



Sen. Donne E. Trotter

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1 AMENDMENT TO SENATE BILL 552

2 AMENDMENT NO. _____. Amend Senate Bill 552 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 such
11 warrant was issued, the arresting officer, immediately upon the
12 request of the defendant, shall take such defendant before a
13 circuit judge or associate circuit judge in the county in which
14 the arrest was made ~~who shall admit the defendant to bail for~~
15 ~~his appearance before the court named in the warrant.~~ On
16 releasing the defendant ~~taking such bail~~ the circuit judge or

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

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

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

14 (705 ILCS 105/27.3a)

15 Sec. 27.3a. Fees for automated record keeping, probation
16 and court services operations, State and Conservation Police
17 operations, and e-business programs.

18 1. The expense of establishing and maintaining automated
19 record keeping systems in the offices of the clerks of the
20 circuit court shall be borne by the county. To defray such
21 expense in any county having established such an automated
22 system or which elects to establish such a system, the county
23 board may require the clerk of the circuit court in their
24 county to charge and collect a court automation fee of not less

1 than \$1 nor more than \$25 to be charged and collected by the
2 clerk of the court. Such fee shall be paid at the time of
3 filing the first pleading, paper or other appearance filed by
4 each party in all civil cases or by the defendant in any
5 felony, traffic, misdemeanor, municipal ordinance, or
6 conservation case upon a judgment of guilty or grant of
7 supervision, provided that the record keeping system which
8 processes the case category for which the fee is charged is
9 automated or has been approved for automation by the county
10 board, and provided further that no additional fee shall be
11 required if more than one party is presented in a single
12 pleading, paper or other appearance. Such fee shall be
13 collected in the manner in which all other fees or costs are
14 collected.

15 1.1. Starting on July 6, 2012 (the effective date of Public
16 Act 97-761) and pursuant to an administrative order from the
17 chief judge of the circuit or the presiding judge of the county
18 authorizing such collection, a clerk of the circuit court in
19 any county that imposes a fee pursuant to subsection 1 of this
20 Section shall also charge and collect an additional \$10
21 operations fee for probation and court services department
22 operations.

23 This additional fee shall be paid by the defendant in any
24 felony, traffic, misdemeanor, local ordinance, or conservation
25 case upon a judgment of guilty or grant of supervision, ~~except~~
26 ~~such \$10 operations fee shall not be charged and collected in~~

1 ~~cases governed by Supreme Court Rule 529 in which the bail~~
2 ~~amount is \$120 or less.~~

3 1.2. With respect to the fee imposed and collected under
4 subsection 1.1 of this Section, each clerk shall transfer all
5 fees monthly to the county treasurer for deposit into the
6 probation and court services fund created under Section 15.1 of
7 the Probation and Probation Officers Act, and such monies shall
8 be disbursed from the fund only at the direction of the chief
9 judge of the circuit or another judge designated by the Chief
10 Circuit Judge in accordance with the policies and guidelines
11 approved by the Supreme Court.

12 1.5. Starting on June 1, 2014, a clerk of the circuit court
13 in any county that imposes a fee pursuant to subsection 1 of
14 this Section, shall charge and collect an additional fee in an
15 amount equal to the amount of the fee imposed pursuant to
16 subsection 1 of this Section, except the fee imposed under this
17 subsection may not be more than \$15. This additional fee shall
18 be paid by the defendant in any felony, traffic, misdemeanor,
19 or local ordinance case upon a judgment of guilty or grant of
20 supervision. This fee shall not be paid by the defendant for
21 any violation listed in subsection 1.6 of this Section.

22 1.6. Starting on June 1, 2014, a clerk of the circuit court
23 in any county that imposes a fee pursuant to subsection 1 of
24 this Section shall charge and collect an additional fee in an
25 amount equal to the amount of the fee imposed pursuant to
26 subsection 1 of this Section, except the fee imposed under this

1 subsection may not be more than \$15. This additional fee shall
2 be paid by the defendant upon a judgment of guilty or grant of
3 supervision for a violation under the State Parks Act, the
4 Recreational Trails of Illinois Act, the Illinois Explosives
5 Act, the Timber Buyers Licensing Act, the Forest Products
6 Transportation Act, the Firearm Owners Identification Card
7 Act, the Environmental Protection Act, the Fish and Aquatic
8 Life Code, the Wildlife Code, the Cave Protection Act, the
9 Illinois Exotic Weed Act, the Illinois Forestry Development
10 Act, the Ginseng Harvesting Act, the Illinois Lake Management
11 Program Act, the Illinois Natural Areas Preservation Act, the
12 Illinois Open Land Trust Act, the Open Space Lands Acquisition
13 and Development Act, the Illinois Prescribed Burning Act, the
14 State Forest Act, the Water Use Act of 1983, the Illinois
15 Veteran, Youth, and Young Adult Conservation Jobs Act, the
16 Snowmobile Registration and Safety Act, the Boat Registration
17 and Safety Act, the Illinois Dangerous Animals Act, the Hunter
18 and Fishermen Interference Prohibition Act, the Wrongful Tree
19 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,
20 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of
21 the Illinois Vehicle Code, or Section 48-3 or 48-10 of the
22 Criminal Code of 2012.

23 1.7. Starting on the 30th day after the effective date of
24 this amendatory Act of the 99th General Assembly, a clerk of
25 the circuit court in any county that imposes a fee pursuant to
26 subsection 1 of this Section shall also charge and collect an

1 additional \$9 e-business fee. The fee shall be paid at the time
2 of filing the first pleading, paper, or other appearance filed
3 by each party in all civil cases, except no additional fee
4 shall be required if more than one party is presented in a
5 single pleading, paper, or other appearance. The fee shall be
6 collected in the manner in which all other fees or costs are
7 collected. The fee shall be in addition to all other fees and
8 charges of the clerk, and assessable as costs, and may be
9 waived only if the judge specifically provides for the waiver
10 of the e-business fee. The fee shall not be charged in any
11 matter coming to the clerk on a change of venue, nor in any
12 proceeding to review the decision of any administrative
13 officer, agency, or body.

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

19 3. With respect to the fee imposed under subsection 1 of
20 this Section, such fees shall be in addition to all other fees
21 and charges of such clerks, and assessable as costs, and may be
22 waived only if the judge specifically provides for the waiver
23 of the court automation fee. The fees shall be remitted monthly
24 by such clerk to the county treasurer, to be retained by him in
25 a special fund designated as the court automation fund. The
26 fund shall be audited by the county auditor, and the board

1 shall make expenditure from the fund in payment of any cost
2 related to the automation of court records, including hardware,
3 software, research and development costs and personnel related
4 thereto, provided that the expenditure is approved by the clerk
5 of the court and by the chief judge of the circuit court or his
6 designate.

7 4. With respect to the fee imposed under subsection 1 of
8 this Section, such fees shall not be charged in any matter
9 coming to any such clerk on change of venue, nor in any
10 proceeding to review the decision of any administrative
11 officer, agency or body.

12 5. With respect to the additional fee imposed under
13 subsection 1.5 of this Section, the fee shall be remitted by
14 the circuit clerk to the State Treasurer within one month after
15 receipt for deposit into the State Police Operations Assistance
16 Fund.

17 6. With respect to the additional fees imposed under
18 subsection 1.5 of this Section, the Director of State Police
19 may direct the use of these fees for homeland security purposes
20 by transferring these fees on a quarterly basis from the State
21 Police Operations Assistance Fund into the Illinois Law
22 Enforcement Alarm Systems (ILEAS) Fund for homeland security
23 initiatives programs. The transferred fees shall be allocated,
24 subject to the approval of the ILEAS Executive Board, as
25 follows: (i) 66.6% shall be used for homeland security
26 initiatives and (ii) 33.3% shall be used for airborne

1 operations. The ILEAS Executive Board shall annually supply the
2 Director of State Police with a report of the use of these
3 fees.

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

9 8. With respect to the fee imposed under subsection 1.7 of
10 this Section, the clerk shall remit the fee to the State
11 Treasurer within one month after receipt for deposit into the
12 Supreme Court Special Purposes Fund. Unless otherwise
13 authorized by this Act, the moneys deposited into the Supreme
14 Court Special Purposes Fund under this subsection are not
15 subject to administrative charges or chargebacks under Section
16 20 of the State Treasurer Act.

17 (Source: P.A. 98-375, eff. 8-16-13; 98-606, eff. 6-1-14;
18 98-1016, eff. 8-22-14; 99-859, eff. 8-19-16.)

19 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

20 Sec. 27.3b. The clerk of court may accept payment of fines,
21 penalties, or costs by credit card or debit card approved by
22 the clerk from an offender who has been convicted of or placed
23 on court supervision for a traffic offense, petty offense,
24 ordinance offense, or misdemeanor or who has been convicted of
25 a felony offense. The clerk of the circuit court may accept

1 credit card payments over the Internet for fines, penalties, or
2 costs from offenders on voluntary electronic pleas of guilty in
3 minor traffic and conservation offenses to satisfy the
4 requirement of written pleas of guilty as provided in Illinois
5 Supreme Court Rule 529. The clerk of the court may also accept
6 payment of statutory fees by a credit card or debit card. ~~The~~
7 ~~clerk of the court may also accept the credit card or debit~~
8 ~~card for the cash deposit of bail bond fees.~~

9 The Clerk of the circuit court is authorized to enter into
10 contracts with credit card or debit card companies approved by
11 the clerk and to negotiate the payment of convenience and
12 administrative fees normally charged by those companies for
13 allowing the clerk of the circuit court to accept their credit
14 cards or debit cards in payment as authorized herein. The clerk
15 of the circuit court is authorized to enter into contracts with
16 third party fund guarantors, facilitators, and service
17 providers under which those entities may contract directly with
18 customers of the clerk of the circuit court and guarantee and
19 remit the payments to the clerk of the circuit court. Where the
20 offender pays fines, penalties, or costs by credit card or
21 debit card or through a third party fund guarantor,
22 facilitator, or service provider, or anyone paying statutory
23 fees of the circuit court clerk ~~or the posting of cash bail,~~
24 the clerk shall collect a service fee of up to \$5 or the amount
25 charged to the clerk for use of its services by the credit card
26 or debit card issuer, third party fund guarantor, facilitator,

1 or service provider. This service fee shall be in addition to
2 any other fines, penalties, or costs. The clerk of the circuit
3 court is authorized to negotiate the assessment of convenience
4 and administrative fees by the third party fund guarantors,
5 facilitators, and service providers with the revenue earned by
6 the clerk of the circuit court to be remitted to the county
7 general revenue fund.

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

9 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

10 Sec. 27.5. (a) All fees, fines, costs, additional
11 penalties, ~~bail balances assessed or forfeited,~~ and any other
12 amount paid by a person to the circuit clerk that equals an
13 amount less than \$55, except restitution under Section 5-5-6 of
14 the Unified Code of Corrections, reimbursement for the costs of
15 an emergency response as provided under Section 11-501 of the
16 Illinois Vehicle Code, any fees collected for attending a
17 traffic safety program under paragraph (c) of Supreme Court
18 Rule 529, any fee collected on behalf of a State's Attorney
19 under Section 4-2002 of the Counties Code or a sheriff under
20 Section 4-5001 of the Counties Code, or any cost imposed under
21 Section 124A-5 of the Code of Criminal Procedure of 1963, for
22 convictions, orders of supervision, or any other disposition
23 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
24 Vehicle Code, or a similar provision of a local ordinance, and
25 any violation of the Child Passenger Protection Act, or a

1 similar provision of a local ordinance, and except as otherwise
2 provided in this Section, shall be disbursed within 60 days
3 after receipt by the circuit clerk as follows: 47% shall be
4 disbursed to the entity authorized by law to receive the fine
5 imposed in the case; 12% shall be disbursed to the State
6 Treasurer; and 41% shall be disbursed to the county's general
7 corporate fund. Of the 12% disbursed to the State Treasurer,
8 1/6 shall be deposited by the State Treasurer into the Violent
9 Crime Victims Assistance Fund, 1/2 shall be deposited into the
10 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall
11 be deposited into the Drivers Education Fund. For fiscal years
12 1992 and 1993, amounts deposited into the Violent Crime Victims
13 Assistance Fund, the Traffic and Criminal Conviction Surcharge
14 Fund, or the Drivers Education Fund shall not exceed 110% of
15 the amounts deposited into those funds in fiscal year 1991. Any
16 amount that exceeds the 110% limit shall be distributed as
17 follows: 50% shall be disbursed to the county's general
18 corporate fund and 50% shall be disbursed to the entity
19 authorized by law to receive the fine imposed in the case. Not
20 later than March 1 of each year the circuit clerk shall submit
21 a report of the amount of funds remitted to the State Treasurer
22 under this Section during the preceding year based upon
23 independent verification of fines and fees. All counties shall
24 be subject to this Section, except that counties with a
25 population under 2,000,000 may, by ordinance, elect not to be
26 subject to this Section. For offenses subject to this Section,

1 judges shall impose one total sum of money payable for
2 violations. The circuit clerk may add on no additional amounts
3 except for amounts that are required by Sections 27.3a and
4 27.3c of this Act, Section 16-104c of the Illinois Vehicle
5 Code, and subsection (a) of Section 5-1101 of the Counties
6 Code, unless those amounts are specifically waived by the
7 judge. With respect to money collected by the circuit clerk as
8 a result of ~~forfeiture of bail~~, ex parte judgment or guilty
9 plea pursuant to Supreme Court Rule 529, the circuit clerk
10 shall first deduct and pay amounts required by Sections 27.3a
11 and 27.3c of this Act. Unless a court ordered payment schedule
12 is implemented or fee requirements are waived pursuant to a
13 court order, the circuit clerk may add to any unpaid fees and
14 costs a delinquency amount equal to 5% of the unpaid fees that
15 remain unpaid after 30 days, 10% of the unpaid fees that remain
16 unpaid after 60 days, and 15% of the unpaid fees that remain
17 unpaid after 90 days. Notice to those parties may be made by
18 signage posting or publication. The additional delinquency
19 amounts collected under this Section shall be deposited in the
20 Circuit Court Clerk Operation and Administrative Fund to be
21 used to defray administrative costs incurred by the circuit
22 clerk in performing the duties required to collect and disburse
23 funds. This Section is a denial and limitation of home rule
24 powers and functions under subsection (h) of Section 6 of
25 Article VII of the Illinois Constitution.

26 (b) The following amounts must be remitted to the State

1 Treasurer for deposit into the Illinois Animal Abuse Fund:

2 (1) 50% of the amounts collected for felony offenses
3 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
4 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
5 Animals Act and Section 26-5 or 48-1 of the Criminal Code
6 of 1961 or the Criminal Code of 2012;

7 (2) 20% of the amounts collected for Class A and Class
8 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
9 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
10 for Animals Act and Section 26-5 or 48-1 of the Criminal
11 Code of 1961 or the Criminal Code of 2012; and

12 (3) 50% of the amounts collected for Class C
13 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
14 for Animals Act and Section 26-5 or 48-1 of the Criminal
15 Code of 1961 or the Criminal Code of 2012.

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

1 Review Board Vehicle and Equipment Fund in the State treasury.

2 (d) Any person convicted of, pleading guilty to, or placed
3 on supervision for a serious traffic violation, as defined in
4 Section 1-187.001 of the Illinois Vehicle Code, a violation of
5 Section 11-501 of the Illinois Vehicle Code, or a violation of
6 a similar provision of a local ordinance shall pay an
7 additional fee of \$35, to be disbursed as provided in Section
8 16-104d of that Code.

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

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

12 (1) A person who is found guilty of or pleads guilty to
13 violating subsection (a) of Section 11-501 of the Illinois
14 Vehicle Code, including any person placed on court
15 supervision for violating subsection (a), shall be fined
16 \$750 as provided for by subsection (f) of Section 11-501.01
17 of the Illinois Vehicle Code, payable to the circuit clerk,
18 who shall distribute the money pursuant to subsection (f)
19 of Section 11-501.01 of the Illinois Vehicle Code.

20 (2) When a crime laboratory DUI analysis fee of \$150,
21 provided for by Section 5-9-1.9 of the Unified Code of
22 Corrections is assessed, it shall be disbursed by the
23 circuit clerk as provided by subsection (f) of Section
24 5-9-1.9 of the Unified Code of Corrections.

25 (3) 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 (4) 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 (5) 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 (6) 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 (7) 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 (8) When a victim impact panel fee is assessed pursuant
5 to subsection (b) of Section 11-501.01 of the Illinois
6 Vehicle Code, it shall be disbursed by the circuit clerk to
7 the victim impact panel to be attended by the defendant.

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

13 (f) Any person who receives a disposition of court
14 supervision for a violation of Section 11-501 of the Illinois
15 Vehicle Code shall, in addition to any other fines, fees, and
16 court costs, pay an additional fee of \$50, which shall be
17 collected by the circuit clerk and then remitted to the State
18 Treasurer for deposit into the Roadside Memorial Fund, a
19 special fund in the State treasury. However, the court may
20 waive the fee if full restitution is complied with. Subject to
21 appropriation, all moneys in the Roadside Memorial Fund shall
22 be used by the Department of Transportation to pay fees imposed
23 under subsection (f) of Section 20 of the Roadside Memorial
24 Act. The fee shall be remitted by the circuit clerk within one
25 month after receipt to the State Treasurer for deposit into the
26 Roadside Memorial Fund.

1 (g) For any conviction or disposition of court supervision
2 for a violation of Section 11-1429 of the Illinois Vehicle
3 Code, the circuit clerk shall distribute the fines paid by the
4 person as specified by subsection (h) of Section 11-1429 of the
5 Illinois Vehicle Code.

6 (Source: P.A. 97-333, eff. 8-12-11; 97-1108, eff. 1-1-13;
7 97-1150, eff. 1-25-13; 98-658, eff. 6-23-14.)

8 (705 ILCS 105/27.6)

9 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,
10 96-667, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,
11 98-658, 98-1013, 99-78, and 99-455)

12 Sec. 27.6. (a) All fees, fines, costs, additional
13 penalties, ~~bail balances assessed or forfeited,~~ and any other
14 amount paid by a person to the circuit clerk equalling an
15 amount of \$55 or more, except the fine imposed by Section
16 5-9-1.15 of the Unified Code of Corrections, the additional fee
17 required by subsections (b) and (c), restitution under Section
18 5-5-6 of the Unified Code of Corrections, contributions to a
19 local anti-crime program ordered pursuant to Section
20 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
21 Corrections, reimbursement for the costs of an emergency
22 response as provided under Section 11-501 of the Illinois
23 Vehicle Code, any fees collected for attending a traffic safety
24 program under paragraph (c) of Supreme Court Rule 529, any fee
25 collected on behalf of a State's Attorney under Section 4-2002

1 of the Counties Code or a sheriff under Section 4-5001 of the
2 Counties Code, or any cost imposed under Section 124A-5 of the
3 Code of Criminal Procedure of 1963, for convictions, orders of
4 supervision, or any other disposition for a violation of
5 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
6 similar provision of a local ordinance, and any violation of
7 the Child Passenger Protection Act, or a similar provision of a
8 local ordinance, and except as otherwise provided in this
9 Section shall be disbursed within 60 days after receipt by the
10 circuit clerk as follows: 44.5% shall be disbursed to the
11 entity authorized by law to receive the fine imposed in the
12 case; 16.825% shall be disbursed to the State Treasurer; and
13 38.675% shall be disbursed to the county's general corporate
14 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
15 shall be deposited by the State Treasurer into the Violent
16 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
17 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
18 be deposited into the Drivers Education Fund, and 6.948/17
19 shall be deposited into the Trauma Center Fund. Of the 6.948/17
20 deposited into the Trauma Center Fund from the 16.825%
21 disbursed to the State Treasurer, 50% shall be disbursed to the
22 Department of Public Health and 50% shall be disbursed to the
23 Department of Healthcare and Family Services. For fiscal year
24 1993, amounts deposited into the Violent Crime Victims
25 Assistance Fund, the Traffic and Criminal Conviction Surcharge
26 Fund, or the Drivers Education Fund shall not exceed 110% of

1 the amounts deposited into those funds in fiscal year 1991. Any
2 amount that exceeds the 110% limit shall be distributed as
3 follows: 50% shall be disbursed to the county's general
4 corporate fund and 50% shall be disbursed to the entity
5 authorized by law to receive the fine imposed in the case. Not
6 later than March 1 of each year the circuit clerk shall submit
7 a report of the amount of funds remitted to the State Treasurer
8 under this Section during the preceding year based upon
9 independent verification of fines and fees. All counties shall
10 be subject to this Section, except that counties with a
11 population under 2,000,000 may, by ordinance, elect not to be
12 subject to this Section. For offenses subject to this Section,
13 judges shall impose one total sum of money payable for
14 violations. The circuit clerk may add on no additional amounts
15 except for amounts that are required by Sections 27.3a and
16 27.3c of this Act, unless those amounts are specifically waived
17 by the judge. With respect to money collected by the circuit
18 clerk as a result of ~~forfeiture of bail~~, ex parte judgment or
19 guilty plea pursuant to Supreme Court Rule 529, the circuit
20 clerk shall first deduct and pay amounts required by Sections
21 27.3a and 27.3c of this Act. This Section is a denial and
22 limitation of home rule powers and functions under subsection
23 (h) of Section 6 of Article VII of the Illinois Constitution.

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

1 shall pay an additional fee of \$100 to the clerk of the circuit
2 court. This amount, less 2 1/2% that shall be used to defray
3 administrative costs incurred by the clerk, shall be remitted
4 by the clerk to the Treasurer within 60 days after receipt for
5 deposit into the Trauma Center Fund. This additional fee of
6 \$100 shall not be considered a part of the fine for purposes of
7 any reduction in the fine for time served either before or
8 after sentencing. Not later than March 1 of each year the
9 Circuit Clerk shall submit a report of the amount of funds
10 remitted to the State Treasurer under this subsection during
11 the preceding calendar year.

12 (b-1) In addition to any other fines and court costs
13 assessed by the courts, any person convicted or receiving an
14 order of supervision for driving under the influence of alcohol
15 or drugs shall pay an additional fee of \$5 to the clerk of the
16 circuit court. This amount, less 2 1/2% that shall be used to
17 defray administrative costs incurred by the clerk, shall be
18 remitted by the clerk to the Treasurer within 60 days after
19 receipt for deposit into the Spinal Cord Injury Paralysis Cure
20 Research Trust Fund. This additional fee of \$5 shall not be
21 considered a part of the fine for purposes of any reduction in
22 the fine for time served either before or after sentencing. Not
23 later than March 1 of each year the Circuit Clerk shall submit
24 a report of the amount of funds remitted to the State Treasurer
25 under this subsection during the preceding calendar year.

26 (c) In addition to any other fines and court costs assessed

1 by the courts, any person convicted for a violation of Sections
2 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the
3 Criminal Code of 2012 or a person sentenced for a violation of
4 the Cannabis Control Act, the Illinois Controlled Substances
5 Act, or the Methamphetamine Control and Community Protection
6 Act shall pay an additional fee of \$100 to the clerk of the
7 circuit court. This amount, less 2 1/2% that shall be used to
8 defray administrative costs incurred by the clerk, shall be
9 remitted by the clerk to the Treasurer within 60 days after
10 receipt for deposit into the Trauma Center Fund. This
11 additional fee of \$100 shall not be considered a part of the
12 fine for purposes of any reduction in the fine for time served
13 either before or after sentencing. Not later than March 1 of
14 each year the Circuit Clerk shall submit a report of the amount
15 of funds remitted to the State Treasurer under this subsection
16 during the preceding calendar year.

17 (c-1) In addition to any other fines and court costs
18 assessed by the courts, any person sentenced for a violation of
19 the Cannabis Control Act, the Illinois Controlled Substances
20 Act, or the Methamphetamine Control and Community Protection
21 Act shall pay an additional fee of \$5 to the clerk of the
22 circuit court. This amount, less 2 1/2% that shall be used to
23 defray administrative costs incurred by the clerk, shall be
24 remitted by the clerk to the Treasurer within 60 days after
25 receipt for deposit into the Spinal Cord Injury Paralysis Cure
26 Research Trust Fund. This additional fee of \$5 shall not be

1 considered a part of the fine for purposes of any reduction in
2 the fine for time served either before or after sentencing. 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 subsection during the preceding calendar year.

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

8 (1) 50% of the amounts collected for felony offenses
9 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
10 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
11 Animals Act and Section 26-5 or 48-1 of the Criminal Code
12 of 1961 or the Criminal Code of 2012;

13 (2) 20% of the amounts collected for Class A and Class
14 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
15 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
16 for Animals Act and Section 26-5 or 48-1 of the Criminal
17 Code of 1961 or the Criminal Code of 2012; and

18 (3) 50% of the amounts collected for Class C
19 misdemeanors under Sections 4.01 and 7.1 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.

22 (e) Any person who receives a disposition of court
23 supervision for a violation of the Illinois Vehicle Code or a
24 similar provision of a local ordinance shall, in addition to
25 any other fines, fees, and court costs, pay an additional fee
26 of \$29, to be disbursed as provided in Section 16-104c of the

1 Illinois Vehicle Code. In addition to the fee of \$29, the
2 person shall also pay a fee of \$6, if not waived by the court.
3 If this \$6 fee is collected, \$5.50 of the fee shall be
4 deposited into the Circuit Court Clerk Operation and
5 Administrative Fund created by the Clerk of the Circuit Court
6 and 50 cents of the fee shall be deposited into the Prisoner
7 Review Board Vehicle and Equipment Fund in the State treasury.

8 (f) This Section does not apply to the additional child
9 pornography fines assessed and collected under Section
10 5-9-1.14 of the Unified Code of Corrections.

11 (g) (Blank).

12 (h) (Blank).

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) Any person convicted of, pleading guilty to, or placed
23 on supervision for a serious traffic violation, as defined in
24 Section 1-187.001 of the Illinois Vehicle Code, a violation of
25 Section 11-501 of the Illinois Vehicle Code, or a violation of
26 a similar provision of a local ordinance shall pay an

1 additional fee of \$35, to be disbursed as provided in Section
2 16-104d of that Code.

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

4 (k) For any conviction or disposition of court supervision
5 for a violation of Section 11-1429 of the Illinois Vehicle
6 Code, the circuit clerk shall distribute the fines paid by the
7 person as specified by subsection (h) of Section 11-1429 of the
8 Illinois Vehicle Code.

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

24 (m) Of the amounts collected as fines under subsection (c)
25 of Section 411.4 of the Illinois Controlled Substances Act or
26 subsection (c) of Section 90 of the Methamphetamine Control and

1 Community Protection Act, 99% shall be deposited to the law
2 enforcement agency or fund specified and 1% shall be deposited
3 into the Circuit Court Clerk Operation and Administrative Fund
4 to be used to offset the costs incurred by the Circuit Court
5 Clerk in performing the additional duties required to collect
6 and disburse funds to entities of State and local government as
7 provided by law.

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

24 (o) The amounts collected as fines under Sections 10-9,
25 11-14.1, 11-14.3, and 11-18 of the Criminal Code of 2012 shall
26 be collected by the circuit clerk and distributed as provided

1 under Section 5-9-1.21 of the Unified Code of Corrections in
2 lieu of any disbursement under subsection (a) of this Section.

3 (p) In addition to any other fees and penalties imposed,
4 any person who is convicted of or pleads guilty to a violation
5 of Section 20-1 or Section 20-1.1 of the Criminal Code of 2012
6 shall pay an additional fee of \$250 to the clerk of the circuit
7 court. This additional fee of \$250 shall not be considered a
8 part of the fine for purposes of any reduction in the fine for
9 time served either before or after sentencing. This amount,
10 less 2.5% that shall be used to defray administrative costs
11 incurred by the clerk, shall be remitted by the clerk to the
12 Department of Insurance within 60 days after receipt for
13 deposit into the George Bailey Memorial Fund.

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

16 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,
17 96-735, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,
18 98-658, 98-1013, 99-78, and 99-455)

19 Sec. 27.6. (a) All fees, fines, costs, additional
20 penalties, ~~bail balances assessed or forfeited,~~ and any other
21 amount paid by a person to the circuit clerk equalling an
22 amount of \$55 or more, except the fine imposed by Section
23 5-9-1.15 of the Unified Code of Corrections, the additional fee
24 required by subsections (b) and (c), restitution under Section
25 5-5-6 of the Unified Code of Corrections, contributions to a

1 local anti-crime program ordered pursuant to Section
2 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
3 Corrections, reimbursement for the costs of an emergency
4 response as provided under Section 11-501 of the Illinois
5 Vehicle Code, any fees collected for attending a traffic safety
6 program under paragraph (c) of Supreme Court Rule 529, any fee
7 collected on behalf of a State's Attorney under Section 4-2002
8 of the Counties Code or a sheriff under Section 4-5001 of the
9 Counties Code, or any cost imposed under Section 124A-5 of the
10 Code of Criminal Procedure of 1963, for convictions, orders of
11 supervision, or any other disposition for a violation of
12 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
13 similar provision of a local ordinance, and any violation of
14 the Child Passenger Protection Act, or a similar provision of a
15 local ordinance, and except as otherwise provided in this
16 Section shall be disbursed within 60 days after receipt by the
17 circuit clerk as follows: 44.5% shall be disbursed to the
18 entity authorized by law to receive the fine imposed in the
19 case; 16.825% shall be disbursed to the State Treasurer; and
20 38.675% shall be disbursed to the county's general corporate
21 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
22 shall be deposited by the State Treasurer into the Violent
23 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
24 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
25 be deposited into the Drivers Education Fund, and 6.948/17
26 shall be deposited into the Trauma Center Fund. Of the 6.948/17

1 deposited into the Trauma Center Fund from the 16.825%
2 disbursed to the State Treasurer, 50% shall be disbursed to the
3 Department of Public Health and 50% shall be disbursed to the
4 Department of Healthcare and Family Services. For fiscal year
5 1993, amounts deposited into the Violent Crime Victims
6 Assistance Fund, the Traffic and Criminal Conviction Surcharge
7 Fund, or the Drivers Education Fund shall not exceed 110% of
8 the amounts deposited into those funds in fiscal year 1991. Any
9 amount that exceeds the 110% limit shall be distributed as
10 follows: 50% shall be disbursed to the county's general
11 corporate fund and 50% shall be disbursed to the entity
12 authorized by law to receive the fine imposed in the case. Not
13 later than March 1 of each year the circuit clerk shall submit
14 a report of the amount of funds remitted to the State Treasurer
15 under this Section during the preceding year based upon
16 independent verification of fines and fees. All counties shall
17 be subject to this Section, except that counties with a
18 population under 2,000,000 may, by ordinance, elect not to be
19 subject to this Section. For offenses subject to this Section,
20 judges shall impose one total sum of money payable for
21 violations. The circuit clerk may add on no additional amounts
22 except for amounts that are required by Sections 27.3a and
23 27.3c of this Act, Section 16-104c of the Illinois Vehicle
24 Code, and subsection (a) of Section 5-1101 of the Counties
25 Code, unless those amounts are specifically waived by the
26 judge. With respect to money collected by the circuit clerk as

1 a result of ~~forfeiture of bail~~, ex parte judgment or guilty
2 plea pursuant to Supreme Court Rule 529, the circuit clerk
3 shall first deduct and pay amounts required by Sections 27.3a
4 and 27.3c of this Act. Unless a court ordered payment schedule
5 is implemented or fee requirements are waived pursuant to court
6 order, the clerk of the court may add to any unpaid fees and
7 costs a delinquency amount equal to 5% of the unpaid fees that
8 remain unpaid after 30 days, 10% of the unpaid fees that remain
9 unpaid after 60 days, and 15% of the unpaid fees that remain
10 unpaid after 90 days. Notice to those parties may be made by
11 signage posting or publication. The additional delinquency
12 amounts collected under this Section shall be deposited in the
13 Circuit Court Clerk Operation and Administrative Fund to be
14 used to defray administrative costs incurred by the circuit
15 clerk in performing the duties required to collect and disburse
16 funds. This Section is a denial and limitation of home rule
17 powers and functions under subsection (h) of Section 6 of
18 Article VII of the Illinois Constitution.

19 (b) In addition to any other fines and court costs assessed
20 by the courts, any person convicted or receiving an order of
21 supervision for driving under the influence of alcohol or drugs
22 shall pay an additional fee of \$100 to the clerk of the circuit
23 court. This amount, less 2 1/2% that shall be used to defray
24 administrative costs incurred by the clerk, shall be remitted
25 by the clerk to the Treasurer within 60 days after receipt for
26 deposit into the Trauma Center Fund. This additional fee of

1 \$100 shall not be considered a part of the fine for purposes of
2 any reduction in the fine for time served either before or
3 after sentencing. Not later than March 1 of each year the
4 Circuit Clerk shall submit a report of the amount of funds
5 remitted to the State Treasurer under this subsection during
6 the preceding calendar year.

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

21 (c) In addition to any other fines and court costs assessed
22 by the courts, any person convicted for a violation of Sections
23 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 or a person sentenced for a violation of
25 the Cannabis Control Act, the Illinois Controlled Substances
26 Act, or the Methamphetamine Control and Community Protection

1 Act shall pay an additional fee of \$100 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 Trauma Center Fund. This
6 additional fee of \$100 shall not be considered a part of the
7 fine for purposes of any reduction in the fine for time served
8 either before or after sentencing. Not later than March 1 of
9 each year the Circuit Clerk shall submit a report of the amount
10 of funds remitted to the State Treasurer under this subsection
11 during the preceding calendar year.

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

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

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

8 (2) 20% of the amounts collected for Class A and Class
9 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
10 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
11 for Animals Act and Section 26-5 or 48-1 of the Criminal
12 Code of 1961 or the Criminal Code of 2012; and

13 (3) 50% of the amounts collected for Class C
14 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
15 for Animals Act and Section 26-5 or 48-1 of the Criminal
16 Code of 1961 or the Criminal Code of 2012.

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

1 and 50 cents of the fee shall be deposited into the Prisoner
2 Review Board Vehicle and Equipment Fund in the State treasury.

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

6 (g) Any person convicted of or pleading guilty to a serious
7 traffic violation, as defined in Section 1-187.001 of the
8 Illinois Vehicle Code, shall pay an additional fee of \$35, to
9 be disbursed as provided in Section 16-104d of that Code. This
10 subsection (g) becomes inoperative on January 1, 2020.

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

13 (1) A person who is found guilty of or pleads guilty to
14 violating subsection (a) of Section 11-501 of the Illinois
15 Vehicle Code, including any person placed on court
16 supervision for violating subsection (a), shall be fined
17 \$750 as provided for by subsection (f) of Section 11-501.01
18 of the Illinois Vehicle Code, payable to the circuit clerk,
19 who shall distribute the money pursuant to subsection (f)
20 of Section 11-501.01 of the Illinois Vehicle Code.

21 (2) When a crime laboratory DUI analysis fee of \$150,
22 provided for by Section 5-9-1.9 of the Unified Code of
23 Corrections is assessed, it shall be disbursed by the
24 circuit clerk as provided by subsection (f) of Section
25 5-9-1.9 of the Unified Code of Corrections.

26 (3) When a fine for a violation of Section 11-605.1 of

1 the Illinois Vehicle Code is \$250 or greater, the person
2 who violated that Section shall be charged an additional
3 \$125 as provided for by subsection (e) of Section 11-605.1
4 of the Illinois Vehicle Code, which shall be disbursed by
5 the circuit clerk to a State or county Transportation
6 Safety Highway Hire-back Fund as provided by subsection (e)
7 of Section 11-605.1 of the Illinois Vehicle Code.

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

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

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

1 the Counties Code.

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

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

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

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

22 (i) Of the amounts collected as fines under subsection (b)
23 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
24 deposited into the Illinois Military Family Relief Fund and 1%
25 shall be deposited into the Circuit Court Clerk Operation and
26 Administrative Fund created by the Clerk of the Circuit Court

1 to be used to offset the costs incurred by the Circuit Court
2 Clerk in performing the additional duties required to collect
3 and disburse funds to entities of State and local government as
4 provided by law.

5 (j) (Blank).

6 (k) For any conviction or disposition of court supervision
7 for a violation of Section 11-1429 of the Illinois Vehicle
8 Code, the circuit clerk shall distribute the fines paid by the
9 person as specified by subsection (h) of Section 11-1429 of the
10 Illinois Vehicle Code.

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

26 (m) Of the amounts collected as fines under subsection (c)

1 of Section 411.4 of the Illinois Controlled Substances Act or
2 subsection (c) of Section 90 of the Methamphetamine Control and
3 Community Protection Act, 99% shall be deposited to the law
4 enforcement agency or fund specified and 1% shall be deposited
5 into the Circuit Court Clerk Operation and Administrative Fund
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 (n) In addition to any other fines and court costs assessed
11 by the courts, any person who is convicted of or pleads guilty
12 to a violation of the Criminal Code of 1961 or the Criminal
13 Code of 2012, or a similar provision of a local ordinance, or
14 who is convicted of, pleads guilty to, or receives a
15 disposition of court supervision for a violation of the
16 Illinois Vehicle Code, or a similar provision of a local
17 ordinance, shall pay an additional fee of \$15 to the clerk of
18 the circuit court. This additional fee of \$15 shall not be
19 considered a part of the fine for purposes of any reduction in
20 the fine for time served either before or after sentencing.
21 This amount, less 2.5% that shall be used to defray
22 administrative costs incurred by the clerk, shall be remitted
23 by the clerk to the State Treasurer within 60 days after
24 receipt for deposit into the State Police Merit Board Public
25 Safety Fund.

26 (o) The amounts collected as fines under Sections 10-9,

1 11-14.1, 11-14.3, and 11-18 of the Criminal Code of 2012 shall
2 be collected by the circuit clerk and distributed as provided
3 under Section 5-9-1.21 of the Unified Code of Corrections in
4 lieu of any disbursement under subsection (a) of this Section.

5 (p) In addition to any other fees and penalties imposed,
6 any person who is convicted of or pleads guilty to a violation
7 of Section 20-1 or Section 20-1.1 of the Criminal Code of 2012
8 shall pay an additional fee of \$250 to the clerk of the circuit
9 court. This additional fee of \$250 shall not be considered a
10 part of the fine for purposes of any reduction in the fine for
11 time served either before or after sentencing. This amount,
12 less 2.5% that shall be used to defray administrative costs
13 incurred by the clerk, shall be remitted by the clerk to the
14 Department of Insurance within 60 days after receipt for
15 deposit into the George Bailey Memorial Fund.

16 (Source: P.A. 98-658, eff. 6-23-14; 98-1013, eff. 1-1-15;
17 99-78, eff. 7-20-15; 99-455, eff. 1-1-16.)

18 Section 15. The Criminal Code of 2012 is amended by
19 changing Section 32-10 as follows:

20 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

21 Sec. 32-10. Violation of release ~~bail bond~~.

22 (a) Whoever, having been released ~~admitted to bail for~~
23 ~~appearance~~ before any court of this State, incurs a forfeiture
24 of release ~~the bail~~ and knowingly fails to surrender himself or

1 herself within 30 days following the date of the forfeiture,
2 commits, if release ~~the bail~~ was given in connection with a
3 charge of felony or pending appeal or certiorari after
4 conviction of any offense, a felony of the next lower Class or
5 a Class A misdemeanor if the underlying offense was a Class 4
6 felony; or, if release ~~the bail~~ was given in connection with a
7 charge of committing a misdemeanor, or for appearance as a
8 witness, commits a misdemeanor of the next lower Class, but not
9 less than a Class C misdemeanor.

10 (a-5) Any person who knowingly violates a condition of
11 release ~~bail bond~~ by possessing a firearm in violation of his
12 or her conditions of release ~~bail~~ commits a Class 4 felony for
13 a first violation and a Class 3 felony for a second or
14 subsequent violation.

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

23 (c) Whoever, having been released ~~admitted to bail for~~
24 ~~appearance~~ before any court of this State for a 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, is charged with any other
2 felony, Class A misdemeanor, or a criminal offense in which the
3 victim is a family or household member as defined in Article
4 112A of the Code of Criminal Procedure of 1963 while on this
5 release, must appear before the court before release ~~bail~~ is
6 statutorily set.

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

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

14 Section 20. The Code of Criminal Procedure of 1963 is
15 amended by changing Sections 103-5, 103-7, 104-17, 106D-1,
16 107-4, 109-1, 109-2, 110-1, 110-2, 110-3, 110-4, 110-5,
17 110-5.1, 110-6, 110-6.1, 110-6.2, 110-6.3, 110-6.5, 110-7,
18 110-9, 110-10, 110-11, 110-12, 110-16, 110-18, 112A-23, and
19 115-4.1 and by adding Section 110-1.5 as follows:

20 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

21 Sec. 103-5. Speedy trial.→

22 (a) Every person in custody in this State for an alleged
23 offense shall be tried by the court having jurisdiction within
24 120 days from the date he or she was taken into custody unless

1 delay is occasioned by the defendant, by an examination for
2 fitness ordered pursuant to Section 104-13 of this Act, by a
3 fitness hearing, by an adjudication of unfitness to stand
4 trial, by a continuance allowed pursuant to Section 114-4 of
5 this Act after a court's determination of the defendant's
6 physical incapacity for trial, or by an interlocutory appeal.
7 Delay shall be considered to be agreed to by the defendant
8 unless he or she objects to the delay by making a written
9 demand for trial or an oral demand for trial on the record. The
10 provisions of this subsection (a) do not apply to a person on
11 release ~~bail~~ or recognizance for an offense but who is in
12 custody for a violation of his or her parole, aftercare
13 release, or mandatory supervised release for another offense.

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

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

1 trial, or by an interlocutory appeal. The defendant's failure
2 to appear for any court date set by the court operates to waive
3 the defendant's demand for trial made under this subsection.

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

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

26 (d) Every person not tried in accordance with subsections

1 (a), (b) and (c) of this Section shall be discharged from
2 custody or released from the obligations of his or her release
3 ~~bail~~ or recognizance.

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

1 hearing, by an adjudication of unfitness for trial, by a
2 continuance allowed pursuant to Section 114-4 of this Act after
3 a court's determination of the defendant's physical incapacity
4 for trial, or by an interlocutory appeal; provided, however,
5 that if the court determines that the State has exercised
6 without success due diligence to obtain evidence material to
7 the case and that there are reasonable grounds to believe that
8 such evidence may be obtained at a later day the court may
9 continue the cause on application of the State for not more
10 than an additional 60 days.

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

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

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

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

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

22 (725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

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

24 (a) If the defendant is eligible to be or has been released
25 on conditions or ~~on bail or~~ on his or her own recognizance, the

1 court shall select the least physically restrictive form of
2 treatment therapeutically appropriate and consistent with the
3 treatment plan.

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

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

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

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

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

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

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

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

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

20 (5) all additional matters which the Court directs the
21 clerk to transmit.

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

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

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

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

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

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

19 (725 ILCS 5/106D-1)

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

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

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

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

8 (2) the waiver of a preliminary hearing;

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

11 (4) the presentation of a jury waiver;

12 (5) any status hearing;

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

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

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

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

1 or confinement may have to be present physically.

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

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

8 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

9 Sec. 107-4. Arrest by peace officer from other
10 jurisdiction.

11 (a) As used in this Section:

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

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

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

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

25 (a-3) Any peace officer employed by a law enforcement

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

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

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

1 officers of this State have to arrest and hold a person in
2 custody on the ground that he has committed an offense in this
3 State.

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

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

17 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

18 Sec. 109-1. Person arrested.

19 (a) A person arrested with or without a warrant shall be
20 taken without unnecessary delay before the nearest and most
21 accessible judge in that county, except when such county is a
22 participant in a regional jail authority, in which event such
23 person may be taken to the nearest and most accessible judge,
24 irrespective of the county where such judge presides, and a
25 charge shall be filed. Whenever a person arrested either with

1 or without a warrant is required to be taken before a judge, a
2 charge may be filed against such person by way of a two-way
3 closed circuit television system, except that a hearing to deny
4 release ~~bail~~ to the defendant may not be conducted by way of
5 closed circuit television.

6 (b) The judge shall:

7 (1) Inform the defendant of the charge against him and
8 shall provide him with a copy of the charge;

9 (2) Advise the defendant of his right to counsel and if
10 indigent shall appoint a public defender or licensed
11 attorney at law of this State to represent him in
12 accordance with the provisions of Section 113-3 of this
13 Code;

14 (3) Schedule a preliminary hearing in appropriate
15 cases;

16 (4) Admit the defendant to release ~~to bail~~ in
17 accordance with the provisions of Article 110 of this Code;
18 and

19 (5) Order the confiscation of the person's passport or
20 impose travel restrictions on a defendant arrested for
21 first degree murder or other violent crime as defined in
22 Section 3 of the Rights of Crime Victims and Witnesses Act,
23 if the judge determines, based on the factors in Section
24 110-5 of this Code, that this will reasonably ensure the
25 appearance of the defendant and compliance by the defendant
26 with all conditions of release.

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

3 (d) At the initial appearance of a defendant in any
4 criminal proceeding, the court must advise the defendant in
5 open court that any foreign national who is arrested or
6 detained has the right to have notice of the arrest or
7 detention given to his or her country's consular
8 representatives and the right to communicate with those
9 consular representatives if the notice has not already been
10 provided. The court must make a written record of so advising
11 the defendant.

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

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

24 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

25 Sec. 109-2. Person arrested in another county. (a) Any

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

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

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

23 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

24 Sec. 110-1. Definitions.

25 (a) (Blank). ~~"Security" is that which is required to be~~

1 ~~pledged to insure the payment of bail.~~

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

7 (c) The phrase "for which a sentence of imprisonment,
8 without conditional and revocable release, shall be imposed by
9 law as a consequence of conviction" means an offense for which
10 a sentence of imprisonment, without probation, periodic
11 imprisonment or conditional discharge, is required by law upon
12 conviction.

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

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

17 (725 ILCS 5/110-1.5 new)

18 Sec. 110-1.5. Abolishment of monetary bail. Under this
19 amendatory Act of the 100th General Assembly, the requirement
20 of posting monetary bail is abolished, except as provided in
21 the Uniform Extradition Act which is a compact that has been
22 entered between this State and its sister states.

23 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

24 Sec. 110-2. Release on own recognizance. When from all the

1 circumstances the court is of the opinion that the defendant
2 will appear as required either before or after conviction and
3 the defendant will not pose a danger to any person or the
4 community and that the defendant will comply with all
5 conditions of release bond, which shall include the defendant's
6 current address with a written admonishment to the defendant
7 that he or she must comply with the provisions of Section
8 110-12 of this Code regarding any change in his or her address,
9 the defendant may be released on his or her own recognizance.
10 The defendant's address shall at all times remain a matter of
11 public record with the clerk of the court. A failure to appear
12 as required by such recognizance shall constitute an offense
13 subject to the penalty provided in Section 32-10 of the
14 Criminal Code of 2012 for violation of release ~~the bail bond~~,
15 and any obligated sum fixed in the recognizance shall be
16 forfeited and collected in accordance with subsection (g) of
17 Section 110-7 of this Code.

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

1 ~~present a danger to any person or the community and that the~~
2 ~~defendant will comply with all conditions of bond.~~

3 The State may appeal any order permitting release by
4 personal recognizance.

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

6 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

7 Sec. 110-3. Issuance of warrant. Upon failure to comply
8 with any condition of release ~~a bail bond~~ or recognizance the
9 court having jurisdiction at the time of such failure may, in
10 addition to any other action provided by law, issue a warrant
11 for the arrest of the person at liberty on release ~~bail~~ or his
12 or her own recognizance. The contents of such a warrant shall
13 be the same as required for an arrest warrant issued upon
14 complaint. When a defendant is at liberty on release ~~bail~~ or
15 his or her own recognizance on a felony charge and fails to
16 appear in court as directed, the court shall issue a warrant
17 for the arrest of such person. Such warrant shall be noted with
18 a directive to peace officers to arrest the person and hold
19 such person without release ~~bail~~ and to deliver such person
20 before the court for further proceedings. A defendant who is
21 arrested or surrenders within 30 days of the issuance of such
22 warrant shall not be released ~~available~~ in the case in question
23 unless he or she shows by the preponderance of the evidence
24 that his or her failure to appear was not intentional.

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

1 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

2 Sec. 110-4. ~~Bailable~~ Offenses where release may be denied.

3 (a) All persons shall be subject to release ~~bailable~~ before
4 conviction, except the following offenses where the proof is
5 evident or the presumption great that the defendant is guilty
6 of the offense: capital offenses; offenses for which a sentence
7 of life imprisonment may be imposed as a consequence of
8 conviction; felony offenses for which a sentence of
9 imprisonment, without conditional and revocable release, shall
10 be imposed by law as a consequence of conviction, where the
11 court after a hearing, determines that the release of the
12 defendant would pose a real and present threat to the physical
13 safety of any person or persons; stalking or aggravated
14 stalking, where the court, after a hearing, determines that the
15 release of the defendant would pose a real and present threat
16 to the physical safety of the alleged victim of the offense and
17 denial of release bail is necessary to prevent fulfillment of
18 the threat upon which the charge is based; or unlawful use of
19 weapons in violation of item (4) of subsection (a) of Section
20 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012
21 when that offense occurred in a school or in any conveyance
22 owned, leased, or contracted by a school to transport students
23 to or from school or a school-related activity, or on any
24 public way within 1,000 feet of real property comprising any
25 school, where the court, after a hearing, determines that the

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

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

17 (c) Where it is alleged that release bail should be denied
18 to a person upon the grounds that the person presents a real
19 and present threat to the physical safety of any person or
20 persons, the burden of proof of such allegations shall be upon
21 the State.

22 (d) When it is alleged that release bail should be denied
23 to a person charged with stalking or aggravated stalking upon
24 the grounds set forth in Section 110-6.3 of this Code, the
25 burden of proof of those allegations shall be upon the State.

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

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

2 Sec. 110-5. Determining ~~the amount of bail and~~ conditions
3 of release.

4 (a) In determining whether to release a defendant ~~the~~
5 ~~amount of monetary bail or conditions of release, if any, which~~
6 ~~will reasonably assure the appearance of a defendant as~~
7 ~~required or the safety of any other person or the community and~~
8 ~~the likelihood of compliance by the defendant with all the~~
9 ~~conditions of bail,~~ the court shall, on the basis of available
10 information, take into account such matters as the nature and
11 circumstances of the offense charged, whether the evidence
12 shows that as part of the offense there was a use of violence
13 or threatened use of violence, whether the offense involved
14 corruption of public officials or employees, whether there was
15 physical harm or threats of physical harm to any public
16 official, public employee, judge, prosecutor, juror or
17 witness, senior citizen, child, or person with a disability,
18 whether evidence shows that during the offense or during the
19 arrest the defendant possessed or used a firearm, machine gun,
20 explosive or metal piercing ammunition or explosive bomb device
21 or any military or paramilitary armament, whether the evidence
22 shows that the offense committed was related to or in
23 furtherance of the criminal activities of an organized gang or
24 was motivated by the defendant's membership in or allegiance to
25 an organized gang, the condition of the victim, any written

1 statement submitted by the victim or proffer or representation
2 by the State regarding the impact which the alleged criminal
3 conduct has had on the victim and the victim's concern, if any,
4 with further contact with the defendant if released ~~on bail~~,
5 whether the offense was based on racial, religious, sexual
6 orientation or ethnic hatred, the likelihood of the filing of a
7 greater charge, the likelihood of conviction, the sentence
8 applicable upon conviction, the weight of the evidence against
9 such defendant, whether there exists motivation or ability to
10 flee, whether there is any verification as to prior residence,
11 education, or family ties in the local jurisdiction, in another
12 county, state or foreign country, the defendant's employment,
13 financial resources, character and mental condition, past
14 conduct, prior use of alias names or dates of birth, and length
15 of residence in the community, the consent of the defendant to
16 periodic drug testing in accordance with Section 110-6.5,
17 whether a foreign national defendant is lawfully admitted in
18 the United States of America, whether the government of the
19 foreign national maintains an extradition treaty with the
20 United States by which the foreign government will extradite to
21 the United States its national for a trial for a crime
22 allegedly committed in the United States, whether the defendant
23 is currently subject to deportation or exclusion under the
24 immigration laws of the United States, whether the defendant,
25 although a United States citizen, is considered under the law
26 of any foreign state a national of that state for the purposes

1 of extradition or non-extradition to the United States, ~~the~~
2 ~~amount of unrecovered proceeds lost as a result of the alleged~~
3 ~~offense, the source of bail funds tendered or sought to be~~
4 ~~tendered for bail, whether from the totality of the court's~~
5 ~~consideration, the loss of funds posted or sought to be posted~~
6 ~~for bail will not deter the defendant from flight,~~ whether the
7 evidence shows that the defendant is engaged in significant
8 possession, manufacture, or delivery of a controlled substance
9 or cannabis, either individually or in consort with others,
10 whether at the time of the offense charged he or she was
11 released ~~on bond or pre-trial release~~ pending trial, probation,
12 periodic imprisonment or conditional discharge pursuant to
13 this Code or the comparable Code of any other state or federal
14 jurisdiction, whether the defendant is released ~~on bond or~~
15 ~~pre-trial release~~ pending the imposition or execution of
16 sentence or appeal of sentence for any offense under the laws
17 of Illinois or any other state or federal jurisdiction, whether
18 the defendant is under parole, aftercare release, mandatory
19 supervised release, or work release from the Illinois
20 Department of Corrections or Illinois Department of Juvenile
21 Justice or any penal institution or corrections department of
22 any state or federal jurisdiction, the defendant's record of
23 convictions, whether the defendant has been convicted of a
24 misdemeanor or ordinance offense in Illinois or similar offense
25 in other state or federal jurisdiction within the 10 years
26 preceding the current charge or convicted of a felony in

1 Illinois, whether the defendant was convicted of an offense in
2 another state or federal jurisdiction that would be a felony if
3 committed in Illinois within the 20 years preceding the current
4 charge or has been convicted of such felony and released from
5 the penitentiary within 20 years preceding the current charge
6 if a penitentiary sentence was imposed in Illinois or other
7 state or federal jurisdiction, the defendant's records of
8 juvenile adjudication of delinquency in any jurisdiction, any
9 record of appearance or failure to appear by the defendant at
10 court proceedings, whether there was flight to avoid arrest or
11 prosecution, whether the defendant escaped or attempted to
12 escape to avoid arrest, whether the defendant refused to
13 identify himself or herself, or whether there was a refusal by
14 the defendant to be fingerprinted as required by law.
15 Information used by the court in its findings or stated in or
16 offered in connection with this Section may be by way of
17 proffer based upon reliable information offered by the State or
18 defendant. All evidence shall be admissible if it is relevant
19 and reliable regardless of whether it would be admissible under
20 the rules of evidence applicable at criminal trials. If the
21 State presents evidence that the offense committed by the
22 defendant was related to or in furtherance of the criminal
23 activities of an organized gang or was motivated by the
24 defendant's membership in or allegiance to an organized gang,
25 and if the court determines that the evidence may be
26 substantiated, the court shall prohibit the defendant from

1 associating with other members of the organized gang as a
2 condition of ~~bail or~~ release. For the purposes of this Section,
3 "organized gang" has the meaning ascribed to it in Section 10
4 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

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

6 ~~(1) Sufficient to assure compliance with the~~
7 ~~conditions set forth in the bail bond, which shall include~~
8 ~~the defendant's current address with a written~~
9 ~~admonishment to the defendant that he or she must comply~~
10 ~~with the provisions of Section 110-12 regarding any change~~
11 ~~in his or her address. The defendant's address shall at all~~
12 ~~times remain a matter of public record with the clerk of~~
13 ~~the court.~~

14 ~~(2) Not oppressive.~~

15 ~~(3) Considerate of the financial ability of the~~
16 ~~accused.~~

17 ~~(4) When a person is charged with a drug related~~
18 ~~offense involving possession or delivery of cannabis or~~
19 ~~possession or delivery of a controlled substance as defined~~
20 ~~in the Cannabis Control Act, the Illinois Controlled~~
21 ~~Substances Act, or the Methamphetamine Control and~~
22 ~~Community Protection Act, the full street value of the~~
23 ~~drugs seized shall be considered. "Street value" shall be~~
24 ~~determined by the court on the basis of a proffer by the~~
25 ~~State based upon reliable information of a law enforcement~~
26 ~~official contained in a written report as to the amount~~

1 ~~seized and such proffer may be used by the court as to the~~
2 ~~current street value of the smallest unit of the drug~~
3 ~~seized.~~

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

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

18 ~~(2) the source of any money or property deposited by~~
19 ~~any surety, and whether any such money or property~~
20 ~~constitutes the fruits of criminal or unlawful conduct; and~~

21 ~~(3) the source of any money posted as cash bail, and~~
22 ~~whether any such money constitutes the fruits of criminal~~
23 ~~or unlawful conduct; and~~

24 ~~(4) the background, character, reputation, and~~
25 ~~relationship to the accused of the person posting cash~~
26 ~~bail.~~

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

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

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

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

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

21 (f) ~~When a person is charged with a violation of an order~~
22 ~~of protection under Section 12-3.4 or 12-30 of the Criminal~~
23 ~~Code of 1961 or the Criminal Code of 2012 or when a person is~~
24 ~~charged with domestic battery, aggravated domestic battery,~~
25 ~~kidnapping, aggravated kidnaping, unlawful restraint,~~
26 ~~aggravated unlawful restraint, stalking, aggravated stalking,~~

1 ~~cyberstalking, harassment by telephone, harassment through~~
2 ~~electronic communications, or an attempt to commit first degree~~
3 ~~murder committed against an intimate partner regardless~~
4 ~~whether an order of protection has been issued against the~~
5 ~~person,~~

6 ~~(1) whether the alleged incident involved harassment~~
7 ~~or abuse, as defined in the Illinois Domestic Violence Act~~
8 ~~of 1986,~~

9 ~~(2) whether the person has a history of domestic~~
10 ~~violence, as defined in the Illinois Domestic Violence Act,~~
11 ~~or a history of other criminal acts;~~

12 ~~(3) based on the mental health of the person;~~

13 ~~(4) whether the person has a history of violating the~~
14 ~~orders of any court or governmental entity;~~

15 ~~(5) whether the person has been, or is, potentially a~~
16 ~~threat to any other person;~~

17 ~~(6) whether the person has access to deadly weapons or~~
18 ~~a history of using deadly weapons;~~

19 ~~(7) whether the person has a history of abusing alcohol~~
20 ~~or any controlled substance;~~

21 ~~(8) based on the severity of the alleged incident that~~
22 ~~is the basis of the alleged offense, including, but not~~
23 ~~limited to, the duration of the current incident, and~~
24 ~~whether the alleged incident involved the use of a weapon,~~
25 ~~physical injury, sexual assault, strangulation, abuse~~
26 ~~during the alleged victim's pregnancy, abuse of pets, or~~

1 ~~forcible entry to gain access to the alleged victim;~~

2 ~~(9) whether a separation of the person from the alleged~~
3 ~~victim or a termination of the relationship between the~~
4 ~~person and the alleged victim has recently occurred or is~~
5 ~~pending;~~

6 ~~(10) whether the person has exhibited obsessive or~~
7 ~~controlling behaviors toward the alleged victim,~~
8 ~~including, but not limited to, stalking, surveillance, or~~
9 ~~isolation of the alleged victim or victim's family member~~
10 ~~or members;~~

11 ~~(11) whether the person has expressed suicidal or~~
12 ~~homicidal ideations;~~

13 ~~(12) based on any information contained in the~~
14 ~~complaint and any police reports, affidavits, or other~~
15 ~~documents accompanying the complaint,~~

16 ~~The the~~ court may, ~~in its discretion,~~ order the defendant
17 ~~respondent~~ to undergo a risk assessment evaluation using a
18 recognized, evidence-based instrument conducted by an Illinois
19 Department of Human Services approved partner abuse
20 intervention program provider, pretrial service, probation, or
21 parole agency to assist in rendering a release decision. ~~These~~
22 ~~agencies shall have access to summaries of the defendant's~~
23 ~~criminal history, which shall not include victim interviews or~~
24 ~~information, for the risk evaluation. Based on the information~~
25 ~~collected from the 12 points to be considered at a bail hearing~~
26 ~~under this subsection (f), the results of any risk evaluation~~

1 ~~conducted and the other circumstances of the violation, the~~
2 ~~court may order that the person, as a condition of bail, be~~
3 ~~placed under electronic surveillance as provided in Section~~
4 ~~5-8A-7 of the Unified Code of Corrections. Upon making a~~
5 ~~determination whether or not to order the respondent to undergo~~
6 ~~a risk assessment evaluation or to be placed under electronic~~
7 ~~surveillance and risk assessment, the court shall document in~~
8 ~~the record the court's reasons for making those determinations.~~
9 ~~The cost of the electronic surveillance and risk assessment~~
10 ~~shall be paid by, or on behalf, of the defendant. As used in~~
11 ~~this subsection (f), "intimate partner" means a spouse or a~~
12 ~~current or former partner in a cohabitation or dating~~
13 ~~relationship.~~

14 (g) If the court releases the defendant, the court shall:

15 (1) inform the defendant of any conditions, including,
16 but not limited to, being placed under electric
17 surveillance as provided in Section 5-8A-7 of the Unified
18 Code of Corrections;

19 (2) admonish the defendant of the consequences for
20 failure to appear for further court proceedings; and

21 (3) inform the defendant that his or her current
22 address shall remain at all times a public record with the
23 Clerk of the Court.

24 (Source: P.A. 98-558, eff. 1-1-14; 98-1012, eff. 1-1-15;
25 99-143, eff. 7-27-15.)

1 (725 ILCS 5/110-5.1)

2 Sec. 110-5.1. ~~Bail~~, Release of certain persons charged with
3 violent crimes against family or household members.

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

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

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

24 (A) that the arresting officer observed on the
25 alleged victim objective manifestations of physical
26 harm that the arresting officer reasonably believes

1 are a result of the alleged offense;

2 (B) that the arresting officer reasonably believes
3 that the person had on the person's person at the time
4 of the alleged offense a deadly weapon;

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

9 (b) To the extent that information about any of the
10 following is available to the court, the court shall consider
11 all of the following, in addition to any other circumstances
12 considered by the court, before releasing ~~setting bail for~~ a
13 person who appears before the court pursuant to subsection (a):

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

16 (2) the mental health of the person;

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

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

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

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

25 (7) the severity of the alleged violence that is the
26 basis of the alleged offense, including, but not limited

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

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

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

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

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

19 (c) Upon the court's own motion or the motion of a party
20 and upon any terms that the court may direct, a court may
21 permit a person who is required to appear before it by
22 subsection (a) to appear by video conferencing equipment. If,
23 in the opinion of the court, the appearance in person or by
24 video conferencing equipment of a person who is charged with a
25 misdemeanor and who is required to appear before the court by
26 subsection (a) is not practicable, the court may waive the

1 appearance and release the person. ~~on bail on one or both of~~
2 ~~the following types of bail in an amount set by the court:~~

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

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

8 Subsection (a) does not create a right in a person to
9 appear before the court for release ~~the setting of bail~~ or
10 prohibit a court from requiring any person charged with a
11 violent crime who is not described in subsection (a) from
12 appearing before the court for release ~~the setting of bail~~.

13 (d) As used in this Section:

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

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

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

19 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

20 Sec. 110-6. (a) Upon verified application by the State or
21 the defendant or on its own motion the court before which the
22 proceeding is pending ~~may increase or reduce the amount of bail~~
23 ~~or~~ may alter the conditions of release ~~the bail bond~~ or grant
24 release ~~bail~~ where it has been previously revoked or denied. If
25 release ~~bail~~ has been previously revoked pursuant to subsection

1 (f) of this Section or if release bail has been denied to the
2 defendant pursuant to subsection (e) of Section 110-6.1 or
3 subsection (e) of Section 110-6.3, the defendant shall be
4 required to present a verified application setting forth in
5 detail any new facts not known or obtainable at the time of the
6 previous revocation or denial of release bail proceedings. If
7 the court grants release bail where it has been previously
8 revoked or denied, the court shall state on the record of the
9 proceedings the findings of facts and conclusion of law upon
10 which such order is based.

11 (b) Violation of the conditions of Section 110-10 of this
12 Code or any special conditions of release bail as ordered by
13 the court shall constitute grounds for the court to ~~increase~~
14 ~~the amount of bail, or otherwise~~ alter the conditions of
15 release bail, or, where the alleged offense committed on
16 release bail is a forcible felony in Illinois or a Class 2 or
17 greater offense under the Illinois Controlled Substances Act,
18 the Cannabis Control Act, or the Methamphetamine Control and
19 Community Protection Act, revoke release bail pursuant to the
20 appropriate provisions of subsection (e) of this Section.

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

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

26 (e) Upon verified application by the State stating facts or

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

26 (f) Where the alleged violation consists of the violation

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

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

1 suspended and resumes at the termination of the period of
2 delay. Where defendant occasions the delay with 5 or fewer
3 days remaining in the 10 day period, the court may grant a
4 period of up to 5 additional days to the State for good
5 cause shown. The State, however, shall retain the right to
6 proceed to hearing on the alleged violation at any time,
7 upon 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. The rules of evidence
16 applicable in criminal trials in this State shall not
17 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 or
20 revocation of release ~~bail~~ may be by way of proffer based
21 upon reliable information offered by the State or
22 defendant. All evidence shall be admissible if it is
23 relevant and reliable regardless of whether it would be
24 admissible under the rules of evidence applicable at
25 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 release ~~bail~~
12 for a felony domestic battery (enhanced pursuant to
13 subsection (b) of Section 12-3.2 of the Criminal Code of
14 1961 or the Criminal Code of 2012), aggravated domestic
15 battery, aggravated battery, unlawful restraint,
16 aggravated unlawful restraint or domestic battery in
17 violation of item (1) of subsection (a) of Section 12-3.2
18 of the Criminal Code of 1961 or the Criminal Code of 2012
19 against a family or household member as defined in Section
20 112A-3 of this Code and the violation is an offense of
21 domestic battery, against the same victim, the court shall
22 revoke the release ~~bail~~ of the defendant and hold the
23 defendant for trial without release ~~bail~~. Neither the
24 finding of the court nor any transcript or other record of
25 the hearing shall be admissible in the State's case in
26 chief, but shall be admissible for impeachment, or as

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

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

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

1 The non-issuing court shall not alter another court's
2 conditions of release ~~courts bail~~ set on a warrant unless
3 the interests of justice and public safety are served by
4 such action.

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

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

10 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

11 Sec. 110-6.1. Denial of release ~~bail~~ in non-probationable
12 felony offenses.

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

21 (1) A petition may be filed without prior notice to the
22 defendant at the first appearance before a judge, or within
23 the 21 calendar days, except as provided in Section 110-6,
24 after arrest and release of the defendant upon reasonable
25 notice to defendant; provided that while such petition is

1 pending before the court, the defendant if previously
2 released shall not be detained.

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

10 (b) The court may deny release ~~bail~~ to the defendant where,
11 after the hearing, it is determined that:

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

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

25 (3) the court finds that no condition or combination of
26 conditions set forth in subsection (b) of Section 110-10 of

1 this Article, can reasonably assure the physical safety of
2 any other person or persons.

3 (c) Conduct of the hearings.

4 (1) The hearing on the defendant's culpability and
5 dangerousness shall be conducted in accordance with the
6 following provisions:

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

1 considerate of the emotional and physical well-being
2 of the witness. The pre-trial detention hearing is not
3 to be used for purposes of discovery, and the post
4 arraignment rules of discovery do not apply. The State
5 shall tender to the defendant, prior to the hearing,
6 copies of defendant's criminal history, if any, if
7 available, and any written or recorded statements and
8 the substance of any oral statements made by any
9 person, if relied upon by the State in its petition.
10 The rules concerning the admissibility of evidence in
11 criminal trials do not apply to the presentation and
12 consideration of information at the hearing. At the
13 trial concerning the offense for which the hearing was
14 conducted neither the finding of the court nor any
15 transcript or other record of the hearing shall be
16 admissible in the State's case in chief, but shall be
17 admissible for impeachment, or as provided in Section
18 115-10.1 of this Code, or in a perjury proceeding.

19 (B) A motion by the defendant to suppress evidence
20 or to suppress a confession shall not be entertained.
21 Evidence that proof may have been obtained as the
22 result of an unlawful search and seizure or through
23 improper interrogation is not relevant to this state of
24 the prosecution.

25 (2) The facts relied upon by the court to support a
26 finding that the defendant poses a real and present threat

1 to the physical safety of any person or persons shall be
2 supported by clear and convincing evidence presented by the
3 State.

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

9 (1) The nature and circumstances of any offense
10 charged, including whether the offense is a crime of
11 violence, involving a weapon.

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 such behavior. Such 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 which
22 tends to indicate a violent, abusive, or assaultive
23 nature, or lack of any such history.

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

1 (4) Any statements made by, or attributed to the
2 defendant, together with the circumstances surrounding
3 them;

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

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

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

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

19 (e) Detention order. The court shall, in any order for
20 detention:

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

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

1 (3) direct that the defendant be given a reasonable
2 opportunity for private consultation with counsel, and for
3 communication with others of his choice by visitation, mail
4 and telephone; and

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

8 (f) If the court enters an order for the detention of the
9 defendant pursuant to subsection (e) of this Section, the
10 defendant shall be brought to trial on the offense for which he
11 is detained within 90 days after the date on which the order
12 for detention was entered. If the defendant is not brought to
13 trial within the 90 day period required by the preceding
14 sentence, he shall not be held longer without release ~~bail~~. In
15 computing the 90 day period, the court shall omit any period of
16 delay resulting from a continuance granted at the request of
17 the defendant.

18 (g) Rights of the defendant. Any person shall be entitled
19 to appeal any order entered under this Section denying release
20 ~~bail~~ to the defendant.

21 (h) The State may appeal any order entered under this
22 Section denying any motion for denial of release ~~bail~~.

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

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

1 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

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

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

9 (b) The court may order that person who has been found
10 guilty of an offense and sentenced to a term of imprisonment be
11 held without release bond unless the court finds by clear and
12 convincing evidence that:

13 (1) the person is not likely to flee or pose a danger
14 to the safety of any other person or the community if
15 released on bond pending appeal; and

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

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

20 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

21 Sec. 110-6.3. Denial of release bail in stalking and
22 aggravated stalking offenses.

23 (a) Upon verified petition by the State, the court shall
24 hold a hearing to determine whether release bail should be

1 denied to a defendant who is charged with stalking or
2 aggravated stalking, when it is alleged that the defendant's
3 release ~~admission to bail~~ poses a real and present threat to
4 the physical safety of the alleged victim of the offense, and
5 denial of release ~~on bail~~ or personal recognizance is necessary
6 to prevent fulfillment of the threat upon which the charge is
7 based.

8 (1) A petition may be filed without prior notice to the
9 defendant at the first appearance before a judge, or within
10 21 calendar days, except as provided in Section 110-6,
11 after arrest and release of the defendant upon reasonable
12 notice to defendant; provided that while the petition is
13 pending before the court, the defendant if previously
14 released shall not be detained.

15 (2) The hearing shall be held immediately upon the
16 defendant's appearance before the court, unless for good
17 cause shown the defendant or the State seeks a continuance.
18 A continuance on motion of the defendant may not exceed 5
19 calendar days, and the defendant may be held in custody
20 during the continuance. A continuance on the motion of the
21 State may not exceed 3 calendar days; however, the
22 defendant may be held in custody during the continuance
23 under this provision if the defendant has been previously
24 found to have violated an order of protection or has been
25 previously convicted of, or granted court supervision for,
26 any of the offenses set forth in Sections 11-1.20, 11-1.30,

1 11-1.40, 11-1.50, 11-1.60, 12-2, 12-3.05, 12-3.2, 12-3.3,
2 12-4, 12-4.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15
3 or 12-16 of the Criminal Code of 1961 or the Criminal Code
4 of 2012, against the same person as the alleged victim of
5 the stalking or aggravated stalking offense.

6 (b) The court may deny release ~~bail~~ to the defendant when,
7 after the hearing, it is determined that:

8 (1) the proof is evident or the presumption great that
9 the defendant has committed the offense of stalking or
10 aggravated stalking; and

11 (2) the defendant poses a real and present threat to
12 the physical safety of the alleged victim of the offense;
13 and

14 (3) the denial of release ~~on bail~~ or personal
15 recognizance is necessary to prevent fulfillment of the
16 threat upon which the charge is based; and

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

23 (c) Conduct of the hearings.

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

1 (A) Information used by the court in its findings
2 or stated in or offered at the hearing may be by way of
3 proffer based upon reliable information offered by the
4 State or by defendant. Defendant has the right to be
5 represented by counsel, and if he is indigent, to have
6 counsel appointed for him. Defendant shall have the
7 opportunity to testify, to present witnesses in his own
8 behalf, and to cross-examine witnesses if any are
9 called by the State. The defendant has the right to
10 present witnesses in his favor. When the ends of
11 justice so require, the court may exercise its
12 discretion and compel the appearance of a complaining
13 witness. The court shall state on the record reasons
14 for granting a defense request to compel the presence
15 of a complaining witness. Cross-examination of a
16 complaining witness at the pretrial detention hearing
17 for the purpose of impeaching the witness' credibility
18 is insufficient reason to compel the presence of the
19 witness. In deciding whether to compel the appearance
20 of a complaining witness, the court shall be
21 considerate of the emotional and physical well-being
22 of the witness. The pretrial detention hearing is not
23 to be used for the purposes of discovery, and the post
24 arraignment rules of discovery do not apply. The State
25 shall tender to the defendant, prior to the hearing,
26 copies of defendant's criminal history, if any, if

1 available, and any written or recorded statements and
2 the substance of any oral statements made by any
3 person, if relied upon by the State. The rules
4 concerning the admissibility of evidence in criminal
5 trials do not apply to the presentation and
6 consideration of information at the hearing. At the
7 trial concerning the offense for which the hearing was
8 conducted neither the finding of the court nor any
9 transcript or other record of the hearing shall be
10 admissible in the State's case in chief, but shall be
11 admissible for impeachment, or as provided in Section
12 115-10.1 of this Code, or in a 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 release ~~on bail~~ or personal
25 recognizance is necessary to prevent fulfillment of
26 the threat upon which the charge is based;

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

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

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

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

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

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

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

25 (4) Any statements made by, or attributed to the
26 defendant, together with the circumstances surrounding

1 them;

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

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

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

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

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

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

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

25 (3) direct that the defendant be given a reasonable
26 opportunity for private consultation with counsel, and for

1 communication with others of his choice by visitation, mail
2 and telephone; and

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

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

18 (g) Any person shall be entitled to appeal any order
19 entered under this Section denying release ~~bail~~ to the
20 defendant.

21 (h) The State may appeal any order entered under this
22 Section denying any motion for denial of release ~~bail~~.

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

26 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;

1 98-558, eff. 1-1-14.)

2 (725 ILCS 5/110-6.5)

3 Sec. 110-6.5. Drug testing program. The Chief Judge of the
4 circuit may establish a drug testing program as provided by
5 this Section in any county in the circuit if the county board
6 has approved the establishment of the program and the county
7 probation department or pretrial services agency has consented
8 to administer it. The drug testing program shall be conducted
9 under the following provisions:

10 (a) The court, in the case of a defendant charged with a
11 felony offense or any offense involving the possession or
12 delivery of cannabis or a controlled substance, shall:

13 (1) not consider the release of the defendant on his or
14 her own recognizance, unless the defendant consents to
15 periodic drug testing during the period of release on his
16 or her own recognizance, in accordance with this Section;

17 (2) consider the consent of the defendant to periodic
18 drug testing during the period of release ~~on bail~~ in
19 accordance with this Section as a favorable factor for the
20 defendant in determining ~~the amount of bail~~, the conditions
21 of release ~~or in considering the defendant's motion to~~
22 ~~reduce the amount of bail.~~

23 (b) The drug testing shall be conducted by the pretrial
24 services agency or under the direction of the probation
25 department when a pretrial services agency does not exist in

1 accordance with this Section.

2 (c) A defendant who consents to periodic drug testing as
3 set forth in this Section shall sign an agreement with the
4 court that, during the period of release, the defendant shall
5 refrain from using illegal drugs and that the defendant will
6 comply with the conditions of the testing program. The
7 agreement shall be on a form prescribed by the court and shall
8 be executed at the time of the release ~~bail~~ hearing. This
9 agreement shall be made a specific condition of release ~~bail~~.

10 (d) The drug testing program shall be conducted as follows:

11 (1) The testing shall be done by urinalysis for the
12 detection of phencyclidine, heroin, cocaine, methadone and
13 amphetamines.

14 (2) The collection of samples shall be performed under
15 reasonable and sanitary conditions.

16 (3) Samples shall be collected and tested with due
17 regard for the privacy of the individual being tested and
18 in a manner reasonably calculated to prevent substitutions
19 or interference with the collection or testing of reliable
20 samples.

21 (4) Sample collection shall be documented, and the
22 documentation procedures shall include:

23 (i) Labeling of samples so as to reasonably
24 preclude the probability of erroneous identification
25 of test results; and

26 (ii) An opportunity for the defendant to provide

1 information on the identification of prescription or
2 nonprescription drugs used in connection with a
3 medical condition.

4 (5) Sample collection, storage, and transportation to
5 the place of testing shall be performed so as to reasonably
6 preclude the probability of sample contamination or
7 adulteration.

8 (6) Sample testing shall conform to scientifically
9 accepted analytical methods and procedures. Testing shall
10 include verification or confirmation of any positive test
11 result by a reliable analytical method before the result of
12 any test may be used as a basis for any action by the
13 court.

14 (e) The initial sample shall be collected before the
15 defendant's release ~~on bail~~. Thereafter, the defendant shall
16 report to the pretrial services agency or probation department
17 as required by the agency or department. The pretrial services
18 agency or probation department shall immediately notify the
19 court of any defendant who fails to report for testing.

20 (f) After the initial test, a subsequent confirmed positive
21 test result indicative of continued drug use shall result in
22 the following:

23 (1) Upon the first confirmed positive test result, the
24 pretrial services agency or probation department, shall
25 place the defendant on a more frequent testing schedule and
26 shall warn the defendant of the consequences of continued

1 drug use.

2 (2) A second confirmed positive test result shall be
3 grounds for a hearing before the judge who authorized the
4 release of the defendant in accordance with the provisions
5 of subsection (g) of this Section.

6 (g) The court shall, upon motion of the State or upon its
7 own motion, conduct a hearing in connection with any defendant
8 who fails to appear for testing, fails to cooperate with the
9 persons conducting the testing program, attempts to submit a
10 sample not his or her own or has had a confirmed positive test
11 result indicative of continued drug use for the second or
12 subsequent time after the initial test. The hearing shall be
13 conducted in accordance with the procedures of Section 110-6.

14 Upon a finding by the court that the State has established
15 by clear and convincing evidence that the defendant has
16 violated the drug testing conditions ~~of bail~~, the court may
17 consider any of the following sanctions:

18 (1) ~~increase the amount of the defendant's bail or~~
19 alter the conditions of release;

20 (2) impose a jail sentence of up to 5 days;

21 (3) revoke the defendant's release ~~bail~~; or

22 (4) enter such other orders which are within the power
23 of the court as deemed appropriate.

24 (h) The results of any drug testing conducted under this
25 Section shall not be admissible on the issue of the defendant's
26 guilt in connection with any criminal charge.

1 (i) The court may require that the defendant pay for the
2 cost of drug testing.

3 (Source: P.A. 88-677, eff. 12-15-94.)

4 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

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

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

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

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

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

22 (d) After conviction the court may order that the original
23 conditions of release ~~bail~~ stand ~~as bail~~ pending appeal or may
24 alter the conditions of release ~~deny, increase or reduce bail~~
25 subject to the provisions of Section 110-6.2.

26 (e) After the entry of an order by the trial court allowing

1 or denying release bail pending appeal either party may apply
2 to the reviewing court having jurisdiction or to a justice
3 thereof sitting in vacation for an order altering the
4 conditions of release ~~increasing or decreasing the amount of~~
5 ~~bail~~ or allowing or denying release bail pending appeal subject
6 to the provisions of Section 110-6.2.

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

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

10 ~~At the request of the defendant the court may order such~~
11 ~~90% of defendant's bail deposit, or whatever amount is~~
12 ~~repayable to defendant from such deposit, to be paid to~~
13 ~~defendant's attorney of record.~~

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

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

23 (h) (Blank). ~~After a judgment for a fine and court costs or~~
24 ~~either is entered in the prosecution of a cause in which a~~
25 ~~deposit had been made in accordance with paragraph (a) the~~
26 ~~balance of such deposit, after deduction of bail bond costs,~~

1 ~~shall be applied to the payment of the judgment.~~

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

1 27.3d of the Clerks of Courts Act.

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

3 (725 ILCS 5/110-9) (from Ch. 38, par. 110-9)

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

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

21 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

22 Sec. 110-10. Conditions of release ~~bail bond~~.

23 (a) If a person is released prior to conviction, ~~either~~
24 ~~upon payment of bail security or on his or her own~~

1 ~~recognizance,~~ the conditions of release ~~the bail bond~~ shall be
2 that he or she will:

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

6 (2) Submit himself or herself to the orders and process
7 of the court;

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

9 (4) Not violate any criminal statute of any
10 jurisdiction;

11 (5) At a time and place designated by the court,
12 surrender all firearms in his or her possession to a law
13 enforcement officer designated by the court to take custody
14 of and impound the firearms and physically surrender his or
15 her Firearm Owner's Identification Card to the clerk of the
16 circuit court when the offense the person has been charged
17 with is a forcible felony, stalking, aggravated stalking,
18 domestic battery, any violation of the Illinois Controlled
19 Substances Act, the Methamphetamine Control and Community
20 Protection Act, or the Cannabis Control Act that is
21 classified as a Class 2 or greater felony, or any felony
22 violation of Article 24 of the Criminal Code of 1961 or the
23 Criminal Code of 2012; the court may, however, forgo the
24 imposition of this condition when the circumstances of the
25 case clearly do not warrant it or when its imposition would
26 be impractical; if the Firearm Owner's Identification Card

1 is confiscated, the clerk of the circuit court shall mail
2 the confiscated card to the Illinois State Police; all
3 legally possessed firearms shall be returned to the person
4 upon the charges being dismissed, or if the person is found
5 not guilty, unless the finding of not guilty is by reason
6 of insanity; and

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

16 Psychological evaluations ordered pursuant to this Section
17 shall be completed promptly and made available to the State,
18 the defendant, and the court. As a further condition of release
19 ~~bail~~ under these circumstances, the court shall order the
20 defendant to refrain from entering upon the property of the
21 school, including 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 feet
24 of real property comprising any school. Upon receipt of the
25 psychological evaluation, either the State or the defendant may
26 request a change in the conditions of release ~~bail~~, pursuant to

1 Section 110-6 of this Code. The court may change the conditions
2 of release ~~bail~~ to include a requirement that the defendant
3 follow the recommendations of the psychological evaluation,
4 including undergoing psychiatric treatment. The conclusions of
5 the psychological evaluation and any statements elicited from
6 the defendant during its administration are not admissible as
7 evidence of guilt during the course of any trial on the charged
8 offense, unless the defendant places his or her mental
9 competency in issue.

10 (b) The court may impose other conditions, such as the
11 following, if the court finds that such conditions are
12 reasonably necessary to assure the defendant's appearance in
13 court, protect the public from the defendant, or prevent the
14 defendant's unlawful interference with the orderly
15 administration of justice:

16 (1) Report to or appear in person before such person or
17 agency as the court may direct;

18 (2) Refrain from possessing a firearm or other
19 dangerous weapon;

20 (3) Refrain from approaching or communicating with
21 particular persons or classes of persons;

22 (4) Refrain from going to certain described
23 geographical areas or premises;

24 (5) Refrain from engaging in certain activities or
25 indulging in intoxicating liquors or in certain drugs;

26 (6) Undergo treatment for drug addiction or

1 alcoholism;

2 (7) Undergo medical or psychiatric treatment;

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

5 (9) Attend or reside in a facility designated by the
6 court;

7 (10) Support his or her dependents;

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

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

13 (13) Remain in the custody of such designated person or
14 organization agreeing to supervise his release. Such third
15 party custodian shall be responsible for notifying the
16 court if the defendant fails to observe the conditions of
17 release which the custodian has agreed to monitor, and
18 shall be subject to contempt of court for failure so to
19 notify the court;

20 (14) Be placed under direct supervision of the Pretrial
21 Services Agency, Probation Department or Court Services
22 Department in a pretrial ~~bond~~ home supervision capacity
23 with or without the use of an approved electronic
24 monitoring device subject to Article 8A of Chapter V of the
25 Unified Code of Corrections;

26 (14.1) The court shall impose upon a defendant who is

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

20 The Chief Judge of the circuit court of the county may
21 by administrative order establish a program for electronic
22 monitoring of offenders with regard to drug-related and
23 alcohol-related offenses, in which a vendor supplies and
24 monitors the operation of the electronic monitoring
25 device, and collects the fees on behalf of the county. The
26 program shall include provisions for indigent offenders

1 and the collection of unpaid fees. The program shall not
2 unduly burden the offender and shall be subject to review
3 by the Chief Judge.

4 The Chief Judge of the circuit court may suspend any
5 additional charges or fees for late payment, interest, or
6 damage to any device;

7 (14.2) The court shall impose upon all defendants,
8 including those defendants subject to paragraph (14.1)
9 above, placed under direct supervision of the Pretrial
10 Services Agency, Probation Department or Court Services
11 Department in a pretrial ~~bond~~ home supervision capacity
12 with the use of an approved monitoring device, as a
13 condition of release ~~such bail bond~~, a fee which shall
14 represent costs incidental to such electronic monitoring
15 for each day of ~~such bail~~ supervision ordered by the court,
16 unless after determining the inability of the defendant to
17 pay the fee, the court assesses a lesser fee or no fee as
18 the case may be. The fee shall be collected by the clerk of
19 the circuit court, except as provided in an administrative
20 order of the Chief Judge of the circuit court. The clerk of
21 the circuit court shall pay all monies collected from this
22 fee to the county treasurer who shall use the monies
23 collected to defray the costs of corrections. The county
24 treasurer shall deposit the fee collected in the county
25 working cash fund under Section 6-27001 or Section 6-29002
26 of the Counties Code, as the case may be, except as

1 provided in an administrative order of the Chief Judge of
2 the circuit court.

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

13 The Chief Judge of the circuit court may suspend any
14 additional charges or fees for late payment, interest, or
15 damage to any device;

16 (14.3) The Chief Judge of the Judicial Circuit may
17 establish reasonable fees to be paid by a person receiving
18 pretrial services while under supervision of a pretrial
19 services agency, probation department, or court services
20 department. Reasonable fees may be charged for pretrial
21 services including, but not limited to, pretrial
22 supervision, diversion programs, electronic monitoring,
23 victim impact services, drug and alcohol testing, DNA
24 testing, GPS electronic monitoring, assessments and
25 evaluations related to domestic violence and other
26 victims, and victim mediation services. The person

1 receiving pretrial services may be ordered to pay all costs
2 incidental to pretrial services in accordance with his or
3 her ability to pay those costs;

4 (14.4) For persons charged with violating Section
5 11-501 of the Illinois Vehicle Code, refrain from operating
6 a motor vehicle not equipped with an ignition interlock
7 device, as defined in Section 1-129.1 of the Illinois
8 Vehicle Code, pursuant to the rules promulgated by the
9 Secretary of State for the installation of ignition
10 interlock devices. Under this condition the court may allow
11 a defendant who is not self-employed to operate a vehicle
12 owned by the defendant's employer that is not equipped with
13 an ignition interlock device in the course and scope of the
14 defendant's employment;

15 (15) Comply with the terms and conditions of an order
16 of protection issued by the court under the Illinois
17 Domestic Violence Act of 1986 or an order of protection
18 issued by the court of another state, tribe, or United
19 States territory;

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

22 (17) Such other reasonable conditions as the court may
23 impose.

24 (c) When a person is charged with an offense under Section
25 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
26 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, involving a victim who is a minor under
2 18 years of age living in the same household with the defendant
3 at the time of the offense, in granting release ~~bail~~ or
4 releasing the defendant on his or her own recognizance, the
5 judge shall impose conditions to restrict the defendant's
6 access to the victim which may include, but are not limited to
7 conditions that he or she will:

8 1. Vacate the household.

9 2. Make payment of temporary support to his dependents.

10 3. Refrain from contact or communication with the child
11 victim, except as ordered by the court.

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

19 (1) refrain from contact or communication with the
20 victim for a minimum period of 72 hours following the
21 defendant's release; and

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

25 (e) Local law enforcement agencies shall develop
26 standardized release ~~bond~~ forms for use in cases involving

1 family or household members as defined in Article 112A,
2 including specific conditions of release bond as provided in
3 subsection (d). Failure of any law enforcement department to
4 develop or use those forms shall in no way limit the
5 applicability and enforcement of subsections (d) and (f).

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

10 (1) Duly prosecute his appeal;

11 (2) Appear at such time and place as the court may
12 direct;

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

14 (4) Comply with such other reasonable conditions as the
15 court may impose; and

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

19 (g) Upon a finding of guilty for any felony offense, the
20 defendant shall physically surrender, at a time and place
21 designated by the court, any and all firearms in his or her
22 possession and his or her Firearm Owner's Identification Card
23 as a condition of release ~~remaining on bond~~ pending sentencing.

24 (Source: P.A. 99-797, eff. 8-12-16.)

1 Sec. 110-11. Release ~~Bail~~ on a new trial. If the judgment
2 of conviction is reversed and the cause remanded for a new
3 trial the trial court may order that the release ~~bail~~ stand
4 pending such trial, or alter the conditions of release imposed
5 ~~reduce or increase bail~~.

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

7 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

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

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

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

23 (725 ILCS 5/110-16) (from Ch. 38, par. 110-16)

24 Sec. 110-16. Release ~~Bail bond~~ forfeiture in same case or

1 absents self during trial-not eligible for release ~~bailable~~.

2 If a person released ~~admitted to bail~~ on a felony charge
3 forfeits his or her release bond and fails to appear in court
4 during the 30 days immediately after such forfeiture, on being
5 taken into custody thereafter he or she shall not be released
6 ~~bailable~~ in the case in question, unless the court finds that
7 his or her absence was not for the purpose of obstructing
8 justice or avoiding prosecution.

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

10 (725 ILCS 5/110-18) (from Ch. 38, par. 110-18)

11 Sec. 110-18. Reimbursement. The sheriff of each county
12 shall certify to the treasurer of each county the number of
13 days that persons had been detained in the custody of the
14 sheriff without release ~~a bond being set~~ as a result of an
15 order entered pursuant to Section 110-6.1 of this Code. The
16 county treasurer shall, no later than January 1, annually
17 certify to the Supreme Court the number of days that persons
18 had been detained without release bond during the twelve-month
19 period ending November 30. The Supreme Court shall reimburse,
20 from funds appropriated to it by the General Assembly for such
21 purposes, the treasurer of each county an amount of money for
22 deposit in the county general revenue fund at a rate of \$50 per
23 day for each day that persons were detained in custody without
24 bail as a result of an order entered pursuant to Section
25 110-6.1 of this Code.

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

2 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)
3 Sec. 112A-23. Enforcement of orders of protection.

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

7 (1) The respondent commits the crime of violation of an
8 order of protection pursuant to Section 12-3.4 or 12-30 of
9 the Criminal Code of 1961 or the Criminal Code of 2012, by
10 having knowingly violated:

11 (i) remedies described in paragraphs (1), (2),
12 (3), (14), or (14.5) of subsection (b) of Section
13 112A-14,

14 (ii) a remedy, which is substantially similar to
15 the remedies authorized under paragraphs (1), (2),
16 (3), (14) or (14.5) of subsection (b) of Section 214 of
17 the Illinois Domestic Violence Act of 1986, in a valid
18 order of protection, which is authorized under the laws
19 of another state, tribe or United States territory,

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

23 Prosecution for a violation of an order of protection
24 shall not bar concurrent prosecution for any other crime,
25 including any crime that may have been committed at the

1 time of the violation of the order of protection; or

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

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

7 (ii) a remedy, which is substantially similar to
8 the remedies authorized under paragraphs (1), (5),
9 (6), or (8) of subsection (b) of Section 214 of the
10 Illinois Domestic Violence Act of 1986, in a valid
11 order of protection, which is authorized under the laws
12 of another state, tribe or United States territory.

13 (b) When violation is contempt of court. A violation of any
14 valid order of protection, whether issued in a civil or
15 criminal proceeding, may be enforced through civil or criminal
16 contempt procedures, as appropriate, by any court with
17 jurisdiction, regardless where the act or acts which violated
18 the order of protection were committed, to the extent
19 consistent with the venue provisions of this Article. Nothing
20 in this Article shall preclude any Illinois court from
21 enforcing any valid order of protection issued in another
22 state. Illinois courts may enforce orders of protection through
23 both criminal prosecution and contempt proceedings, unless the
24 action which is second in time is barred by collateral estoppel
25 or the constitutional prohibition against double jeopardy.

26 (1) In a contempt proceeding where the petition for a

1 rule to show cause sets forth facts evidencing an immediate
2 danger that the respondent will flee the jurisdiction,
3 conceal a child, or inflict physical abuse on the
4 petitioner or minor children or on dependent adults in
5 petitioner's care, the court may order the attachment of
6 the respondent without prior service of the rule to show
7 cause or the petition for a rule to show cause. Release
8 ~~Bond~~ shall be set unless specifically denied in writing.

9 (2) A petition for a rule to show cause for violation
10 of an order of protection shall be treated as an expedited
11 proceeding.

12 (c) Violation of custody, allocation of parental
13 responsibility, or support orders. A violation of remedies
14 described in paragraphs (5), (6), (8), or (9) of subsection (b)
15 of Section 112A-14 may be enforced by any remedy provided by
16 Section 607.5 of the Illinois Marriage and Dissolution of
17 Marriage Act. The court may enforce any order for support
18 issued under paragraph (12) of subsection (b) of Section
19 112A-14 in the manner provided for under Parts V and VII of the
20 Illinois Marriage and Dissolution of Marriage Act.

21 (d) Actual knowledge. An order of protection may be
22 enforced pursuant to this Section if the respondent violates
23 the order after respondent has actual knowledge of its contents
24 as shown through one of the following means:

25 (1) By service, delivery, or notice under Section
26 112A-10.

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

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

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

6 (e) The enforcement of an order of protection in civil or
7 criminal court shall not be affected by either of the
8 following:

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

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

13 (f) Circumstances. The court, when determining whether or
14 not a violation of an order of protection has occurred, shall
15 not require physical manifestations of abuse on the person of
16 the victim.

17 (g) Penalties.

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

26 (2) The court shall hear and take into account evidence

1 of any factors in aggravation or mitigation before deciding
2 an appropriate penalty under paragraph (1) of this
3 subsection.

4 (3) To the extent permitted by law, the court is
5 encouraged to:

6 (i) increase the penalty for the knowing violation
7 of any order of protection over any penalty previously
8 imposed by any court for respondent's violation of any
9 order of protection or penal statute involving
10 petitioner as victim and respondent as defendant;

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

14 (iii) impose a minimum penalty of 48 hours
15 imprisonment for respondent's second or subsequent
16 violation of an order of protection

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

19 (4) In addition to any other penalties imposed for a
20 violation of an order of protection, a criminal court may
21 consider evidence of any violations of an order of
22 protection:

23 (i) to alter the conditions of release ~~increase,~~
24 ~~revoke or modify the bail bond~~ on an underlying
25 criminal charge pursuant to Section 110-6;

26 (ii) to revoke or modify an order of probation,

1 conditional discharge or supervision, pursuant to
2 Section 5-6-4 of the Unified Code of Corrections;

3 (iii) to revoke or modify a sentence of periodic
4 imprisonment, pursuant to Section 5-7-2 of the Unified
5 Code of Corrections.

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

7 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

8 Sec. 115-4.1. Absence of defendant.

9 (a) When a defendant after arrest and an initial court
10 appearance for a non-capital felony or a misdemeanor, fails to
11 appear for trial, at the request of the State and after the
12 State has affirmatively proven through substantial evidence
13 that the defendant is willfully avoiding trial, the court may
14 commence trial in the absence of the defendant. Absence of a
15 defendant as specified in this Section shall not be a bar to
16 indictment of a defendant, return of information against a
17 defendant, or arraignment of a defendant for the charge for
18 which release ~~bail~~ has been granted. If a defendant fails to
19 appear at arraignment, the court may enter a plea of "not
20 guilty" on his behalf. If a defendant absents himself before
21 trial on a capital felony, trial may proceed as specified in
22 this Section provided that the State certifies that it will not
23 seek a death sentence following conviction. Trial in the
24 defendant's absence shall be by jury unless the defendant had
25 previously waived trial by jury. The absent defendant must be

1 represented by retained or appointed counsel. ~~The court, at the~~
2 ~~conclusion of all of the proceedings, may order the clerk of~~
3 ~~the circuit court to pay counsel such sum as the court deems~~
4 ~~reasonable, from any bond monies which were posted by the~~
5 ~~defendant with the clerk, after the clerk has first deducted~~
6 ~~all court costs.~~ If trial had previously commenced in the
7 presence of the defendant and the defendant willfully absents
8 himself for two successive court days, the court shall proceed
9 to trial. All procedural rights guaranteed by the United States
10 Constitution, Constitution of the State of Illinois, statutes
11 of the State of Illinois, and rules of court shall apply to the
12 proceedings the same as if the defendant were present in court
13 ~~and had not either forfeited his bail bond or escaped from~~
14 ~~custody.~~ The court may set the case for a trial which may be
15 conducted under this Section despite the failure of the
16 defendant to appear at the hearing at which the trial date is
17 set. When such trial date is set the clerk shall send to the
18 defendant, by certified mail at his or her last known address
19 ~~indicated on his bond slip,~~ notice of the new date which has
20 been set for trial. Such notification shall be required when
21 the defendant was not personally present in open court at the
22 time when the case was set for trial.

23 (b) The absence of a defendant from a trial conducted
24 pursuant to this Section does not operate as a bar to
25 concluding the trial, to a judgment of conviction resulting
26 therefrom, or to a final disposition of the trial in favor of

1 the defendant.

2 (c) Upon a verdict of not guilty, the court shall enter
3 judgment for the defendant. Upon a verdict of guilty, the court
4 shall set a date for the hearing of post-trial motions and
5 shall hear such motion in the absence of the defendant. If
6 post-trial motions are denied, the court shall proceed to
7 conduct a sentencing hearing and to impose a sentence upon the
8 defendant.

9 (d) A defendant who is absent for part of the proceedings
10 of trial, post-trial motions, or sentencing, does not thereby
11 forfeit his right to be present at all remaining proceedings.

12 (e) When a defendant who in his absence has been either
13 convicted or sentenced or both convicted and sentenced appears
14 before the court, he must be granted a new trial or new
15 sentencing hearing if the defendant can establish that his
16 failure to appear in court was both without his fault and due
17 to circumstances beyond his control. A hearing with notice to
18 the State's Attorney on the defendant's request for a new trial
19 or a new sentencing hearing must be held before any such
20 request may be granted. At any such hearing both the defendant
21 and the State may present evidence.

22 (f) If the court grants only the defendant's request for a
23 new sentencing hearing, then a new sentencing hearing shall be
24 held in accordance with the provisions of the Unified Code of
25 Corrections. At any such hearing, both the defendant and the
26 State may offer evidence of the defendant's conduct during his

1 period of absence from the court. The court may impose any
2 sentence authorized by the Unified Code of Corrections and is
3 not in any way limited or restricted by any sentence previously
4 imposed.

5 (g) A defendant whose motion under paragraph (e) for a new
6 trial or new sentencing hearing has been denied may file a
7 notice of appeal therefrom. Such notice may also include a
8 request for review of the judgment and sentence not vacated by
9 the trial court.

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

11 (725 ILCS 5/102-7 rep.)

12 (725 ILCS 5/110-8 rep.)

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

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

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

16 (725 ILCS 5/110-17 rep.)

17 Section 25. The Code of Criminal Procedure of 1963 is
18 amended by repealing Sections 102-7, 110-8, 110-13, 110-14,
19 110-15, and 110-17.

20 Section 30. The Pretrial Services Act is amended by
21 changing Sections 20, 22, and 34 as follows:

22 (725 ILCS 185/20) (from Ch. 38, par. 320)

23 Sec. 20. In preparing and presenting its written reports

1 under Sections 17 and 19, pretrial services agencies shall in
2 appropriate cases include specific recommendations for
3 conditions of release ~~the setting, increase, or decrease of~~
4 ~~bail~~; the release of the interviewee on his or her own
5 recognizance ~~in sums certain~~; and the imposition of pretrial
6 conditions of release ~~to bail~~ or recognizance designed to
7 minimize the risks of nonappearance, the commission of new
8 offenses while awaiting trial, and other potential
9 interference with the orderly administration of justice. In
10 establishing objective internal criteria of any such
11 recommendation policies, the agency may utilize so-called
12 "point scales" for evaluating the aforementioned risks, but no
13 interviewee shall be considered as ineligible for particular
14 agency recommendations by sole reference to such procedures.

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

16 (725 ILCS 185/22) (from Ch. 38, par. 322)

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

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

2 (725 ILCS 185/34)

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

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

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

13 (725 ILCS 225/16) (from Ch. 60, par. 33)

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

15 Unless the offense with which the prisoner is charged is
16 shown to be an offense punishable by death or life imprisonment
17 under the laws of the state in which it was committed, a judge
18 in this State may admit the person arrested to bail by bond,
19 with sufficient sureties, and in such sum as he deems proper,
20 conditioned for his appearance before him at a time specified
21 in such bond, and for his surrender, to be arrested upon the
22 warrant of the Governor of this State. Bail under this Act and
23 the procedures for it shall be as provided by Supreme Court

1 Rule.

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

3 Section 40. The Unified Code of Corrections is amended by
4 changing Section 5-6-4 as follows:

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

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

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

13 (1) in the case of probation violations, order the
14 issuance of a notice to the offender to be present by the
15 County Probation Department or such other agency
16 designated by the court to handle probation matters; and in
17 the case of conditional discharge or supervision
18 violations, such notice to the offender shall be issued by
19 the Circuit Court Clerk; and in the case of a violation of
20 a sentence of county impact incarceration, such notice
21 shall be issued by the Sheriff;

22 (2) order a summons to the offender to be present for
23 hearing; or

24 (3) order a warrant for the offender's arrest where

1 there is danger of his fleeing the jurisdiction or causing
2 serious harm to others or when the offender fails to answer
3 a summons or notice from the clerk of the court or Sheriff.

4 Personal service of the petition for violation of probation
5 or the issuance of such warrant, summons or notice shall toll
6 the period of probation, conditional discharge, supervision,
7 or sentence of county impact incarceration until the final
8 determination of the charge, and the term of probation,
9 conditional discharge, supervision, or sentence of county
10 impact incarceration shall not run until the hearing and
11 disposition of the petition for violation.

12 (b) The court shall conduct a hearing of the alleged
13 violation. The court shall release the defendant ~~admit the~~
14 ~~offender to bail~~ pending the hearing unless the alleged
15 violation is itself a criminal offense in which case the
16 offender shall be released ~~admitted to bail~~ on such terms as
17 are provided in the Code of Criminal Procedure of 1963, as
18 amended. In any case where an offender remains incarcerated
19 only as a result of his alleged violation of the court's
20 earlier order of probation, supervision, conditional
21 discharge, or county impact incarceration such hearing shall be
22 held within 14 days of the onset of said incarceration, unless
23 the alleged violation is the commission of another offense by
24 the offender during the period of probation, supervision or
25 conditional discharge in which case such hearing shall be held
26 within the time limits described in Section 103-5 of the Code

1 of Criminal Procedure of 1963, as amended.

2 (c) The State has the burden of going forward with the
3 evidence and proving the violation by the preponderance of the
4 evidence. The evidence shall be presented in open court with
5 the right of confrontation, cross-examination, and
6 representation by counsel.

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

12 (e) If the court finds that the offender has violated a
13 condition at any time prior to the expiration or termination of
14 the period, it may continue him on the existing sentence, with
15 or without modifying or enlarging the conditions, or may impose
16 any other sentence that was available under Article 4.5 of
17 Chapter V of this Code or Section 11-501 of the Illinois
18 Vehicle Code at the time of initial sentencing. If the court
19 finds that the person has failed to successfully complete his
20 or her sentence to a county impact incarceration program, the
21 court may impose any other sentence that was available under
22 Article 4.5 of Chapter V of this Code or Section 11-501 of the
23 Illinois Vehicle Code at the time of initial sentencing, except
24 for a sentence of probation or conditional discharge. If the
25 court finds that the offender has violated paragraph (8.6) of
26 subsection (a) of Section 5-6-3, the court shall revoke the

1 probation of the offender. If the court finds that the offender
2 has violated subsection (o) of Section 5-6-3.1, the court shall
3 revoke the supervision of the offender.

4 (f) The conditions of probation, of conditional discharge,
5 of supervision, or of a sentence of county impact incarceration
6 may be modified by the court on motion of the supervising
7 agency or on its own motion or at the request of the offender
8 after notice and a hearing.

9 (g) A judgment revoking supervision, probation,
10 conditional discharge, or a sentence of county impact
11 incarceration is a final appealable order.

12 (h) Resentencing after revocation of probation,
13 conditional discharge, supervision, or a sentence of county
14 impact incarceration shall be under Article 4. The term on
15 probation, conditional discharge or supervision shall not be
16 credited by the court against a sentence of imprisonment or
17 periodic imprisonment unless the court orders otherwise. The
18 amount of credit to be applied against a sentence of
19 imprisonment or periodic imprisonment when the defendant
20 served a term or partial term of periodic imprisonment shall be
21 calculated upon the basis of the actual days spent in
22 confinement rather than the duration of the term.

23 (i) Instead of filing a violation of probation, conditional
24 discharge, supervision, or a sentence of county impact
25 incarceration, an agent or employee of the supervising agency
26 with the concurrence of his or her supervisor may serve on the

1 defendant a Notice of Intermediate Sanctions. The Notice shall
2 contain the technical violation or violations involved, the
3 date or dates of the violation or violations, and the
4 intermediate sanctions to be imposed. Upon receipt of the
5 Notice, the defendant shall immediately accept or reject the
6 intermediate sanctions. If the sanctions are accepted, they
7 shall be imposed immediately. If the intermediate sanctions are
8 rejected or the defendant does not respond to the Notice, a
9 violation of probation, conditional discharge, supervision, or
10 a sentence of county impact incarceration shall be immediately
11 filed with the court. The State's Attorney and the sentencing
12 court shall be notified of the Notice of Sanctions. Upon
13 successful completion of the intermediate sanctions, a court
14 may not revoke probation, conditional discharge, supervision,
15 or a sentence of county impact incarceration or impose
16 additional sanctions for the same violation. A notice of
17 intermediate sanctions may not be issued for any violation of
18 probation, conditional discharge, supervision, or a sentence
19 of county impact incarceration which could warrant an
20 additional, separate felony charge. The intermediate sanctions
21 shall include a term of home detention as provided in Article
22 8A of Chapter V of this Code for multiple or repeat violations
23 of the terms and conditions of a sentence of probation,
24 conditional discharge, or supervision.

25 (j) When an offender is re-sentenced after revocation of
26 probation that was imposed in combination with a sentence of

1 imprisonment for the same offense, the aggregate of the
2 sentences may not exceed the maximum term authorized under
3 Article 4.5 of Chapter V.

4 (Source: P.A. 95-35, eff. 1-1-08; 95-1052, eff. 7-1-09;
5 96-1200, eff. 7-22-10.)

6 Section 45. The County Jail Good Behavior Allowance Act is
7 amended by changing Section 3 as follows:

8 (730 ILCS 130/3) (from Ch. 75, par. 32)

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

1 behavior allowance provided for in this Section shall not apply
2 to individuals sentenced for a felony to probation or
3 conditional discharge where a condition of such probation or
4 conditional discharge is that the individual serve a sentence
5 of periodic imprisonment or to individuals sentenced under an
6 order of court for civil contempt.

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

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

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

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

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

7 Section 50. The Civil No Contact Order Act is amended by
8 changing Section 220 as follows:

9 (740 ILCS 22/220)

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

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

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

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

1 for a violation of any provision of any order entered under
2 this Act for conduct of the minor respondent in violation of
3 this Act if the parents, guardian, or legal custodian directed,
4 encouraged, or assisted the respondent minor in such conduct.

5 (c) Criminal prosecution. A violation of any civil no
6 contact order, whether issued in a civil or criminal
7 proceeding, shall be enforced by a criminal court when the
8 respondent commits the crime of violation of a civil no contact
9 order pursuant to Section 219 by having knowingly 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. Bond
11 shall be set unless specifically denied in writing.

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

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

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

21 (2) by notice under Section 218;

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

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

26 (f) The enforcement of a civil no contact order in civil or

1 criminal court shall not be affected by either of the
2 following:

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

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

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

11 (h) Penalties.

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

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

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

26 (i) increase the penalty for the knowing violation

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

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

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

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

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

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

25 (iii) to revoke or modify a sentence of periodic
26 imprisonment, pursuant to Section 5-7-2 of the Unified

1 Code of Corrections.

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

3 Section 55. The Illinois Domestic Violence Act of 1986 is
4 amended by changing Section 223 as follows:

5 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

6 Sec. 223. Enforcement of orders of protection.

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

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

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

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

23 (iii) any other remedy when the act constitutes a
24 crime against the protected parties as defined by the

1 Criminal Code of 1961 or the Criminal Code of 2012.

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

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

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

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

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

1 prosecution and contempt proceedings, unless the action which
2 is second in time is barred by collateral estoppel or the
3 constitutional prohibition against double jeopardy.

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

13 (2) A petition for a rule to show cause for violation
14 of an order of protection shall be treated as an expedited
15 proceeding.

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

20 (b-2) The court may hold the parents, guardian, or legal
21 custodian of a minor respondent in civil or criminal contempt
22 for a violation of any provision of any order entered under
23 this Act for conduct of the minor respondent in violation of
24 this Act if the parents, guardian, or legal custodian directed,
25 encouraged, or assisted the respondent minor in such conduct.

26 (c) Violation of custody or support orders or temporary or

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

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

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

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

16 (3) By service of an order of protection under Section
17 222.

18 (4) By other means demonstrating actual knowledge of
19 the contents of the order.

20 (e) The enforcement of an order of protection in civil or
21 criminal court shall not be affected by either of the
22 following:

23 (1) The existence of a separate, correlative order,
24 entered under Section 215.

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

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

5 (g) Penalties.

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

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

18 (3) To the extent permitted by law, the court is
19 encouraged to:

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

25 (ii) impose a minimum penalty of 24 hours
26 imprisonment for respondent's first violation of any

1 order of protection; and

2 (iii) impose a minimum penalty of 48 hours
3 imprisonment for respondent's second or subsequent
4 violation of an order of protection

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

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

11 (i) to alter the conditions of release ~~increase,~~
12 ~~revoke or modify the bail bond~~ on an underlying
13 criminal charge pursuant to Section 110-6 of the Code
14 of Criminal Procedure of 1963;

15 (ii) to revoke or modify an order of probation,
16 conditional discharge or supervision, pursuant to
17 Section 5-6-4 of the Unified Code of Corrections;

18 (iii) to revoke or modify a sentence of periodic
19 imprisonment, pursuant to Section 5-7-2 of the Unified
20 Code of Corrections.

21 (5) In addition to any other penalties, the court shall
22 impose an additional fine of \$20 as authorized by Section
23 5-9-1.11 of the Unified Code of Corrections upon any person
24 convicted of or placed on supervision for a violation of an
25 order of protection. The additional fine shall be imposed
26 for each violation of this Section.

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