do the following:

25 (1) refrain from contact or communication with the
26 victim for a minimum period of 72 hours following the

1 defendant's release; and

2 (2) refrain from entering or remaining at the victim's
3 residence for a minimum period of 72 hours following the
4 defendant's release.

5 (e) Local law enforcement agencies shall develop
6 standardized pre-trial release bond forms for use in cases
7 involving family or household members as defined in Article
8 112A, including specific conditions of pre-trial release bond
9 as provided in subsection (d). Failure of any law enforcement
10 department to develop or use those forms shall in no way limit
11 the applicability and enforcement of subsections (d) and (f).

12 (f) If the defendant is released ~~admitted to bail~~ after
13 conviction the conditions of release ~~the bail bond~~ shall be
14 that he or she will, in addition to the conditions set forth in
15 subsections (a) and (b) ~~hereof~~:

16 (1) Duly prosecute his or her appeal;

17 (2) Appear at the ~~such~~ time and place as the court may
18 direct;

19 (3) Not depart this State without leave of the court;

20 (4) Comply with ~~such~~ other reasonable conditions as the
21 court may impose; and

22 (5) If the judgment is affirmed or the cause reversed
23 and remanded for a new trial, forthwith surrender to the
24 officer from whose custody he or she was released ~~bailed~~.

25 (g) Upon a finding of guilty for any felony offense, the
26 defendant shall physically surrender, at a time and place

1 designated by the court, any and all firearms in his or her
2 possession and his or her Firearm Owner's Identification Card
3 as a condition of release ~~remaining on bond~~ pending sentencing.
4 (Source: P.A. 99-797, eff. 8-12-16.)

5 (725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

6 Sec. 110-11. Conditions of release ~~Bail~~ on a new trial. If
7 the judgment of conviction is reversed and the cause remanded
8 for a new trial the trial court may order that the conditions
9 of pre-trial release ~~bail~~ stand pending the ~~such~~ trial, or
10 modify the conditions imposed ~~reduce or increase bail~~.

11 (Source: Laws 1963, p. 2836.)

12 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

13 Sec. 110-12. Notice of change of address.

14 A defendant who has been released ~~admitted to bail~~ shall
15 file a written notice with the clerk of the court before which
16 the proceeding is pending of any change in his or her address
17 within 24 hours after the ~~such~~ change, except that a defendant
18 who has been released and the offense is ~~admitted to bail for~~ a
19 forcible felony as defined in Section 2-8 of the Criminal Code
20 of 2012 shall file a written notice with the clerk of the court
21 before which the proceeding is pending and the clerk shall
22 immediately deliver a time stamped copy of the written notice
23 to the State's Attorney charged with the prosecution within 24
24 hours prior to such change. The address of a defendant who has

1 been released ~~admitted to bail~~ shall at all times remain a
2 matter of public record with the clerk of the court.

3 (Source: P.A. 97-1150, eff. 1-25-13.)

4 (725 ILCS 5/110-16) (from Ch. 38, par. 110-16)

5 Sec. 110-16. Pre-trial release ~~Bail bond~~-forfeiture in
6 same case or absents self during trial-not eligible for release
7 ~~bailable~~.

8 If a person admitted to pre-trial release ~~bail~~ on a felony
9 charge forfeits his or her pre-trial release ~~bond~~ and fails to
10 appear in court during the 30 days immediately after the ~~such~~
11 forfeiture, on being taken into custody thereafter he or she
12 shall not be eligible for release ~~bailable~~ in the case in
13 question, unless the court finds that his or her absence was
14 not for the purpose of obstructing justice or avoiding
15 prosecution.

16 (Source: P.A. 77-1447.)

17 (725 ILCS 5/110-18) (from Ch. 38, par. 110-18)

18 Sec. 110-18. Reimbursement. The sheriff of each county
19 shall certify to the treasurer of each county the number of
20 days that persons had been detained in the custody of the
21 sheriff without pre-trial release ~~a bond being set~~ as a result
22 of an order entered under ~~pursuant to~~ Section 110-6.1 of this
23 Code. The county treasurer shall, no later than January 1,
24 annually certify to the Supreme Court the number of days that

1 persons had been detained without pre-trial release ~~bond~~ during
2 the twelve-month period ending November 30. The Supreme Court
3 shall reimburse, from funds appropriated to it by the General
4 Assembly for such purposes, the treasurer of each county an
5 amount of money for deposit in the county general revenue fund
6 at a rate of \$50 per day for each day that persons were
7 detained in custody without pre-trial release ~~bail~~ as a result
8 of an order entered under ~~pursuant to~~ Section 110-6.1 of this
9 Code.

10 (Source: P.A. 85-892.)

11 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

12 Sec. 112A-23. Enforcement of orders of protection.

13 (a) When violation is crime. A violation of any order of
14 protection, whether issued in a civil, quasi-criminal
15 proceeding, shall be enforced by a criminal court when:

16 (1) The respondent commits the crime of violation of an
17 order of protection under ~~pursuant to~~ Section 12-3.4 or
18 12-30 of the Criminal Code of 1961 or the Criminal Code of
19 2012, by having knowingly violated:

20 (i) remedies described in paragraphs (1), (2),
21 (3), (14), or (14.5) of subsection (b) of Section
22 112A-14,

23 (ii) a remedy, which is substantially similar to
24 the remedies authorized under paragraphs (1), (2),
25 (3), (14) or (14.5) of subsection (b) of Section 214 of

1 the Illinois Domestic Violence Act of 1986, in a valid
2 order of protection, which is authorized under the laws
3 of another state, tribe or United States territory,

4 (iii) or any other remedy when the act constitutes
5 a crime against the protected parties as defined by the
6 Criminal Code of 1961 or the Criminal Code of 2012.

7 Prosecution for a violation of an order of protection
8 shall not bar concurrent prosecution for any other crime,
9 including any crime that may have been committed at the
10 time of the violation of the order of protection; or

11 (2) The respondent commits the crime of child abduction
12 under ~~pursuant to~~ Section 10-5 of the Criminal Code of 1961
13 or the Criminal Code of 2012, by having knowingly violated:

14 (i) remedies described in paragraphs (5), (6) or
15 (8) of subsection (b) of Section 112A-14, or

16 (ii) a remedy, which is substantially similar to
17 the remedies authorized under paragraphs (1), (5),
18 (6), or (8) of subsection (b) of Section 214 of the
19 Illinois Domestic Violence Act of 1986, in a valid
20 order of protection, which is authorized under the laws
21 of another state, tribe or United States territory.

22 (b) When violation is contempt of court. A violation of any
23 valid order of protection, whether issued in a civil or
24 criminal proceeding, may be enforced through civil or criminal
25 contempt procedures, as appropriate, by any court with
26 jurisdiction, regardless where the act or acts which violated

1 the order of protection were committed, to the extent
2 consistent with the venue provisions of this Article. Nothing
3 in this Article shall preclude any Illinois court from
4 enforcing any valid order of protection issued in another
5 state. The courts of this State ~~Illinois courts~~ may enforce
6 orders of protection through both criminal prosecution and
7 contempt proceedings, unless the action which is second in time
8 is barred by collateral estoppel or the constitutional
9 prohibition against double jeopardy.

10 (1) In a contempt proceeding where the petition for a
11 rule to show cause sets forth facts evidencing an immediate
12 danger that the respondent will flee the jurisdiction,
13 conceal a child, or inflict physical abuse on the
14 petitioner or minor children or on dependent adults in
15 petitioner's care, the court may order the attachment of
16 the respondent without prior service of the rule to show
17 cause or the petition for a rule to show cause. Pre-trial
18 release ~~Bond~~ shall be set unless specifically denied in
19 writing.

20 (2) A petition for a rule to show cause for violation
21 of an order of protection shall be treated as an expedited
22 proceeding.

23 (c) Violation of custody, allocation of parental
24 responsibility, or support orders. A violation of remedies
25 described in paragraphs (5), (6), (8), or (9) of subsection (b)
26 of Section 112A-14 may be enforced by any remedy provided by

1 Section 607.5 of the Illinois Marriage and Dissolution of
2 Marriage Act. The court may enforce any order for support
3 issued under paragraph (12) of subsection (b) of Section
4 112A-14 in the manner provided for under Parts V and VII of the
5 Illinois Marriage and Dissolution of Marriage Act.

6 (d) Actual knowledge. An order of protection may be
7 enforced under ~~pursuant to~~ this Section if the respondent
8 violates the order after respondent has actual knowledge of its
9 contents as shown through one of the following means:

10 (1) By service, delivery, or notice under Section
11 112A-10.

12 (2) By notice under Section 112A-11.

13 (3) By service of an order of protection under Section
14 112A-22.

15 (4) By other means demonstrating actual knowledge of
16 the contents of the order.

17 (e) The enforcement of an order of protection in civil or
18 criminal court shall not be affected by either of the
19 following:

20 (1) The existence of a separate, correlative order
21 entered under Section 112A-15.

22 (2) Any finding or order entered in a conjoined
23 criminal proceeding.

24 (f) Circumstances. The court, when determining whether or
25 not a violation of an order of protection has occurred, shall
26 not require physical manifestations of abuse on the person of

1 the victim.

2 (g) Penalties.

3 (1) Except as provided in paragraph (3) of this
4 subsection, where the court finds the commission of a crime
5 or contempt of court under subsections (a) or (b) of this
6 Section, the penalty shall be the penalty that generally
7 applies in such criminal or contempt proceedings, and may
8 include one or more of the following: incarceration,
9 payment of restitution, a fine, payment of attorneys' fees
10 and costs, or community service.

11 (2) The court shall hear and take into account evidence
12 of any factors in aggravation or mitigation before deciding
13 an appropriate penalty under paragraph (1) of this
14 subsection.

15 (3) To the extent permitted by law, the court is
16 encouraged to:

17 (i) increase the penalty for the knowing violation
18 of any order of protection over any penalty previously
19 imposed by any court for respondent's violation of any
20 order of protection or penal statute involving
21 petitioner as victim and respondent as defendant;

22 (ii) impose a minimum penalty of 24 hours
23 imprisonment for respondent's first violation of any
24 order of protection; and

25 (iii) impose a minimum penalty of 48 hours
26 imprisonment for respondent's second or subsequent

1 violation of an order of protection
2 unless the court explicitly finds that an increased penalty
3 or that period of imprisonment would be manifestly unjust.

4 (4) In addition to any other penalties imposed for a
5 violation of an order of protection, a criminal court may
6 consider evidence of any violations of an order of
7 protection:

8 (i) to increase, revoke, or modify the conditions
9 of pre-trial release ~~bail bond~~ on an underlying
10 criminal charge under ~~pursuant to~~ Section 110-6;

11 (ii) to revoke or modify an order of probation,
12 conditional discharge or supervision, under ~~pursuant~~
13 ~~to~~ Section 5-6-4 of the Unified Code of Corrections;

14 (iii) to revoke or modify a sentence of periodic
15 imprisonment, under ~~pursuant to~~ Section 5-7-2 of the
16 Unified Code of Corrections.

17 (Source: P.A. 99-90, eff. 1-1-16.)

18 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

19 Sec. 115-4.1. Absence of defendant.

20 (a) When a defendant after arrest and an initial court
21 appearance for a non-capital felony or a misdemeanor, fails to
22 appear for trial, at the request of the State and after the
23 State has affirmatively proven through substantial evidence
24 that the defendant is willfully avoiding trial, the court may
25 commence trial in the absence of the defendant. Absence of a

1 defendant as specified in this Section shall not be a bar to
2 indictment of a defendant, return of information against a
3 defendant, or arraignment of a defendant for the charge for
4 which pre-trial release ~~bail~~ has been granted. If a defendant
5 fails to appear at arraignment, the court may enter a plea of
6 "not guilty" on his or her behalf. If a defendant absents
7 himself or herself before trial on a capital felony, trial may
8 proceed as specified in this Section provided that the State
9 certifies that it will not seek a death sentence following
10 conviction. Trial in the defendant's absence shall be by jury
11 unless the defendant had previously waived trial by jury. The
12 absent defendant must be represented by retained or appointed
13 counsel. ~~The court, at the conclusion of all of the~~
14 ~~proceedings, may order the clerk of the circuit court to pay~~
15 ~~counsel such sum as the court deems reasonable, from any bond~~
16 ~~monies which were posted by the defendant with the clerk, after~~
17 ~~the clerk has first deducted all court costs.~~ If trial had
18 previously commenced in the presence of the defendant and the
19 defendant willfully absents himself for two successive court
20 days, the court shall proceed to trial. All procedural rights
21 guaranteed by the United States Constitution, Constitution of
22 the State of Illinois, statutes of this ~~the State of Illinois,~~
23 and rules of court shall apply to the proceedings the same as
24 if the defendant were present in court ~~and had not either~~
25 ~~forfeited his bail bond or escaped from custody.~~ The court may
26 set the case for a trial which may be conducted under this

1 Section despite the failure of the defendant to appear at the
2 hearing at which the trial date is set. When such trial date is
3 set the clerk shall send to the defendant, by certified mail at
4 his or her last known address ~~indicated on his bond slip,~~
5 notice of the new date which has been set for trial. ~~The~~ Such
6 notification shall be required when the defendant was not
7 personally present in open court at the time when the case was
8 set for trial.

9 (b) The absence of a defendant from a trial conducted under
10 ~~pursuant to~~ this Section does not operate as a bar to
11 concluding the trial, to a judgment of conviction resulting
12 therefrom, or to a final disposition of the trial in favor of
13 the defendant.

14 (c) Upon a verdict of not guilty, the court shall enter
15 judgment for the defendant. Upon a verdict of guilty, the court
16 shall set a date for the hearing of post-trial motions and
17 shall hear such motion in the absence of the defendant. If
18 post-trial motions are denied, the court shall proceed to
19 conduct a sentencing hearing and to impose a sentence upon the
20 defendant.

21 (d) A defendant who is absent for part of the proceedings
22 of trial, post-trial motions, or sentencing, does not ~~thereby~~
23 forfeit his or her right to be present at all remaining
24 proceedings.

25 (e) When a defendant who in his or her absence has been
26 either convicted or sentenced or both convicted and sentenced

1 appears before the court, he or she must be granted a new trial
2 or new sentencing hearing if the defendant can establish that
3 his or her failure to appear in court was both without his or
4 her fault and due to circumstances beyond his or her control. A
5 hearing with notice to the State's Attorney on the defendant's
6 request for a new trial or a new sentencing hearing must be
7 held before any ~~such~~ request may be granted. At any ~~such~~
8 hearing both the defendant and the State may present evidence.

9 (f) If the court grants only the defendant's request for a
10 new sentencing hearing, then a new sentencing hearing shall be
11 held under ~~in accordance with~~ the provisions of the Unified
12 Code of Corrections. At any ~~such~~ hearing, both the defendant
13 and the State may offer evidence of the defendant's conduct
14 during his or her period of absence from the court. The court
15 may impose any sentence authorized by the Unified Code of
16 Corrections and is not in any way limited or restricted by any
17 sentence previously imposed.

18 (g) A defendant whose motion under paragraph (e) for a new
19 trial or new sentencing hearing has been denied may file a
20 notice of appeal ~~therefrom~~. The ~~Such~~ notice may also include a
21 request for review of the judgment and sentence not vacated by
22 the trial court.

23 (Source: P.A. 90-787, eff. 8-14-98.)

24 (725 ILCS 5/102-7 rep.)

25 (725 ILCS 5/110-6.5 rep.)

1 (725 ILCS 5/110-8 rep.)

2 (725 ILCS 5/110-13 rep.)

3 (725 ILCS 5/110-14 rep.)

4 (725 ILCS 5/110-15 rep.)

5 (725 ILCS 5/110-17 rep.)

6 Section 20. The Code of Criminal Procedure of 1963 is
7 amended by repealing Sections 102-7, 110-6.5, 110-8, 110-13,
8 110-14, 110-15, and 110-17.

9 Section 25. The Pretrial Services Act is amended by
10 changing Sections 7, 20, 22, and 34 as follows:

11 (725 ILCS 185/7) (from Ch. 38, par. 307)

12 Sec. 7. Duties of pretrial service agencies. Pretrial
13 services agencies shall perform the following duties for the
14 circuit court:

15 (a) Interview and assemble verified information and data
16 concerning the community ties, employment, residency, criminal
17 record, and social background of arrested persons who are to
18 be, or have been, presented in court for first appearance on
19 felony charges, to assist the court in determining the
20 appropriate terms and conditions of pretrial release;

21 (b) Submit written reports of those investigations to the
22 court along with such findings and recommendations, if any, as
23 may be necessary to assess:

24 (1) the need for financial security to assure the

1 defendant's appearance at later proceedings; and

2 (2) appropriate conditions which shall be imposed to
3 protect against the risks of nonappearance and commission of
4 new offenses or other interference with the orderly
5 administration of justice before trial;

6 (c) Supervise compliance with pretrial release conditions,
7 and promptly report violations of those conditions to the court
8 and prosecutor to assure effective enforcement;

9 (c-5) Provide reminders to defendants of upcoming court
10 dates via phone or messaging and offer transportation
11 assistance for indigent defendants;

12 (d) Cooperate with the court and all other criminal justice
13 agencies in the development of programs to minimize unnecessary
14 pretrial detention and protect the public against breaches of
15 pretrial release conditions; and

16 (e) Monitor the local operations of the pretrial release
17 system and maintain accurate and comprehensive records of
18 program activities.

19 (Source: P.A. 84-1449.)

20 (725 ILCS 185/20) (from Ch. 38, par. 320)

21 Sec. 20. Recommendations and evaluation. In preparing and
22 presenting its written reports under Sections 17 and 19,
23 pretrial services agencies shall in appropriate cases include
24 specific recommendations for the setting, increasing or
25 modifying the conditions of pre-trial release ~~increase, or~~

1 ~~decrease of bail~~; the release of the interviewee on his or her
2 own recognizance ~~in sums certain~~; and the imposition of
3 pretrial conditions for pre-trial release ~~to bail or~~
4 ~~recognizance~~ designed to minimize the risks of nonappearance,
5 the commission of new offenses while awaiting trial, and other
6 potential interference with the orderly administration of
7 justice. In establishing objective internal criteria of any
8 such recommendation policies, the agency may utilize so-called
9 "point scales" for evaluating the aforementioned risks, but no
10 interviewee shall be considered as ineligible for particular
11 agency recommendations by sole reference to such procedures.

12 (Source: P.A. 91-357, eff. 7-29-99.)

13 (725 ILCS 185/22) (from Ch. 38, par. 322)

14 Sec. 22. Uniform pre-trial release order. If so ordered by
15 the court, the pretrial services agency shall prepare and
16 submit for the court's approval and signature a uniform release
17 order on the uniform form established by the Supreme Court in
18 all cases where an interviewee may be released from custody
19 under conditions contained in an agency report. The ~~Such~~
20 conditions shall become part of the conditions of the pre-trial
21 release order ~~bail bond~~. A copy of the uniform release order
22 shall be provided to the defendant and defendant's attorney of
23 record⁷ and the prosecutor.

24 (Source: P.A. 84-1449.)

1 (725 ILCS 185/34)

2 Sec. 34. Probation and court services departments
3 considered pretrial services agencies. For the purposes of
4 administering the provisions of Public Act 95-773, known as the
5 Cindy Bischof Law, all probation and court services departments
6 are to be considered pretrial services agencies under this Act
7 and under the conditions of pre-trial release ~~bail bond~~
8 provisions of the Code of Criminal Procedure of 1963.

9 (Source: P.A. 96-341, eff. 8-11-09.)

10 Section 30. The Unified Code of Corrections is amended by
11 changing Sections 5-6-4 as follows:

12 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

13 Sec. 5-6-4. Violation, Modification or Revocation of
14 Probation, of Conditional Discharge or Supervision or of a
15 sentence of county impact incarceration - Hearing.

16 (a) Except in cases where conditional discharge or
17 supervision was imposed for a petty offense as defined in
18 Section 5-1-17, when a petition is filed charging a violation
19 of a condition, the court may:

20 (1) in the case of probation violations, order the
21 issuance of a notice to the offender to be present by the
22 County Probation Department or such other agency
23 designated by the court to handle probation matters; and in
24 the case of conditional discharge or supervision

1 violations, such notice to the offender shall be issued by
2 the Circuit Court Clerk; and in the case of a violation of
3 a sentence of county impact incarceration, such notice
4 shall be issued by the Sheriff;

5 (2) order a summons to the offender to be present for
6 hearing; or

7 (3) order a warrant for the offender's arrest where
8 there is danger of his fleeing the jurisdiction or causing
9 serious harm to others or when the offender fails to answer
10 a summons or notice from the clerk of the court or Sheriff.

11 Personal service of the petition for violation of probation
12 or the issuance of such warrant, summons or notice shall toll
13 the period of probation, conditional discharge, supervision,
14 or sentence of county impact incarceration until the final
15 determination of the charge, and the term of probation,
16 conditional discharge, supervision, or sentence of county
17 impact incarceration shall not run until the hearing and
18 disposition of the petition for violation.

19 (b) The court shall conduct a hearing of the alleged
20 violation. The court shall release the defendant ~~admit the~~
21 ~~offender to bail~~ pending the hearing unless the alleged
22 violation is itself a criminal offense in which case the
23 offender shall be released ~~admitted to bail~~ on such terms as
24 are provided in the Code of Criminal Procedure of 1963, ~~as~~
25 ~~amended~~. In any case where an offender remains incarcerated
26 only as a result of his or her alleged violation of the court's

1 earlier order of probation, supervision, conditional
2 discharge, or county impact incarceration the ~~such~~ hearing
3 shall be held within 14 days of the onset of said
4 incarceration, unless the alleged violation is the commission
5 of another offense by the offender during the period of
6 probation, supervision or conditional discharge in which case
7 such hearing shall be held within the time limits described in
8 Section 103-5 of the Code of Criminal Procedure of 1963, ~~as~~
9 ~~amended~~.

10 (c) The State has the burden of going forward with the
11 evidence and proving the violation by the preponderance of the
12 evidence. The evidence shall be presented in open court with
13 the right of confrontation, cross-examination, and
14 representation by counsel.

15 (d) Probation, conditional discharge, periodic
16 imprisonment and supervision shall not be revoked for failure
17 to comply with conditions of a sentence or supervision, which
18 imposes financial obligations upon the offender unless such
19 failure is due to his willful refusal to pay.

20 (e) If the court finds that the offender has violated a
21 condition at any time prior to the expiration or termination of
22 the period, it may continue him on the existing sentence, with
23 or without modifying or enlarging the conditions, or may impose
24 any other sentence that was available under Article 4.5 of
25 Chapter V of this Code or Section 11-501 of the Illinois
26 Vehicle Code at the time of initial sentencing. If the court

1 finds that the person has failed to successfully complete his
2 or her sentence to a county impact incarceration program, the
3 court may impose any other sentence that was available under
4 Article 4.5 of Chapter V of this Code or Section 11-501 of the
5 Illinois Vehicle Code at the time of initial sentencing, except
6 for a sentence of probation or conditional discharge. If the
7 court finds that the offender has violated paragraph (8.6) of
8 subsection (a) of Section 5-6-3, the court shall revoke the
9 probation of the offender. If the court finds that the offender
10 has violated subsection (o) of Section 5-6-3.1, the court shall
11 revoke the supervision of the offender.

12 (f) The conditions of probation, of conditional discharge,
13 of supervision, or of a sentence of county impact incarceration
14 may be modified by the court on motion of the supervising
15 agency or on its own motion or at the request of the offender
16 after notice and a hearing.

17 (g) A judgment revoking supervision, probation,
18 conditional discharge, or a sentence of county impact
19 incarceration is a final appealable order.

20 (h) Resentencing after revocation of probation,
21 conditional discharge, supervision, or a sentence of county
22 impact incarceration shall be under Article 4. The term on
23 probation, conditional discharge or supervision shall not be
24 credited by the court against a sentence of imprisonment or
25 periodic imprisonment unless the court orders otherwise. The
26 amount of credit to be applied against a sentence of

1 imprisonment or periodic imprisonment when the defendant
2 served a term or partial term of periodic imprisonment shall be
3 calculated upon the basis of the actual days spent in
4 confinement rather than the duration of the term.

5 (i) Instead of filing a violation of probation, conditional
6 discharge, supervision, or a sentence of county impact
7 incarceration, an agent or employee of the supervising agency
8 with the concurrence of his or her supervisor may serve on the
9 defendant a Notice of Intermediate Sanctions. The Notice shall
10 contain the technical violation or violations involved, the
11 date or dates of the violation or violations, and the
12 intermediate sanctions to be imposed. Upon receipt of the
13 Notice, the defendant shall immediately accept or reject the
14 intermediate sanctions. If the sanctions are accepted, they
15 shall be imposed immediately. If the intermediate sanctions are
16 rejected or the defendant does not respond to the Notice, a
17 violation of probation, conditional discharge, supervision, or
18 a sentence of county impact incarceration shall be immediately
19 filed with the court. The State's Attorney and the sentencing
20 court shall be notified of the Notice of Sanctions. Upon
21 successful completion of the intermediate sanctions, a court
22 may not revoke probation, conditional discharge, supervision,
23 or a sentence of county impact incarceration or impose
24 additional sanctions for the same violation. A notice of
25 intermediate sanctions may not be issued for any violation of
26 probation, conditional discharge, supervision, or a sentence

1 of county impact incarceration which could warrant an
2 additional, separate felony charge. The intermediate sanctions
3 shall include a term of home detention as provided in Article
4 8A of Chapter V of this Code for multiple or repeat violations
5 of the terms and conditions of a sentence of probation,
6 conditional discharge, or supervision.

7 (j) When an offender is re-sentenced after revocation of
8 probation that was imposed in combination with a sentence of
9 imprisonment for the same offense, the aggregate of the
10 sentences may not exceed the maximum term authorized under
11 Article 4.5 of Chapter V.

12 (Source: P.A. 95-35, eff. 1-1-08; 95-1052, eff. 7-1-09;
13 96-1200, eff. 7-22-10.)

14 Section 35. The Uniform Criminal Extradition Act is amended
15 by changing Section 16 as follows:

16 (725 ILCS 225/16) (from Ch. 60, par. 33)

17 Sec. 16. Bail; in what cases; conditions of bond.

18 Unless the offense with which the prisoner is charged is
19 shown to be an offense punishable by death or life imprisonment
20 under the laws of the state in which it was committed, a judge
21 in this State may admit the person arrested to bail by bond,
22 with sufficient sureties, and in such sum as he or she deems
23 proper, conditioned for his or her appearance before him or her
24 at a time specified in such bond, and for his surrender, to be

1 arrested upon the warrant of the Governor of this State. Bail
2 under this Act and the procedures for it shall be as provided
3 by Supreme Court Rule.

4 (Source: P.A. 77-1256.)

5 Section 40. The County Jail Good Behavior Allowance Act is
6 amended by changing Section 3 as follows:

7 (730 ILCS 130/3) (from Ch. 75, par. 32)

8 Sec. 3. Good behavior allowance. The good behavior of any
9 person who commences a sentence of confinement in a county jail
10 for a fixed term of imprisonment after January 1, 1987 shall
11 entitle such person to a good behavior allowance, except that:
12 (1) a person who inflicted physical harm upon another person in
13 committing the offense for which he is confined shall receive
14 no good behavior allowance; and (2) a person sentenced for an
15 offense for which the law provides a mandatory minimum sentence
16 shall not receive any portion of a good behavior allowance that
17 would reduce the sentence below the mandatory minimum; and (3)
18 a person sentenced to a county impact incarceration program;
19 and (4) a person who is convicted of criminal sexual assault
20 under subdivision (a) (3) of Section 11-1.20 or paragraph (a) (3)
21 of Section 12-13 of the Criminal Code of 1961 or the Criminal
22 Code of 2012, criminal sexual abuse, or aggravated criminal
23 sexual abuse shall receive no good behavior allowance. The good
24 behavior allowance provided for in this Section shall not apply

1 to individuals sentenced for a felony to probation or
2 conditional discharge where a condition of such probation or
3 conditional discharge is that the individual serve a sentence
4 of periodic imprisonment or to individuals sentenced under an
5 order of court for civil contempt.

6 Such good behavior allowance shall be cumulative and
7 awarded as provided in this Section.

8 The good behavior allowance rate shall be cumulative and
9 awarded on the following basis:

10 The prisoner shall receive one day of good behavior
11 allowance for each day of service of sentence in the county
12 jail, and one day of good behavior allowance for each day of
13 incarceration in the county jail before sentencing for the
14 offense that he or she is currently serving sentence ~~but was~~
15 ~~unable to post bail before sentencing~~, except that a prisoner
16 serving a sentence of periodic imprisonment under Section 5-7-1
17 of the Unified Code of Corrections shall only be eligible to
18 receive good behavior allowance if authorized by the sentencing
19 judge. Each day of good behavior allowance shall reduce by one
20 day the prisoner's period of incarceration set by the court.
21 For the purpose of calculating a prisoner's good behavior
22 allowance, a fractional part of a day shall not be calculated
23 as a day of service of sentence in the county jail unless the
24 fractional part of the day is over 12 hours in which case a
25 whole day shall be credited on the good behavior allowance.

26 If consecutive sentences are served and the time served

1 amounts to a total of one year or more, the good behavior
2 allowance shall be calculated on a continuous basis throughout
3 the entire time served beginning on the first date of sentence
4 or incarceration, as the case may be.

5 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

6 Section 45. The Civil No Contact Order Act is amended by
7 changing Section 220 as follows:

8 (740 ILCS 22/220)

9 Sec. 220. Enforcement of a civil no contact order.

10 (a) Nothing in this Act shall preclude any ~~Illinois~~ court
11 of this State from enforcing a valid protective order issued in
12 another state.

13 (b) Courts of this State ~~Illinois courts~~ may enforce civil
14 no contact orders through both criminal proceedings and civil
15 contempt proceedings, unless the action which is second in time
16 is barred by collateral estoppel or the constitutional
17 prohibition against double jeopardy.

18 (b-1) The court shall not hold a school district or private
19 or non-public school or any of its employees in civil or
20 criminal contempt unless the school district or private or
21 non-public school has been allowed to intervene.

22 (b-2) The court may hold the parents, guardian, or legal
23 custodian of a minor respondent in civil or criminal contempt
24 for a violation of any provision of any order entered under

1 this Act for conduct of the minor respondent in violation of
2 this Act if the parents, guardian, or legal custodian directed,
3 encouraged, or assisted the respondent minor in such conduct.

4 (c) Criminal prosecution. A violation of any civil no
5 contact order, whether issued in a civil or criminal
6 proceeding, shall be enforced by a criminal court when the
7 respondent commits the crime of violation of a civil no contact
8 order under ~~pursuant to~~ Section 219 by having knowingly
9 violated:

10 (1) remedies described in Section 213 and included in a
11 civil no contact order; or

12 (2) a provision of an order, which is substantially
13 similar to provisions of Section 213, in a valid civil no
14 contact order which is authorized under the laws of another
15 state, tribe, or United States territory.

16 Prosecution for a violation of a civil no contact order
17 shall not bar a concurrent prosecution for any other crime,
18 including any crime that may have been committed at the time of
19 the violation of the civil no contact order.

20 (d) Contempt of court. A violation of any valid Illinois
21 civil no contact order, whether issued in a civil or criminal
22 proceeding, may be enforced through civil or criminal contempt
23 procedures, as appropriate, by any court with jurisdiction,
24 regardless of where the act or acts which violated the civil no
25 contact order were committed, to the extent consistent with the
26 venue provisions of this Act.

1 (1) In a contempt proceeding where the petition for a
2 rule to show cause or petition for adjudication of criminal
3 contempt sets forth facts evidencing an immediate danger
4 that the respondent will flee the jurisdiction or inflict
5 physical abuse on the petitioner or minor children or on
6 dependent adults in the petitioner's care, the court may
7 order the attachment of the respondent without prior
8 service of the petition for a rule to show cause, the rule
9 to show cause, the petition for adjudication of criminal
10 contempt or the adjudication of criminal contempt.
11 Conditions of pre-trial release ~~Bond~~ shall be set unless
12 specifically denied in writing.

13 (2) A petition for a rule to show cause or a petition
14 for adjudication of criminal contempt for violation of a
15 civil no contact order shall be treated as an expedited
16 proceeding.

17 (e) Actual knowledge. A civil no contact order may be
18 enforced under ~~pursuant to~~ this Section if the respondent
19 violates the order after the respondent has actual knowledge of
20 its contents as shown through one of the following means:

21 (1) by service, delivery, or notice under Section 208;

22 (2) by notice under Section 218;

23 (3) by service of a civil no contact order under
24 Section 218; or

25 (4) by other means demonstrating actual knowledge of
26 the contents of the order.

1 (f) The enforcement of a civil no contact order in civil or
2 criminal court shall not be affected by either of the
3 following:

4 (1) the existence of a separate, correlative order,
5 entered under Section 202; or

6 (2) any finding or order entered in a conjoined
7 criminal proceeding.

8 (g) Circumstances. The court, when determining whether or
9 not a violation of a civil no contact order has occurred, shall
10 not require physical manifestations of abuse on the person of
11 the victim.

12 (h) Penalties.

13 (1) Except as provided in paragraph (3) of this
14 subsection, where the court finds the commission of a crime
15 or contempt of court under subsection (a) or (b) of this
16 Section, the penalty shall be the penalty that generally
17 applies in such criminal or contempt proceedings, and may
18 include one or more of the following: incarceration,
19 payment of restitution, a fine, payment of attorneys' fees
20 and costs, or community service.

21 (2) The court shall hear and take into account evidence
22 of any factors in aggravation or mitigation before deciding
23 an appropriate penalty under paragraph (1) of this
24 subsection.

25 (3) To the extent permitted by law, the court is
26 encouraged to:

1 (i) increase the penalty for the knowing violation
2 of any civil no contact order over any penalty
3 previously imposed by any court for respondent's
4 violation of any civil no contact order or penal
5 statute involving petitioner as victim and respondent
6 as defendant;

7 (ii) impose a minimum penalty of 24 hours
8 imprisonment for respondent's first violation of any
9 civil no contact order; and

10 (iii) impose a minimum penalty of 48 hours
11 imprisonment for respondent's second or subsequent
12 violation of a civil no contact order unless the court
13 explicitly finds that an increased penalty or that
14 period of imprisonment would be manifestly unjust.

15 (4) In addition to any other penalties imposed for a
16 violation of a civil no contact order, a criminal court may
17 consider evidence of any previous violations of a civil no
18 contact order:

19 (i) to increase, revoke, or modify the conditions
20 of pre-trial release ~~bail bond~~ on an underlying
21 criminal charge under ~~pursuant to~~ Section 110-6 of the
22 Code of Criminal Procedure of 1963;

23 (ii) to revoke or modify an order of probation,
24 conditional discharge or supervision, under ~~pursuant~~
25 ~~to~~ Section 5-6-4 of the Unified Code of Corrections; or

26 (iii) to revoke or modify a sentence of periodic

1 imprisonment, under ~~pursuant to~~ Section 5-7-2 of the
2 Unified Code of Corrections.

3 (Source: P.A. 96-311, eff. 1-1-10; 97-294, eff. 1-1-12.)

4 Section 50. The Illinois Domestic Violence Act of 1986 is
5 amended by changing Sections 223 and 301 as follows:

6 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

7 Sec. 223. Enforcement of orders of protection.

8 (a) When violation is crime. A violation of any order of
9 protection, whether issued in a civil or criminal proceeding,
10 shall be enforced by a criminal court when:

11 (1) The respondent commits the crime of violation of an
12 order of protection under ~~pursuant to~~ Section 12-3.4 or
13 12-30 of the Criminal Code of 1961 or the Criminal Code of
14 2012, by having knowingly violated:

15 (i) remedies described in paragraphs (1), (2),
16 (3), (14), or (14.5) of subsection (b) of Section 214
17 of this Act; or

18 (ii) a remedy, which is substantially similar to
19 the remedies authorized under paragraphs (1), (2),
20 (3), (14), and (14.5) of subsection (b) of Section 214
21 of this Act, in a valid order of protection which is
22 authorized under the laws of another state, tribe, or
23 United States territory; or

24 (iii) any other remedy when the act constitutes a

1 crime against the protected parties as defined by the
2 Criminal Code of 1961 or the Criminal Code of 2012.

3 Prosecution for a violation of an order of protection
4 shall not bar concurrent prosecution for any other crime,
5 including any crime that may have been committed at the
6 time of the violation of the order of protection; or

7 (2) The respondent commits the crime of child abduction
8 under ~~pursuant to~~ Section 10-5 of the Criminal Code of 1961
9 or the Criminal Code of 2012, by having knowingly violated:

10 (i) remedies described in paragraphs (5), (6) or
11 (8) of subsection (b) of Section 214 of this Act; or

12 (ii) a remedy, which is substantially similar to
13 the remedies authorized under paragraphs (5), (6), or
14 (8) of subsection (b) of Section 214 of this Act, in a
15 valid order of protection which is authorized under the
16 laws of another state, tribe, or United States
17 territory.

18 (b) When violation is contempt of court. A violation of any
19 valid ~~Illinois~~ order of protection under this State, whether
20 issued in a civil or criminal proceeding, may be enforced
21 through civil or criminal contempt procedures, as appropriate,
22 by any court with jurisdiction, regardless where the act or
23 acts which violated the order of protection were committed, to
24 the extent consistent with the venue provisions of this Act.
25 Nothing in this Act shall preclude any Illinois court from
26 enforcing any valid order of protection issued in another

1 state. Courts of this State ~~Illinois courts~~ may enforce orders
2 of protection through both criminal prosecution and contempt
3 proceedings, unless the action which is second in time is
4 barred by collateral estoppel or the constitutional
5 prohibition against double jeopardy.

6 (1) In a contempt proceeding where the petition for a
7 rule to show cause sets forth facts evidencing an immediate
8 danger that the respondent will flee the jurisdiction,
9 conceal a child, or inflict physical abuse on the
10 petitioner or minor children or on dependent adults in
11 petitioner's care, the court may order the attachment of
12 the respondent without prior service of the rule to show
13 cause or the petition for a rule to show cause. Conditions
14 of pre-trial release ~~Bond~~ shall be set unless specifically
15 denied in writing.

16 (2) A petition for a rule to show cause for violation
17 of an order of protection shall be treated as an expedited
18 proceeding.

19 (b-1) The court shall not hold a school district or private
20 or non-public school or any of its employees in civil or
21 criminal contempt unless the school district or private or
22 non-public school has been allowed to intervene.

23 (b-2) The court may hold the parents, guardian, or legal
24 custodian of a minor respondent in civil or criminal contempt
25 for a violation of any provision of any order entered under
26 this Act for conduct of the minor respondent in violation of

1 this Act if the parents, guardian, or legal custodian directed,
2 encouraged, or assisted the respondent minor in such conduct.

3 (c) Violation of custody or support orders or temporary or
4 final judgments allocating parental responsibilities. A
5 violation of remedies described in paragraphs (5), (6), (8), or
6 (9) of subsection (b) of Section 214 of this Act may be
7 enforced by any remedy provided by Section 607.5 of the
8 Illinois Marriage and Dissolution of Marriage Act. The court
9 may enforce any order for support issued under paragraph (12)
10 of subsection (b) of Section 214 in the manner provided for
11 under Parts V and VII of the Illinois Marriage and Dissolution
12 of Marriage Act.

13 (d) Actual knowledge. An order of protection may be
14 enforced under ~~pursuant to~~ this Section if the respondent
15 violates the order after the respondent has actual knowledge of
16 its contents as shown through one of the following means:

17 (1) By service, delivery, or notice under Section 210.

18 (2) By notice under Section 210.1 or 211.

19 (3) By service of an order of protection under Section
20 222.

21 (4) By other means demonstrating actual knowledge of
22 the contents of the order.

23 (e) The enforcement of an order of protection in civil or
24 criminal court shall not be affected by either of the
25 following:

26 (1) The existence of a separate, correlative order,

1 entered under Section 215.

2 (2) Any finding or order entered in a conjoined
3 criminal proceeding.

4 (f) Circumstances. The court, when determining whether or
5 not a violation of an order of protection has occurred, shall
6 not require physical manifestations of abuse on the person of
7 the victim.

8 (g) Penalties.

9 (1) Except as provided in paragraph (3) of this
10 subsection, where the court finds the commission of a crime
11 or contempt of court under subsections (a) or (b) of this
12 Section, the penalty shall be the penalty that generally
13 applies in such criminal or contempt proceedings, and may
14 include one or more of the following: incarceration,
15 payment of restitution, a fine, payment of attorneys' fees
16 and costs, or community service.

17 (2) The court shall hear and take into account evidence
18 of any factors in aggravation or mitigation before deciding
19 an appropriate penalty under paragraph (1) of this
20 subsection.

21 (3) To the extent permitted by law, the court is
22 encouraged to:

23 (i) increase the penalty for the knowing violation
24 of any order of protection over any penalty previously
25 imposed by any court for respondent's violation of any
26 order of protection or penal statute involving

1 petitioner as victim and respondent as defendant;

2 (ii) impose a minimum penalty of 24 hours
3 imprisonment for respondent's first violation of any
4 order of protection; and

5 (iii) impose a minimum penalty of 48 hours
6 imprisonment for respondent's second or subsequent
7 violation of an order of protection

8 unless the court explicitly finds that an increased penalty
9 or that period of imprisonment would be manifestly unjust.

10 (4) In addition to any other penalties imposed for a
11 violation of an order of protection, a criminal court may
12 consider evidence of any violations of an order of
13 protection:

14 (i) to increase, revoke or modify the conditions of
15 pre-trial release ~~bail bond~~ on an underlying criminal
16 charge under ~~pursuant to~~ Section 110-6 of the Code of
17 Criminal Procedure of 1963;

18 (ii) to revoke or modify an order of probation,
19 conditional discharge or supervision, under ~~pursuant~~
20 ~~to~~ Section 5-6-4 of the Unified Code of Corrections;

21 (iii) to revoke or modify a sentence of periodic
22 imprisonment, under ~~pursuant to~~ Section 5-7-2 of the
23 Unified Code of Corrections.

24 (5) In addition to any other penalties, the court shall
25 impose an additional fine of \$20 as authorized by Section
26 5-9-1.11 of the Unified Code of Corrections upon any person

1 convicted of or placed on supervision for a violation of an
2 order of protection. The additional fine shall be imposed
3 for each violation of this Section.

4 (Source: P.A. 99-90, eff. 1-1-16.)

5 (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

6 Sec. 301. Arrest without warrant.

7 (a) Any law enforcement officer may make an arrest without
8 warrant if the officer has probable cause to believe that the
9 person has committed or is committing any crime, including but
10 not limited to violation of an order of protection, under
11 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, even if the crime was not committed in
13 the presence of the officer.

14 (b) The law enforcement officer may verify the existence of
15 an order of protection by telephone or radio communication with
16 his or her law enforcement agency or by referring to the copy
17 of the order provided by the petitioner or respondent.

18 (c) Any law enforcement officer may make an arrest without
19 warrant if the officer has reasonable grounds to believe a
20 defendant at liberty under the provisions of subdivision (d) (1)
21 or (d) (2) of Section 110-10 of the Code of Criminal Procedure
22 of 1963 has violated a condition of his or her pre-trial
23 release ~~bail bond or recognizance~~.

24 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)".